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

DESIGNATION OF SPEAKER PRO TEMPORE
The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC, December 19, 2012.

I hereby appoint the Honorable DANIEL WEBSTER to act as Speaker pro tempore on this day.

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

MESSAGE FROM THE SENATE
A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agreed to the following resolution:

S. Res. 624
In the Senate of the United States, December 18 (legislative day, December 17), 2012.

Whereas Senator Daniel K. Inouye served the people of the State of Hawaii for over 58 years in the Territorial House of Representatives, the Territorial Senate, the United States House of Representatives, and the United States Senate;

Whereas Senator Daniel K. Inouye became the first Japanese American to serve in both the United States House of Representatives and the United States Senate;

Whereas Senator Daniel K. Inouye represented the State of Hawaii in Congress from before the time that Hawaii became a State in 1959 until 2012;

Whereas Senator Daniel K. Inouye served as the President Pro Tempore of the United States Senate, Chairman of the Committee on Appropriations, Chairman of the Subcommittee on Defense, the first Chairman of the Senate Select Committee on Intelligence, Chairman of the Committee on Indian Affairs, Chairman of the Democratic Steering Committee, Chairman of the Committee on Commerce, Science, and Transportation, Chairman of the Rules Committee, Chairman of the Senate Select Committee on Secret Military Assistance to Iran and the Nicaraguan Opposition, and Secretary of the Democratic Conference;

Whereas Senator Daniel K. Inouye delivered the keynote address at the 1968 Democratic National Convention in Chicago, Illinois, in which he expressed a vision for a more inclusive Nation and famously declared "this is our country";

Whereas Senator Daniel K. Inouye served as a medical volunteer at the Pearl Harbor attack on December 7, 1941, and volunteered to be part of the all Nisei 442nd Regimental Combat Team during World War II at a time when Japanese Americans were being systematically discriminated against by the Nation he volunteered to defend;

Whereas Senator Daniel K. Inouye was wounded in battle and honorably discharged as a Captain with a Distinguished Service Cross, Bronze Star, Purple Heart with cluster, and 12 other medals and citations; and

Whereas Senator Daniel K. Inouye was awarded the Medal of Honor by President William J. Clinton in June 2000, along with 21 other Asian-American veterans of World War II for their actions during the war: Now, therefore, be it

Resolved, That—

(1) the Senate has heard with profound sorrow and deep regret of the death of the Honorable Daniel K. Inouye, Senator from the State of Hawaii;

(2) the Secretary of the Senate shall transmit this resolution to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased; and

(3) when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the deceased Senator.

The message also announced that the Senate has passed concurrent Resolutions of the following titles in which the concurrence of the House is requested:

S. Con. Res. 63. Concurrent resolution correcting the enrollment of S. 2387.

S. Con. Res. 64. Concurrent resolution authorizing the use of the rotunda of the Capitol for the lying in state of the remains of the late Honorable Daniel K. Inouye.

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

Mr. BLUMENAUER. Mr. Speaker, the reality behind the fiscal cliff is that, if we really get down to work, talking with one another, digging into the details, it really is not that hard.

The nuclear arsenal is a prime example and something that doesn’t get nearly the attention it deserves. It is an illustration of why the fiscal sequestration level over the next 10 years for the Department of Defense, which would bring it down to 2007 spending levels, adjusted for inflation, is really not that draconian.

During the Cold War, the United States spent, on average, $35 billion a year on its nuclear weapons complex. Today it spends an estimated $55 billion.

The nuclear weapons budget is spread across the Department of Defense, Department of Energy, the Department of Homeland Security. And the government doesn’t publicly disclose how much it is, but the last year that the elements were aggregated together, it spent at least $52.4 billion. That’s in 2008, according to the Carnegie Endowment for Peace.

That doesn’t include classified programs, and it was 5 times the State Department budget, 7 times the EPA, and 14 times what the Department of Energy spent on everything else it does.
Indeed, the President agreed to a $200 billion modernization in order to secure the approval of the strategic arms reduction treaty in the Senate.

Well, perhaps it’s time for us to take a step back and ask what is actually the purpose. Who is the enemy that this massive spending and buildup is directed against?

The nuclear arsenal didn’t stop Iran from pursuing nuclear weapons. It’s not helping us at all with the terrorists who are now the central focus of our security concerns. It doesn’t help in Iraq or Afghanistan, and we basically have a stalemate between Russia and China.

Nuclear weapons have not been used since World War II. They likely never will be, so why do we need land-based intercontinental ballistic missiles, bombers, and submarine launch delivery systems, all three of them?

Do we really need 12 new strategic submarines that will cost almost $5 billion a year, if we’re lucky and contain costs? Who actually is being deterred by this massive spending and buildup?

Exactly what are the circumstances 30 years from now that call for this massive stockpile of weapons and three redundant delivery systems?

You know, recent articles in the Post on the trip, Jon carried with him a 100-year-old antique gun, a family heirloom that belonged to his grandfather. When they arrived at the U.S. Customs and Border Protection in Texas, Jon did what he was supposed to do; he filled out all the necessary paperwork. He talked to U.S. Customs and verified with them that the rifle did not violate any Mexican law.

The two allegedly handed the Mexican officials the paperwork regarding the rifle. Bent on their way to Costa Rica to go surfing, Hammar was immediately detained and dragged away to a notorious prison in Matamoros where they house narco-terrorists.

Now, Mr. Speaker, here’s a photograph of our marine when he served America. This is a photograph of him recently taken in the Matamoros prison. As you notice, he is in solitary confinement, and, similar to the old days, chained to his bed where he cannot go anywhere. This is all because of a misunderstanding and a mix-up about what the law is and what should have happened to him at the border.

So he’s being held as a criminal because the size of the barrel on that rifle was, apparently, too long—even though U.S. Customs told Hammar he was not violating any American or Mexican law in having the rifle. Hammar had no criminal intent when he took that old rifle into Mexico.

Jon Hammar should not have to spend another holiday away from his family—holidays he spent when he served as a marine—and certainly he shouldn’t spend a holiday away from his family in a Mexican jail where he is illegally being detained. Obviously, there appears to be a misunderstanding between U.S. and Mexican officials, with whom Florida TV caught in the middle of this. So Mexican President Enrique Nieto should intervene and have Hammar released. It is in the power of the Mexican President to solve this international incident and do so in a diplomatic way. So I ask that he do so and release Hammar by Christmas.

Mr. Speaker, this marine and veteran has spent his life defending freedom, defending America, taking care of America. It’s time that America take care of him by asking for and expecting his release from this Mexican prison where he ought not to be. And that’s just the way it is.

HONORING OUTGOING CBC CHAIRMAN REPRESENTATIVE EMANUEL CLEAVER

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

Mr. HOYER. Mr. Speaker, for over 40 years, the Congressional Black Caucus has strengthened and enhanced the work of the people’s House. It does so by carrying into this Chamber the voices of millions of Americans who, for too long in our history, were voiceless. It represents millions of our citizens who contribute greatly to building our economy, defending our hard-won freedoms, and fighting for equal justice and equal opportunity for all of our citizens. The Congressional Black Caucus has been rightly known for a long period of time as the conscience of the Congress.

Mr. Speaker, since he arrived here 7 years ago, our colleague and my friend, EMANUEL CLEAVER, has been the conscience of the CBC. Representative CLEAVER, as most of us who served with him know, but many Americans might not know, wears multiple hats. He is not only the former mayor of Kansas City, Missouri, but he is also an ordained Methodist pastor. Pastor CLEAVER is frequently called upon for words to deliver at my whip meeting on Thursday mornings. I have said that they are the highlight of our week in many respects.

EMANUEL CLEAVER speaks to us about humanity, about caring, about respecting each of our colleagues on either side of the aisle, of respecting and honoring our responsibilities to our fellow citizens. In short, EMANUEL CLEAVER, on a weekly basis, appeals to the best that is within us to reflect the best that is America.

EMANUEL CLEAVER will shortly be succeeded as president of the CBC by MARCIA FUDGE from Ohio—like EMANUEL CLEAVER, a leader of conscience, a leader of great ability, and a leader who will reach out to all of us as well as continue to lead this organization that we know as the conscience of the Congress.

As we talk about creating jobs, as we talk about caring for one another, as we talk about making life better for all with him know, but many Americans, there is no more compelling voice than the Congressional Black Caucus towards that end. There has been no more compelling voice than that of my friend, EMANUEL CLEAVER.

EMANUEL, I expect your leadership to be enhanced as the days go by. You have shown us an example of how one can serve with dignity, with grace, and with effectiveness. Thank you.
Mr. Speaker, for over forty years, the Congressional Black Caucus has strengthened and enhanced the work of the people’s house. It does so by carrying into this Chamber the voices of millions of Americans who for too long in our history were denied a voice. If represented millions of our citizens who contribute greatly to building our economy, defending our hard-won freedoms, and fighting for equal justice and equal opportunity for all.

The Congressional Black Caucus has long been the conscience of the Congress. And since he arrived here seven years ago, Emanuel Cleaver has been the conscience of the CBC.

Rep. Cleaver—as most of us who serve with him know, but many Americans might not know—wears multiple hats, also being an ordained Methodist pastor.

Pastor Cleaver is frequently called upon to deliver words of wisdom in the weekly meetings Democrats hold for our caucus, and he uses those opportunities to tell us parables intended to teach us, behind every bill and every vote is a human story—real lives and real consequences.

Though he will be stepping down as its Chair, I know Rep. Cleaver will continue to do his part to ensure the CBC retains its position as the conscience of this House.

That we never forget the real people behind the policies we act on here—people struggling to be safe in our cities, pursue educational opportunities, access health care, and find good jobs.

The CBC may be called, in many respects, guardians of our American dream.

And I thank my friend—Rep. Cleaver, Mayor Cleaver, Pastor Cleaver, Chairman Cleaver—for being a steady captain of that guard over the past two years.

He surely leaves large shoes to fill, but I know Rep. Fudge will do a great job at the helm as the CBC’s new chair.

And I look forward to working as closely with him as I have with Rep. Cleaver to help extend the promise of the American dream to all our people.

THANKING THE THIRD CONGRESSIONAL DISTRICT OF ARIZONA

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

Mr. QUAYLE. Mr. Speaker, I rise today to thank the people of the Third Congressional District of Arizona, who put their trust and faith in me to represent them in the 112th Congress. The people of our district are good, hardworking Americans. They value their family, their country, and their freedom. It was an absolute honor to serve them in this Congress.

I would also like to thank my family and friends for their unwavering support throughout my life. Without them, we would not be here today.

Mr. Speaker, I’d also like to thank my tireless staff both here in Washington and back home in Arizona. Their dedication to our district and to our country was something that was amazing to watch. And over the course of 2 years, day and night, they became a lot more than just people I work with. They became extended family. And I thank them for that.

Mr. Speaker, I want to finally thank, more importantly, my wife, Tiffany, who, a few years ago, made me the luckiest man on the face of the Earth when she said “yes” to be my wife. I want to thank her for all of the sacrifices that she has made so that I could be in this House. She has held down a full-time job, all the while playing both mom and dad to our daughter, Evie, when I was away from home. I can never thank her enough for all that she has done.

Mr. Speaker, the past 2 years have been an interesting ride, primarily because it was highly unlikely that I would ever speak on this floor. You see, Mr. Speaker, if you had asked me 5 years ago if I would ever run for public office, I would have said “no.” And not because I don’t value and honor public service. I certainly do. But it’s because the environment that I grew up in, I saw the bad side of politics and I didn’t know if I wanted to put my family through that and through the tribulations. However, that all changed as I witnessed our country continuing to stray from its founding principles, and if it didn’t reverse course, we were going to lose countless generations because of lost opportunities.

So, Mr. Speaker, I ran for office not for a title, not for some unhealthy desire to be the center of attention, but to serve my fellow citizens and to be a part of a movement that would reestablish the belief that our country’s greatness comes from its people and not from the government and to make sure that America remains the last great hope on Earth.

Two years ago, we sat out to accomplish those objectives. We didn’t succeed—not for the lack of trying. We did take steps toward solving the biggest and most severe issues that we face. We must build on this and not shrink from solving the fiscal disaster that awaits us if we do nothing.

Mr. Speaker, as this Congress comes to a close in the next couple of weeks, I’m confident that the Members of the next Congress will rise to the occasion and provide the solutions to a worried Nation. However, my confidence is not limitless. If petty politics drives policy decisions, if one group is pitted against another for political gain, if personal destruction drowns out personal accountability, then, sadly, the legacy of our great Nation will be forever altered and the world will be a dimmer place.

I hope and pray this does not happen, Mr. Speaker. But as I said, my confidence is not limitless.

HONORING EMANUEL CLEAVER

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia (Mr. David Scott) for 5 minutes.

Mr. DAVID SCOTT of Georgia. I rise to join some of my fellow colleagues in recognizing and honoring a distinguished gentleman serving in the Congress of the United States, who is the chairman of the Congressional Black Caucus, and that is Representative Reverend Emanuel Cleaver.

God has a way of having the right person serve at the right time and in the right place, and we have such a person in our chairman, Chairman Cleaver. Chairman Cleaver took office at a time of great turmoil and tumultuousness. This country was experiencing and we were at the height of perhaps the most devastating financial crisis since the Great Depression.

Chairman Cleaver turned that situation into a tremendous positive by bringing his insightfulness and by helping to share with the entire Nation that while we did have great economic calamity, for every sector in our economy nowhere was that damage as greatly felt as in the African American community. We were blessed to have a chairman who could articulate it with the sensitivity and with the intelligence and with the intellect to be able to express those very serious concerns that were impacting the African American community in a way and in a manner that it emphasized the entirety of the entire population of our country.

Chairman Cleaver became chairman at the time of the height of the tumultuous health care debate, where there was great passions that were brought to bear and expressions of demonstration where hundreds of thousands of people gathered here in Washington to express their concerns. But Chairman Cleaver provided a calmness, an impact that helped us to navigate those troubled waters very, very successfully.

When it came time to look at the disparities of this economic impact and joblessness, he initiated job fairs in every congressional district all across this country that helped people be able to get jobs. He addressed the health disparities—particularly as they impacted the African American community—in a way and in a manner that everyone was able to accept the reality.

So, we thank you, Congressman Cleaver, for the outstanding job that you have done, and we want to thank God for sending the right person to us at the right time. Thank you, Chairman Cleaver. It is my great honor to serve with you. Thank you for your outstanding service.

EXPRESSING THANKS TO CHAIRMAN EMANUEL CLEAVER

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

Mr. WATT. Mr. Speaker, I want to join with my colleagues in expressing thanks and giving praise to our outstanding chair of the Congressional Black Caucus. He’s not leaving Congress, he’s just leaving the chairmanship of the Congressional Black Caucus.
I don’t usually come over here for these 5-minute speeches or 1-minute speeches, but today I thought I would make an exception to say some things about our outgoing chair.

I want to make two points. First of all, one of the perceptions that’s out in the world, there are no bad people in this body. All of us are good people who are here to serve the American people, and our constituents in particular. I characterize us as all good guys—and that includes female in that good guys category too. But then there are people because of their particular qualities I would put in a category of really, really, really good people. That’s the category in which I fail to give you advice or don’t give you advice when you either need it or don’t need it. They’re not in the way; they’re just really, really, really good people. That’s the category in which I would put our outgoing chair, Chairman EMANUEL CLEAVER. And his leadership has been outstanding, but it’s not that that I came to praise.

The second thing I really want to emphasize about him is that the question I get from my constituents is who’s doing something inside you all’s institution to make you all more compatible with each other? So every week I look forward to getting in my intra-Congress mail this letter that our outgoing chair sends to every Member of this body, just one or two or three paragraphs, one page—never longer than one page, just giving us some sage wisdom and advice about how to be nicer to each other, how to soften our edges, and how to achieve greater harmony. I hope that we will all be guided by that example. Sometimes I’m sure he feels like he’s a voice in the wilderness by doing that, but every single week each of us gets this special appeal from EMANUEL CLEAVER to be what we should be, stewards of our country, and to do it in a way that does not demean our institution and demean each other, and to advocate for what we believe, but to do it in a way that is more human and kind.

So I want to join with my colleagues in thanking him for his leadership, but most of all I want to thank him for the tremendous role model he has been for our institution to try to make our institution a better place in which to serve and to try to make each of us better Members of this institution.

NEW MARKETS TAX CREDIT

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

Mr. NEAL. Mr. Speaker, let me also thank Reverend Cleaver. At his request, I campaigned with him and for him and did a series of Social Security events in his constituency. I spent the better part of 2 days with him, and I got an opportunity to see the regard and respect held in by the citizens of Kansas City.

Mr. Speaker, let me address the issue of extending the New Markets Tax Credit. I have fought for this program since its enactment in 2000 because it’s cost-effective way to create jobs and drive investments in communities with high rates of poverty and unemployment. I’ve seen the amazing results of this initiative firsthand. Let me highlight just some of those Massachusetts projects.

Let me first tell you a little bit about the New Markets Tax Credit. It was designed to stimulate investment and economic growth in low-income communities that are traditionally overlooked by conventional capital markets. Since its enactment, the credit has generated $45 billion in capital for projects in low-income communities that range from the first supermarket in a generation in southeast Washington, D.C., to the restoration of one of the most historic buildings in the United States, to the Colonial Theater in Pittsfield, Massachusetts. Furthermore, New Markets’ investments between 2003 and 2010 have been responsible for creating over 500,000 jobs in economically distressed communities across the country. These are remarkable results.

Let me share with you another success story from back home that further explains why I’m a big supporter of New Markets: the Holyoke Public Library. Holyoke is a city in western Massachusetts with a population of about 40,000 people. From the late 19th century until the mid-20th century Holyoke was the world’s biggest paper manufacturer. At one point there were 25 paper mills in operation in Holyoke, and that’s how Holyoke got its nickname, “The Paper City.”

However, this industrial city’s fortunes ebbed when the paper mills closed, and Holyoke now has one-third of its population living below the poverty line.

The Holyoke Public Library project is currently underway and involves renovating and expanding the 110-year-old library and transforming it into a 21st-century education and training center.

For many years, there had been very little funding available to maintain the facility itself. And, therefore, over time, the library has substantially aged and deteriorated. Today, nearly 40 percent of the library’s interior is seriously compromised and inaccessible to the public. But thanks in large part to New Market’s tax credit financing, the Holyoke Public Library is currently being renovated and modernized, and the new and improved library will provide critical public access to computers and the latest technology.

New Market’s tax credits are a good example of how public and private investment can be used to spur community and economic revitalization. New Market’s tax credits expired at the end of last year. It’s critical that the Congress not leave town until we, once again, extend this program and the opportunities that come with it.

REFLECTING ON CHAIRMAN EMANUEL CLEAVER WITH GRATITUDE

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

Ms. BASS of California. Mr. Speaker, I rise today to acknowledge the extraordinary leadership of my colleague, Mr. EMANUEL CLEAVER, who represents with distinction Missouri’s Fifth District. I want to offer a special word of appreciation for his many years of service, not merely for his constituents, but for his steady commitment to employ the power of his office to ensure our Nation is set on a course where we all succeed.

As chair of the Congressional Black Caucus, Mr. CLEAVER used this position of leadership to help elevate and embolden us to address some of the great social and economic challenges of our day, not just for African Americans, but for all Americans. He reminded us of the evening in North Carolina at the Democratic Convention when he gave that impassioned and fiery speech that brought everyone to our feet. He reminded us that in America our strength is rooted in our Nation’s most profound gift—its diversity. He reminded us that no matter how difficult times may get or may be that we must “hope on,” and that it is the power of our hope that drives us to not give up when we have failed, but to try again until we get it right.

As I complete my first term in Congress, let me thank the chairman for his counsel, his guidance, and his friendship. He’s provided advice and wisdom that as a newcomer to Washington has been invaluable. He’s stepping down as the head of the Congressional Black Caucus, but we will all continue to enjoy hearing his reflections at caucus meetings and getting the notes on promoting civility. It’s my personal hope that one day he will collect all of these notes and reflections and publish them.

But I did think that I would end with words from that famous North Carolina speech:

Hope inspires me to believe that any day now, we will catch up to the ideals put forth by our Nation’s Founding Fathers. It is our hope and faith that moves us. It is our hope that tells us our latter days will be better than our former. It is our hope that instructs us to march on.

I look forward to working with you in the years through the struggles and successes that are in front of us. Thank
you, Mr. CLEAVER, for your service, your friendship and for your leadership.

A TRIBUTE TO CHAIRMAN EMANUEL CLEAVER

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

Ms. FUDGE. Mr. Speaker, today I rise to salute Chairman EMANUEL CLEAVER. As a member of the Congressional Black Caucus, I am honored to speak here today. Mr. Speaker, I rise with my colleagues to thank EMANUEL CLEAVER for his stellar leadership and sacrifice during the last 2 years.

From councilman to Kansas City’s first African American mayor to Member of Congress, and most recently the leader, Chairman CLEAVER has continually represented the interests of both his constituents and scores of underrepresented Americans with an undeniable zeal and passion.

The leader of the Congressional Black Caucus carries the burden of modeling that which makes us the “Conscience of the Congress,” and he has succeeded. A man of fine intellect and unwavering integrity who daily exhibits his deep-seated belief in civility, Chairman CLEAVER is firm in his convictions based on what is right rather than what is expedient. As an ordained minister with many years of pastoral experience, EMANUEL CLEAVER has not only served as chairman of the caucus but has served as our spiritual adviser as well. He is a friend on whom we can all depend. He is selfless and unassuming, yet powerful, respected, and a leader of unparalleled experience. EMANUEL CLEAVER has not only served as chairman of the caucus since 2011 but has also served as our spiritual adviser as well. He is a friend on whom we can all depend. He is selfless and unassuming, yet powerful, respected, and a leader of unparalleled experience.

Mr. Speaker, Chairman CLEAVER has earned the respect and admiration of citizens throughout this Nation and many beyond our borders.

Today, I salute Chairman EMANUEL CLEAVER. Today, the Congressional Black Caucus salutes him. We thank him for his dedication to our people, his devotion to the highest standards and his unyielding effective leadership. Our caucus thanks Chairman CLEAVER, our country thanks him, and I thank him.

A TRIBUTE TO CONGRESSIONAL BLACK CAUCUS CHAIR EMANUEL CLEAVER, II

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

Ms. RICHARDSON. Mr. Speaker, I rise today to pay tribute to a great man, one of the most respected Members of this House, a leader of unparalleled ability, a trusted friend, and one of the best chairs in the 41-year history of the Congressional Black Caucus. I am talking about the distinguished gentleman from Missouri, the honorable EMANUEL CLEAVER, II.

The Congressional Black Caucus has long and rightly been known as the “Conscience of the Congress,” and it’s no exaggeration to say that EMANUEL CLEAVER is the conscience of the CBC.

Prior to being elected to the House of Representatives, Mr. CLEAVER served as a leader on the local level. But since coming here to the House of Representatives, Mr. CLEAVER has been a champion for the poor, the aged, the infirm, and for those struggling to join the middle class or working to remain there. He has successfully expanded educational and employment opportunities for those looking to build a better life for themselves and their families and to represent God. He has done so with dignity, grace, civility, and unassailable good cheer.

As CBC chair during the 112th Congress, EMANUEL CLEAVER understood the importance of drawing attention to the economic crisis in the African American community, where the unemployment rates were more than double that of whites. And under his leadership, the CBC launched the “For the People” Jobs Initiative, hosting town hall discussions and job fairs, one of which was in Los Angeles, in my hometown, and four other urban areas hit hardest by the recession.

The CBC took the feedback that was received from those communities and its recommendations for creating jobs to the President, who included them in the American Jobs Act.

Following the assault and the murder of Trayvon Martin, an unarmed African American teenager in Florida, the CBC stood up for his parents and made sure their plea for justice did not go unheeded. Chairman CLEAVER understood that justice delayed is justice denied. And when the precious right to vote was under attack this election season, the CBC, led by Chairman CLEAVER and the incoming chair, Mr. CASTLE, put its utmost effort into fighting efforts and worked overtime to overcome those obstacles and to ensure that our constituents were ready and able to vote with the CBC’s “For the People” voter participation initiative. As a result, African American turnout in the 2012 election far exceeded expectations and was successful in reelecting President Barack Obama.

Mr. Speaker, Chairman CLEAVER has led the Congressional Black Caucus with skill, compassion, and an unwavering commitment to equal opportunity during some of the most critical times of this Nation’s history. I thank Chairman EMANUEL CLEAVER for his service, for his leadership, for his friendship, and, most of all, for his example of leadership that was set by God here in the House of Representatives.

Mr. Speaker, I rise today to pay tribute to a great man, one of the most respected Members of this House, a leader of unparalleled ability, a trusted friend, and one of the best chairs in the 41-year history of the Congressional Black Caucus. I am talking about the distinguished gentleman from Missouri, the honorable EMANUEL CLEAVER, II.

In memory of MAVIS DONAHUE

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

Mr. CURSON. Mr. Speaker, I rise today to pay tribute to a great man, one of the most respected Members of this House, a leader of unparalleled ability, a trusted friend, and one of the best chairs in the 41-year history of the Congressional Black Caucus. I am talking about the distinguished gentleman from Missouri, the honorable EMANUEL CLEAVER, II.

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

Mr. CURSON. Mr. Speaker, I rise today to pay tribute to a great man, one of the most respected Members of this House, a leader of unparalleled ability, a trusted friend, and one of the best chairs in the 41-year history of the Congressional Black Caucus. I am talking about the distinguished gentleman from Missouri, the honorable EMANUEL CLEAVER, II.
Members may have 5 legislative days in which to revise and extend their remarks and to insert material into the RECORD on the subject of Representative EMANUEL CLEAVER’s retirement as chair of the Congressional Black Caucus.

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

There was no objection.

Mr. CURSON of Michigan. I, too, offer my congratulations to Representative CLEAVER for his service to all Americans as the CBC chair.

Millions of Americans are out of work through no fault of their own. Millions of Americans are relying on federally funded benefits to make ends meet as our Nation’s struggling economy starts to recover. These unemployment benefits for the long-term unemployed will immediately and completely stop on December 29, 2012, unless we in Congress act. There is no phaseout. Every individual receiving these benefits now will be cut off cold.

The Department of Labor estimates that over 2 million Americans will lose their emergency benefits at the end of the year, including over 92,000 people in my home State of Michigan. Cutting off benefits for the long-term unemployed will have a devastating impact on millions of families who are struggling to stay out of poverty. They are critically important for necessities of life, rent, groceries, and utilities. Cutting off unemployment benefits will also hurt America’s economic recovery, as economists predict that allowing the UC benefits to expire at the end of the year will reduce economic growth next year by $58 billion.

Emergency unemployment benefits provide a particularly valuable economic contribution to the economy because financially stressed unemployed workers spend the benefits they receive quickly. Cutting off these benefits will hurt small businesses and add to the downward spiral of a failing economy. The Census Bureau reports that unemployment benefits, both state and Federal, reduced the number of Americans living in poverty last year by 2.3 million, including over 600,000 children. The Congressional Research Service estimates that in 2011, unemployment benefits reduced the poverty rate for families receiving them by 40 percent.

Cutting off unemployment benefits for too many Americans will only substantially increase hardship and poverty in our Nation. Now is not the time to deprive these Americans of a critical lifeline. Federally funded unemployment benefits should be extended by this Congress.

The best cure for unemployment is to create jobs. We can do this by investing in rebuilding our Nation’s infrastructure, creating real jobs and real revenue by people working for a living.

STOP MILITARY RAPE

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

Ms. SPEIER. Mr. Speaker, I, too, rise to pay my respect and to honor Representative CLEAVER.

I am one of those many Members of the House who wait weeks for that letter from Congressman CLEAVER. In each of these letters, he tells a life lesson, typically one to inspire us to be more hopeful, to be more willing to look at the issue from someone else’s perspective, to be more compassionate, to be more loving. So I, too, share in his commitment to making this place a more responsive environment for all, and I thank Mr. CLEAVER for his great leadership as the chair of the CBC over the last year.

Mr. Speaker, I now would like to turn to my prepared remarks for this morning. I would like to read you some song lyrics that Air Force Technical Sergeant Jennifer Smith found on her government computer at Shaw Air Force Base. The lyrics of the song are called the “The S&M Man,” and they go like this:

Who can take a machete, whack off all her limbs, Throw her in the ocean, and watch her try to swim? The S&M Man.

Jennifer Smith reported this song and other sexually explicit documents to her superiors in the Air Force. “The S&M Man” is offensive, it’s hostile, but to her male colleagues and superiors, the song is just tradition, a tradition that is alive and well, celebrated in song, patches, coins, offensive pictures, behavior, and the tacit approval of commanding officers.

A military tradition of demeaning women is not only sickening, but contrary to the fundamental principles of an institution founded in respect and honor and in discipline. It undermines our military’s readiness and cohesion.

Simply put, it gravely damages the military.

This is the 24th time that I have come to this floor to share the story of a servicemember, either man or woman, who has been raped, sexually assaulted, or harassed by fellow servicemembers. By the Department of Defense’s own records and estimates, there are 19,000 rapes and sexual assaults each year in the military, and the VA reports that half a million veterans are affected by military sexual trauma.

□ 1056

Still, fewer than 14 percent of these victims actually report the crimes. And why is that? It is because so few are prosecuted—fewer than 9 percent—and a minuscule number end in conviction.

Air Force Sergeant Jennifer Smith has been subjected to this toxic culture for nearly two decades. She finally had enough. She filed a lawsuit; and in her lawsuit, she chronicles 17 years of abuse and a toxic culture—from 1995 until the present time—a culture that speaks of repulsive and destructive behavior by servicemembers and the tacit approval of their commanders.

Jennifer Smith joined the Air Force 17 years ago, when she was just 18 years old. Her career has been marked with promotions and with medals and commendations by her commanding officers. She is one of the soldiers whom we so highly regard in the military. She has a record of astonishing accomplishments. In many of the commendations, she has been told that she is a “gifted mentor” who “goes above and beyond” and to “promote her now.” Her career has also been filled with sexual harassment, assaults, and complacency—or worse—from her commanding officers.

During her five deployments in Iraq, Kuwait, Korea, and Germany, Sergeant Smith has endured assault by a master sergeant, who pushed her into a room, dropped his pants, and forced himself on her; harassment by a vice commander, who told her to relax and take her top off during a meeting; constant exposure to pornographic material and sexually explicit flight songs; and an attempted rape she was too scared to report.

Sergeant Smith endured sexual harassment and a hostile work environment for 13 years when she decided to speak up. It’s time for all of us to speak up. It’s time for all of us to expect from the military what we expect from the private sector—no hostile work environment.

Sergeant Smith found pornographic materials in her squadron that included two “Doofer” books and magazines that were in her shared office. She reported them, but nothing was done.

Later that year, approximately two months after Technical Sergeant Smith had deployed to Iraq, she was assaulted outside of the gym. A man grabbed her from behind and physically dragged her to a dark place behind the building.

The man pushed her up against the wall and raped her. He ran his arm under her neck, lifting her feet off the ground. He said, “I could kill you right now . . . and no one is going to miss you.”

Technical Sergeant Smith was able to break free, and ran away as fast as she could. She went to work the next day and did not say anything about it because she feared retaliation and harassment.

This is happening now—in January 2012, Technical Sergeant Smith was back from Iraq at Shaw Air Base to manage pilot training. While she checked her computer, she was bombarded with sexually hostile documents and videos. She reported the offensive material. Nothing was done.

In response to news coverage, Sergeant Smith’s formal complaint, Air Force Chief of Staff Mark Welsh ordered a service-wide sweep of workspaces and public areas for images, calendars and other materials that objectify women.

This sweep is inadequate, or worse. It appears to be a response to bad press rather than an aggressive tool to root out and expose this toxic culture.

The sweep which began on Wednesday, December 5th, provides a twelve-day window...
and comfort and reassure them of their safety at home and at school. We should observe and watch for symptoms of problems, such as changes in appetite, such as sleep issues, worries, aggression, anger, and sadness. We should protect our children from other media that create fear and the information that creates more fear and problems;

It is important for parents to call for professional help for their children if they are showing some concerns and symptoms of a mental adjustment. For parents who have children who also have anger disorders, it is important for parents to review with school personnel locally how their schools are handling security and providing counseling assistance at school;

It is important for parents to pay attention to their own concerns and worries and to, over time, keep watch as concerns and symptoms may come later—even for those who are far distant from the location where this occurred.

For my colleagues, Mr. Speaker, I recommend that we remove the stigma surrounding mental illness in our talk about it and that we, first and foremost, address that, as a mental health issue, much more completely to expanding access for those who are unable to receive treatment. If parents are not sure what to do, we need to provide them with information and assistance to get their children help. We have to review with children about the dangers of media—television violence and video games in relation to violent behavior. We have to make sure that we are reviewing research that is being done with the National Institutes of Health, the National Institute of Mental Health, and our universities across the country. What we do not yet have is an answer to understanding how we can accurately predict those who will perform violent acts.

It is also important to understand that, for mentally ill persons, it is a diagnosable and treatable condition, that in the vast majority of cases there is no violence involved, and that, as a matter of fact, those with mental illness are 11 times more likely to be the victims of aggression rather than the sources of aggression. We can understand some of the risks: these often times are people between the ages of 15 and 25, and they generally tend to be males, intelligent; but we need to make sure we are providing resources for care for the families.

At the Federal Government level, I also recommend that Congress use a thoughtful approach in reviewing every single mental health program that we fund, such as the Department of Justice, the Department of Education, Health and Human Services, the Department of Defense, we need a thorough and thoughtful review of what we spend and how it is spent even if it gets down to the level of family and community.

Understand, for example, in the Children’s Mental Health Services program, it was funded at $117 million in fiscal year 2012. The President has proposed a cut of nearly $29 million of this; and with sequestration, it will be cut by a further $5 million. Should we make those cuts? Is that a program that is using this money effectively and efficiently? Let’s talk about those and make sure that we aren’t funding programs that are inappropriate allowing people to be treated for this.

We have many directions in which we need to go on this. Let’s make sure we don’t go in the wrong direction.

MENTAL HEALTH FUNDING

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

Mr. Murphy of Pennsylvania. While our Nation still grieves the loss of so many children and teachers and others in Connecticut, it is a time for Congress to begin a thoughtful dialogue on what we can do to deal with these mass-casualty incidences in our country. They have been going on for some time; but perhaps when we see the faces of children, principals, teachers and others, it will burn upon our hearts and motivate us to take further action. I want to make sure, Mr. Speaker, that Congress appropriately and in a thoughtful, willful, determined way and that it doesn’t jump to quick conclusions as if simple fixes will prevent this from happening.

First, to the parents of children across America who are asking questions, Mr. Speaker, I’d like to offer some of this advice, and also in my background as a psychologist, it’s important for people to remember this:

Parents should be asking their children what they have heard about the incident. We should listen to their concerns and their emotions. We should answer their questions with age-appropriate information. We should support
am reminded of what he said so succinctly as a result of last year’s deal. He called it, quite frankly, a “Satan sandwich.” He has really been able to take leadership on these issues because, as a person of faith, he understands the moral and the ethical, really. I think, extremely deeply, the depth of our decisions. He pricks our conscience as we approach our deliberations.

Indeed, in what has many times and often times been the most divisive, polarizing, and political climate that many of us have experienced, Chairman CLEAVER has used his pastoral skills, his ability to bring people together on both sides of the aisle to help us all through times of trouble.

He is truly a Member’s Member. He helped to remind us exactly why we are all here. And yes, he is a brilliant legislator, but he’s also a prophetic leader.

Chairman CLEAVER visited my district on my birthday not long ago, and he brought my church a sermon. And I must say, it was a moving, a powerful, and a spirited sermon. He’s truly an anointed pastor, and he has demonstrated this gift in his work and his leadership here in Congress.

Also, Chairman CLEAVER is a strong environmentalist, and I had the privilege to visit his district where, as mayor of Kansas City, he led the way in the greening of his great city. His presentation and his clarity on climate change and how it is affecting God’s planet and its inhabitants is brilliant and it’s clear. Communities of color and low-income communities owe Chairman CLEAVER a debt of gratitude for tackling this tough issue with patience and with clarity.

But I know that Chairman Reverend Congressman CLEAVER does not stand alone. He has an amazing support system that he has and his wife, Dianne, who has been a friend to me and to the Congressional Black Caucus. Dianne is a brilliant and beautiful woman who was taught, like myself, by the Sisters of Loretto. She has been by his side offering her advice, counsel, and love.

I thank Chairman CLEAVER for his friendship. My congressional district, my pastor, J. Alfred Smith, Sr., and Junior, the Allen Temple Baptist Church in Oakland, California, and my entire congressional district deeply appreciate Chairman CLEAVER’s generosity and his attention, not only to his remarkable constituents and his district, but to my district, to all of our districts, to our great Nation, and to our country.

Thank you, Chairman Reverend Congressman CLEAVER for your tremendous leadership for your friendship, and I look forward to our continuing work together for peace and justice.

TRIBUTE TO CONGRESSIONAL BLACK CAUCUS CHAIRMAN EMANUEL CLEAVER

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

Ms. JACKSON LEE of Texas. Mr. SPEAKER, Mr. CHAIRMAN: Chairman CLEAVER is not retiring from the United States Congress, but we are here to thank him for his service to the Congressional Black Caucus as chair, but really to the Nation.

Let me acknowledge my colleagues for gathering this morning to raise a voice of crescendo in thanks and appreciation for this man called EMANUEL CLEAVER. His progeny and his ancestors are grateful for the mark that he has made on behalf of America.

Chairman CLEAVER speaks eloquently about his origins of hailing from Texas and his many relatives who remain there, even those who are in the surrounding areas of the 18th Congressional District of Texas, even those who are in the surrounding areas of the 18th Congressional District of Texas. He has a great heritage and connectedness to the Black Power movement, and he is a man of a good combination of peace, gentleness, firmness, leadership, and courage.

And I might say that he was a man for these times, just as the Bible dictatord that Esther was a woman for her time, was there for a time such as that. chairman CLEAVER, a member of the Congressional Black Caucus found his role in a number of challenges that we faced. And if I might paraphrase a Biblical story, hopefully I have it nearly right, but I call this chairman a modern day Joseph who is able to wear the multicolored coat, representing constituencies from all backgrounds and going to represent his people in a foreign land.

Chairman CLEAVER would go to places where others had not gone or raise his voice for unpopular, and he did so with the consensus and collaboration of the astute and committed members of the Congressional Black Caucus.

I went to his district, as many of us did. We’re proud to see the affection, friendship, and love given to him by his constituents. I was so interested in what we call the green corridor; so many are looking to instill and implement that in their own districts.

Thank you, Mr. CLEAVER, for coming to Houston, Texas, on more than one occasion, but particularly to the NAACP banquet when I was named a recipient of the Mickey Leland Humanitarian Achievement Award, but more importantly, for your words of diminished return that if, in fact, we go to the lowest common denominator, if we don’t raise ourselves to the highest level of challenge, then it becomes a diminished return, if I might paraphrase Chairman CLEAVER’s words. It was a sermon that lifted people off their feet, and it caused us to think about what we need to do.

TRIBUTE TO CONGRESSIONAL BLACK CAUCUS CHAIRMAN EMANUEL CLEAVER

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from New York (Ms. CLARKE) for 5 minutes.

Ms. CLARKE of New York. Mr. SPEAKER, I rise today to pay tribute to the outgoing chairman of the Congressional Black Caucus, the Reverend and Representative EMANUEL CLEAVER, II, of Missouri, who is my colleague and good friend. Representative CLEAVER has graciously served with distinction in the House of Representatives and the Fifth Congressional District of Missouri for nearly 8 years.

He has been an outstanding chairman to the Congressional Black Caucus, ushering the caucus through its 40th anniversary. He cares deeply for all Americans—children, seniors, and the marginalized of our society. Who can forget his demonstrative leadership on the CBC Jobs Tour where tens of thousands of Americans lined up for an opportunity to present themselves to employers.

From creating economic opportunity, supporting quality education for all children, to ensuring equal access to health care for all Americans, Chairman CLEAVER has truly been the embodiment of the conscience of the Congress.

After the shooting of our colleague Gabrielle Giffords, her staff, and constituents in Tucson, Arizona, occurred, Chairman CLEAVER was one of the first people to call for civility and the end to the toxic rhetoric here in Washington.

Congressman CLEAVER led the effort to ensure that all citizens registered to...
vote on National Voter Registration Day, which was an initiative to raise awareness to block the voter suppression efforts with the enacting of voter ID laws by numerous States during the Presidential election this year.

This outspoken, soft-spoken minister can be the fire when needed. I cannot forget his legendary and enthusiastic speech to Democrats on the pressing issues that affect all Americans, as demonstrated in his 2012 Democratic National Convention speech in Charlotte, North Carolina. He is not afraid to display his passion for what is right.

Chairman CLEAVER is truly a man on a mission for his constituents in Kansas City and all Americans across this Nation. A crusader for justice, I am proud to serve alongside him in the Congressional Black Caucus and look forward to our continued friendship in the 113th Congress. I wish him God’s richest blessings and continued success.

HONORING EMANUEL CLEAVER

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York (Mr. ISRAEL) for 5 minutes.

Mr. ISRAEL. Mr. Speaker, I rise to join my colleagues in honoring Chairman EMANUEL CLEAVER. I have never had to wait so long to say something nice about a colleague of ours, and that gives you a sense of how wonderful Chairman CLEAVER has been as the chairman of the CBC, as a Member of Congress, and as a human being.

This is a place of hard elbows and harsh tongues, and Chairman CLEAVER has always worked to make us better, a better Congress and better as individuals.

He and I found common ground very early on in our tenure together. I created the House Center Aisle Caucus, and he reached out to me and we tried to figure out ways of injecting respect and tolerance and sensitivity into our discourse on the floor of the House. We share the value that listening is better than shouting and that bringing people together is a more valued tradition than driving them apart.

His leadership of the CBC has inspired so many of us, his ability to drive the CBC forward and, at the same time, make it higher. And I know that the incoming chairperson, Chairwoman FUDGE, will pursue those goals with equal tenacity and equal vision.

Finally, Mr. Speaker, I would say this. Although EMANUEL CLEAVER ascended to the highest position in the Congressional Black Caucus, although he has become a senior Member of this Congress, he has never forgotten that our fundamental ability is to work for those we serve, and he has reminded us every single day that no matter how high you are at times, there is always a higher calling. And for that we are forever grateful to Chairman CLEAVER, for his service to the CBC and his continuing service as a Member of this body. He has made us a better Congress and a better country, and we look forward to continuing to work with him.

Mr. RANGEL. I don’t rise to talk about and to give accolades to Congressman CLEAVER because he has served the Congressional Black Caucus so well. And the reason I don’t is because I can’t imagine that he won’t continue to serve us as he has this capacity to do.

I know that Congresswoman Judge FUDGE is going to do a remarkable job, but there is a uniqueness about Reverend CLEAVER, Pastor CLEAVER, City Councilman CLEAVER, Mayor CLEAVER, Congressman CLEAVER. God has given these terrific assets to be able to take complex, emotional problems and to talk to you like he’s known you all of your life as he helps you to work with him to try to find solutions.

Every time I hear him give a talk, I vision him in his church talking about those things that give inspiration to so many people that have lost hope, and especially now, as many have lost their homes and jobs.

As we struggle in this Congress today, in trying to bring some balance in terms of our deficit, our spending, as well as our raising the revenue, I cannot help but look at the record of our distinguished, chairman in terms of the words of Matthew, when Jesus made it abundantly clear that, although the rich were not asking Jesus for comfort as related to providing for the sick and the naked and the poor and the underprivileged, somehow Jesus had said what EMANUEL CLEAVER follows, that it’s not what we do here in the Congress for Members of Congress, indeed, it’s not what we do for the rich and the middle class, but the basic question we all have to decide is: What did we do for the lesser among us, the vulnerable, the sick, the aged, and the poor?

Certainly, EMANUEL CLEAVER provides a conscience for all of us that are privileged to serve in this august body.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today to honor one of Congress’s finest members, Chairman EMANUEL CLEAVER, for his exemplary leadership and service to the Congressional Black Caucus.

While Chairman CLEAVER has worked on behalf of the people of Missouri’s fifth district for the last eight years, and in service to the people of Kansas City as a councilman and mayor for many more than that, I want his constituents to know the depth, character, and accomplishments of the public servant they are so fortunate to have representing them and Americans across this country.

As Chairman of the Congressional Black Caucus, Chairman CLEAVER has guided its more than 40 members on their mission to extend the promise of the American dream to every community and comer of this Nation. Through his tireless advocacy on issues critical to the African American community and high up the list of the Caucus’s jobs fair initiative, Chairman CLEAVER worked to bring the business community together with the many talented and skilled workers that were disproportionately impacted during this recent economic recession.

He has worked to ensure that every child has an opportunity to receive a quality education; that every man and woman can exercise their constitutional right to vote, and that...
Mr. Speaker, I rise today to honor our colleague from his service and friendship for years to come. We have worked closely with Chairman CLEAVER to advocate for the needs of community colleges, increased workforce training, initiatives to broaden participation in STEM and inadequate, outdated, and underfunded transportation systems.

Chairman CLEAVER deserves to be commended for highlighting African-American inequity in unemployment and spearheading the Congressional Black Caucus Jobs tour this past summer. The jobs tour was a nationwide initiative that helped pair thousands of unemployed African Americans with employers and brought the issue to the forefront of the national discussion. As past chair of the CBC I know that the work of the Caucus truly serves as a voice for the voiceless and its 43 Members serve as the conscience of the United States Congress.

It has been an honor to be a friend of colleague of Chairman CLEAVER during our years in Congress. He continues to inspire and encourage us all through his milestone of service to our Nation throughout his tenure as a United States Congressman.

Mr. Speaker, I would like to recognize Chairman CLEAVER for his many accomplishments during his tenure as Chairman of the CBC.

Mrs. CHRISTENSEN. I rise in tribute to the Chair of the Congressional Black Caucus, the Honorable EMANUEL CLEAVER this morning.

Even Chair brings a special brand of leadership to the Caucus and every term in which that Chair serves has its own unique challenges.

Chairman EMANUEL CLEAVER led the 112th Caucus with humor and equanimity and provided a strong and unwavering moral compass for not just the CBC, but for the entire Democratic Caucus.

His stories—we never knew where he was going with them until the end—were always full of wit and “down-home wisdom” and always held a message to remind us “whose we are” and “what is expected of us.” There was always an inspirational message to fuel us for the task.

We were continually challenged during the 112th Congress, the recession, the contentious election season and its voter suppression initiatives, the ethics attacks on our members, and the Tea Party influence on our Republican colleagues made it a particularly challenging two years.

But he met and led us to meet those challenges head on and took the CBC to yet another higher level. I was proud to serve as his First Vice-chair.

I know these years were full of sacrifice for him and his family and so I proudly join all of the other members of the CBC to tell him thank you for his excellent and significant stewardship.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today to congratulate Congressman EMANUEL CLEAVER, for the great job he has done as Chairman of the Congressional Black Caucus in the 112th Congress.

As the 20th chair of the Congressional Black Caucus, Congressman CLEAVER has benefited from the legacy of many great leaders from our past. A legacy that includes inspiring leaders like Shirley Chisholm, the first African American female Member to be elected to Congress, Charles Diggs, Jr., the first Chairman of the Congressional Black Caucus, and the late great Congressman Donald Payne from New Jersey.

I say with great sincerity, that Congressman CLEAVER has established a legacy of his own. During his tenure as CBC Chairman Congressman CLEAVER has sought to fight the pervasive job loss in the African American community by promoting the CBC jobs initiative.

Chairman CLEAVER has led Members of the Congressional Black Caucus across the country, where we have called upon private and public sector partners to immediately remedy the jobs crisis by going into communities with legitimate employment opportunities for the undeserved.

Under Representative CLEAVER’s leadership, the CBC has hosted town hall meetings and job fairs in the hardest hit, economically distressed areas to provide opportunities for people to be connected to real employment.

When Republican state legislators decided to pass egregious voter I.D. laws to undermine the Voting Rights Act of 1965, Congressman CLEAVER made sure that the Congressional Black Caucus was at the forefront of the fight to educate the voting public about these laws, and stop them in their tracks.

After working under the leadership of Congressman CLEAVER for the last two years, I can attest with great confidence that he has shown a natural aptitude for strong leadership, with a clear vision that will serve as a great example for future CBC Chairmen for years to come.

I think my colleagues would agree with me when I say—Congressman CLEAVER, you have served well.

Thank you for your commitment and your tireless effort on behalf of the CBC.

I look forward to working with you, and continuing to “fight the good fight” in the 113th Congress.

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 11 o’clock and 17 minutes a.m.), the House stood in recess.

PRAYER

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

Eternal God, we give You thanks for giving us another day. We pause in Your presence and ask guidance for the men and women of the people’s House.

Enable them, O God, to act on what they believe to be right and true and just, and to do so in ways that show respect for those with whom they disagree.

Send Your healing upon our Nation. As we continue to recover from such a great tragedy, endow the Members of this House and all our governmental leaders with the wisdom to respond with whatever policies and laws might be needed to ensure greater peace and security in our land.

Bless us this day and every day, and may all that is done be for Your greater honor and glory.

Amen.

PLEDGE OF ALLEGIANCE

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.

CORRECTING THE ENROLLMENT

Mr. OLSON. Mr. Speaker, I ask unanimous consent to take from the Speaker’s table Senate Concurrent Resolution 63 and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

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

There was no objection.

The text of the concurrent resolution is as follows:
Resolved by the Senate (the House of Representatives concurring), That the Secretary of the Senate is requested to return to the House of Representatives the enrolled bill (S. 2997, an Act to strike the word “insane” from Federal law, and for other purposes). Upon the return of such bill, the action of the Speaker of the House of Representatives in signing it shall be rescinded. The Secretary of the Senate shall remeal the bill with the following correction: In section 2(b)(v)(b), strike “in subsection (b)” and insert “in subsection (i)”. The concurrent resolution was concurred in. A motion to reconsider was laid on the table.


Mr. OLSON. Mr. Speaker, I ask unanimous consent to take from the Speaker’s Table Senate Concurrent Resolution 64 and ask for its immediate consideration in the House. The Clerk read the title of the concurrent resolution.

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

There was no objection.

The text of the concurrent resolution is as follows:

S. CON. RES. 64

Resolved by the Senate (the House of Representatives concurring), That in recognition of the long and distinguished service rendered to the Nation by Daniel K. Inouye, a Senator from the State of Hawaii and formerly a Representative from that State, his remains be permitted to lie in state in the rotunda of the Capitol on December 20, 2012, and the Architect of the Capitol, under the direction of the Speaker of the House of Representatives and the President pro tempore of the Senate, shall take all necessary steps for the accomplishment of that purpose.

The concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

PROVIDING FOR THE PRINTING OF A REVISED EDITION OF THE RULES AND MANUAL OF THE HOUSE OF REPRESENTATIVES FOR THE ONE HUNDRED THIRTEENTH CONGRESS

Mr. OLSON. Mr. Speaker, I send to the desk a resolution and ask unanimous consent for its immediate consideration in the House.

The Clerk read the title of the resolution.

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

There was no objection.

The text of the resolution is as follows:

H. Res. 896

Resolved, That a revised edition of the Rules and Manual of the House of Represent-
HONORING JOHN MATSUSHIMA
(Mr. GARDNER asked and was given permission to address the House for 1 minute.)

Mr. GARDNER. Madam Speaker, I rise today to honor Dr. John Matsushima, who will be honored as a Citizen of the West at the National Western Stock Show this coming January. This prestigious award has been presented since 1978, and the selected recipient must embody the spirit and determination of the Western pioneer who is committed to perpetuating the West’s agricultural heritage and ideals. I can think of no better person to receive this honor than Dr. Matsushima.

Now 91 years old, he has dedicated his life to teaching others about agriculture and livestock. He began teaching in 1961 at Colorado State University, and he continued to enrich the lives of students until his retirement in 1992. Dr. Matsushima currently holds the title of professor emeritus at Colorado State University, and still spends significant time on campus as an adviser to those who will be future stewards of agriculture.

Among his many honors and awards, Dr. Matsushima received the Japan Emperor award in 2009 and was the first Japanese American to achieve this accomplishment. He has also received national and Colorado 4-H Club awards, the Colorado State University Lifetime Leader award, and Colorado State’s Best Teacher award.

He is a true pioneer who has committed his life’s work to Colorado and to the Western United States. These stories highlight an amazing man, and I am proud to honor Dr. Matsushima on the House floor.

MAINTAIN THE C–130 FLEET
(Mr. HIGGINS asked and was given permission to address the House for 1 minute.)

Mr. HIGGINS. Madam Speaker, this week, conferees met to reach an agreement on the National Defense Authorization Act. As we consider a final agreement, I rise in support of language that will maintain the C–130 fleet.

THE TRAGEDY IN NEWTOWN, CONNECTICUT
(Mr. OLSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLSON. Madam Speaker, I rise today to express the sorrow I feel about the tragedy that happened in Newtown, Connecticut, last Friday. I have a personal connection with Newtown. After being transferred from Texas, my parents were sent to Connecticut, to the corporate headquarters of my father’s company. They bought a home in Newtown. My brother graduated from Newtown High School. I would go to Newtown for the holidays. I have been friends with the families who lost a child or a sibling or a brother or a sister. This is something that I could not comprehend. I am in disbelief.

May God bless them and help them find peace.

MEDICARE IDENTITY THEFT PREVENTION ACT
(Mr. ALTMIRE asked and was given permission to address the House for 1 minute.)

Mr. ALTMIRE. Madam Speaker, today the House will consider the Medicare Identity Theft Prevention Act, and I urge my colleagues to support it this afternoon.

Despite actions taken by this House and Federal agencies, Medicare identity theft continues to be a problem. Medicare’s own inspector general issued a report stating that more than a quarter-million Medicare beneficiaries are potential victims of identity theft. This is simply unacceptable. The bill we will consider today makes a commonsense change to Medicare cards that most seniors carry. It will ensure that, in the future, Social Security numbers are not displayed or embedded on these cards, which are issued to every Medicare beneficiary.

Seniors spend their whole lives building financial security for their retirement years. They shouldn’t have to worry about losing it if someone steals one’s Medicare card.

HONORING THE CAREER OF BOB MORTON, AN EASTERN WASHINGTON LEGEND
(Mrs. McMorris Rodgers asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. McMorris Rodgers. It is with great pride that I rise today to honor the tremendous service and career of Bob Morton, a 22-year veteran of the Washington State Legislature, who recently announced that he was going to be retiring at the end of the year.

He was first elected to the House in 1990, and then he was appointed to the Senate, where he currently represents the Seventh District, including Pend Oreille, Ferry, Stevens, and parts of Okanogan and Spokane Counties. He owned a small logging business and ran cattle while also preaching at his local church and serving the community.

But Bob is not just an outstanding legislator for eastern Washington; he is also a close friend, a mentor, and the reason that I got into politics and public service in the first place.

As an elected official, I’ve worked with him on countless issues, and his advice and friendship have been invaluable. He is recognized for his leadership and knowledge of forest health and good forest management. No one knows Washington water law better than Bob, and he has participated in most of the negotiations over Washington water law.

Bob and his wife, Linda, have five children and 11 grandchildren, and I know they’re looking forward to spending more time with them in their retirement. I wish them the best in their next adventures.

SUPERSTORM SANDY DISASTER ASSISTANCE PACKAGE
(Mr. Sires asked and was given permission to address the House for 1 minute.)

Mr. Sires. Madam Speaker, it has been nearly 8 weeks since Superstorm Sandy struck our shores and devastated an entire region. It has been 8 weeks, and Congress has yet to send a disaster assistance package to the affected States.

It is precedent for this body to stand together in the aftermath of a natural disaster and to immediately provide the necessary assistance in order to help communities recover and rebuild. Two weeks after Hurricane Katrina hit the gulf coast, Congress approved more than $62 billion in Federal aid. One month after Hurricanes Ike and Gustav hit Texas, Congress approved more than $20 billion in aid.

Why can’t this Congress come together and approve the $60 billion requested by the President to help the victims of Sandy? The damage done by Sandy is far beyond the resources and capacity that any single State possesses to recover on its own.

It is my hope that this Chamber can set aside its differences and swiftly approve the supplemental funding. Such assistance will aid those who have lost everything in the storm, and it will help to rebuild our communities stronger than ever. New Jersey, New York, and Connecticut have always stood by other regions of this Nation.
that have been faced with difficult circumstances. I trust that my colleagues in Congress will now come to our aid.

THE NEWTOWN TRAGEDY AND THE NEED FOR TIGHTER GUN CONTROL

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

Ms. TSONGAS. Madam Speaker, every corner of America has been deeply affected by the tragic loss of so many lives in Newtown, Connecticut. We mourn for the enormity of grief and for the inconsolable loss visited upon Newtown’s families, and we know that our response to Newtown must not and cannot go to the way of the many other senseless acts of violence we almost routinely witness. The tragedy in Newtown must be a call to action.

Members from both sides of the aisle have acknowledged that it is time to have a conversation about the accessibility of high-capacity weapons in our country and of the culture of violence we live in. This conversation is long overdue, and it is simply not an option to allow this discussion to become stagnant or to become laid into silence by seemingly untouchable organizations.

America’s laws must reasonably control gun manufacturing, sale, and usage. We must act to make real changes that will provide real protection for America’s families. In the days to come, let us work together to do just that.

LET US MOURN WITH ACTION

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

Ms. JACKSON LEE of Texas. Madam Speaker, you will hear many voices being raised in the backdrop of an un-speakable tragedy from which, even as Members think of it, they cry.

Just a few minutes ago, there was a press conference in which there was probably not a dry eye in that room as Members gave tribute to those being buried today, and as they spoke of their own anguish, their lost children, and of the loss of their fellow staff members in a gun incident.

So I rise today to say that we must act and can act and can pass legislation even this week. I join with Senator FEINSTEIN’s effort and Congresswoman PERLMUTTER’s and Congresswoman MCCARTHY’s and that of many others with legislation. I join with the legislation of H.R. 277, that talks about protecting our children, which was introduced by myself. I join with the statement by the Progressive Caucus that speaks about this ammunition, these guns, and mental health. I also join with Dick’s Sporting Goods store.

I would personally say to those who are listening: maybe you’ll want to turn in your guns. Oh, no. I am not going to take your guns, but look at what Dick’s Sporting Goods did in the moment they wanted to be part of the solution and a part of America. Let us mourn with action.

God bless those who have lost their lives.

COMMEMORATING LIFE OF JENNI RIVERA

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

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, today I rise to honor and commemorate the life of Mexican American singer Jenni Rivera. Jenni used her powerful voice, soulful singing style, and honest lyrics to create a message that spoke to the resiliency of women.

That powerful voice was silenced forever when she and six others were killed in a plane crash on November 9. Born and raised in Long Beach, California, to immigrant parents from Mexico, Jenni Rivera started her career selling her CDs at flea markets. When she died at the age of 43, Jenni was a top-selling artist, an actress, television producer, and entrepreneur.

Tragically, she was on the cusp of multicultural stardom when she died. She had just finished filming her first film and was in talks with ABC to star in her own sitcom.

Her talent and authenticity shined brightly in a music genre dominated by men. Jenni’s lyrics offered a new and refreshing woman’s perspective.

Madam Speaker, please join me in honoring the memory of Jenni Rivera and the message of empowerment she gave to millions of women that she spoke for.

IMPLEMENTING THE HIRE ACT

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

Mr. WALZ of Minnesota. Madam Speaker, as more and more of our brave warriors return from Afghanistan, more and more of them are looking for work. It’s our duty as a Nation to make sure that we’re doing everything possible to get these troops reemployed. That’s why I’d like to applaud both the Senate and the House for including in the National Defense Authorization Act the Helping Iraq and Afghanistan Veterans Return to Employment, the HIRE Act.

What it does is establish a very commonsense process that encourages State credentialing authorities to consider certain military occupational training when granting licenses. It makes absolutely no sense to force a battlefield medic to spend time and Federal dollars taking redundant training in order to make him or her eligible for a State agency that wouldn’t count hundreds of hours driving heavy equipment in Afghanistan to get a CDL license.

The Department of Defense spends $140 billion a year training our military personnel, the best in the world. It would be ludicrous to not use that investment to get them jobs here at home.

Eight States have already passed legislation to develop the process. I encourage Members of Congress, talk to their State and their Governor to get this done.

FISCAL TURNING POINT

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

Mrs. DAVIS of California. Madam Speaker, as a Nation, we are gaining momentum as our economy gets back on track. For my constituents in San Diego, home prices are on the rise and most employers are adding jobs and hours instead of cutting back. We cannot afford to undo the progress we are making, especially for the middle class.

The only way to accelerate our economic progress is to balance economic development with protection for the most vulnerable Americans from job losses and tax increases, and prograde our Americans young and old need to know that Congress believes in the future and that we’ll work together to keep our country on the rise.

I think often of Gandhi’s statement: The future depends on what we do in the present. Let’s not waste this critical opportunity to advance economic growth and invest in our future.

PREVENTING MORE SANDY HOOKS

(Mr. PRICE of North Carolina asked and was given permission to address the House for 1 minute.)

Mr. PRICE of North Carolina. Madam Speaker, we have experiences in our personal and collective lives that challenge us profoundly, forcing us to search our souls and to change our behavior. Our Nation experienced such a moment on Friday as 20 children were gunned down at Sandy Hook Elementary School, along with six teachers and administrators who were attempting to protect them.

As we mourn and reach out to the families of Newtown, we owe the victims and their families the best in law enforcement, the best in our streets. It would be ludicrous to not use the investments to get them jobs here at home.

The horror of Sandy Hook must over- come every temptation to accept the unacceptable or to avoid responsibility for addressing the crying need for change.
RESOLVING FISCAL CLIFF
(Ms. HANABUSA asked and was given permission to address the House for 1 minute.)

Ms. HANABUSA. Madam Speaker, people have no idea what we’re doing because we don’t know what we’re doing. It reminds me of being in traffic: we all hurry to get to where—to another bottleneck and to wait.

Resolving the fiscal cliff is an opportunity to show that we can work together in a bipartisan manner; but to do so, we must be heard and put the people first and the party second. If we don’t, a middle class family of four will see their taxes rise by $2,200 in 2013. Unemployment will go up to 9.1 percent.

Remember, the cost of extending all of the Bush tax cuts is $2.4 trillion in 10 years. Extend the middle class tax cuts and let the Bush tax cuts for the upper 2 percent return to the Clinton rates. We can protect the middle class, the steady job growth that we’ve seen just to protect the upper 2 percent. This is not the message we want to send, and this is not the message Republicans want to send.

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

Mr. CICILLINE. Madam Speaker, yesterday my office hosted the Brady Campaign to Prevent Gun Violence, and I meet with families whose lives have been devastated by gun violence, families who lost loved ones in Columbine, at Virginia Tech, at Aurora, and in other instances who words of mine could ever match the pain that these families felt as a result of these losses.

The recent tragedy in Newtown, unfortunately, is the most recent in a long series of mass killings involving guns. But this incident is especially horrific because it involved the slaughter of 20 innocent children and their teachers. This must mark a turning point in the debate over common sense gun safety laws. It’s critical for lawmakers on both sides of the aisle to commit themselves to do everything we can to end this violence because common sense gun laws aren’t Democratic or Republican values; they are American values. And if our values as Americans mean anything at all, then surely all Americans are entitled to enjoy their lives and live in neighborhoods that are safe and free from gun violence.

There is lots of talk about a national conversation, beginning a dialogue. The time for talking is over. Now we must act. Banning assault weapons and high-capacity assault clips, fixing our criminal background check system, and closing the loopholes that allow 40 percent of gun sales to go forward without background checks.

RECENT DECREASE IN MENTAL HEALTH FUNDING
(Ms. KAPTUR asked and was given permission to address the House for 1 minute.)

Ms. KAPTUR. Madam Speaker, in view of what has happened in Newtown, Connecticut, it is important to place on the record the fact that our Nation has been experiencing the largest reduction in State mental health services of this generation. According to the National Alliance on Mental Illness, States have cumulatively cut over $1.8 billion from their mental health services between 2009 and 2011. This is the largest reduction in State mental health services in half a century.

With 1 in 17 people in America living with a serious neurological condition, how is this tremendous decrease in funding possible or humane?

Often, those who suffer the most are angels of destiny. According to a report from the Federal Bureau of Justice statistics, more than half of our country’s prison population suffers or has suffered from mental disorders, but only a fraction of that population receives treatment during their incarceration. And, in fact, individuals with mental illnesses are far more likely to be victims of crime than the perpetrators.

Newtown is a national tragedy. Madam Speaker, but it reveals again our shared responsibility to support and treat those in this country who need our help so desperately. I urge our colleagues to support a more constructive Federal role in assuring proper and early diagnosis and intervention of affected youth and appropriate treatment.

I congratulate President Obama and Vice President BIDEN for their leadership in moving our Nation to a better day for us all. So many of us here in Congress wish to join them in this great national challenge.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore (Mrs. EMERSON). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions 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.

Record votes on postponed questions will be taken later.

REFERRING OKLAHOMA TRUST CLAIMS TO COURT OF FEDERAL CLAIMS
Mr. SMITH of Texas. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 668) to refer H.R. 5862, a bill making congressional reference to the United States Court of Federal Claims pursuant to sections 1492 and 2509 of title 28, United States Code, the Indian trust-related claims of the Quapaw Tribe of Oklahoma (O-Gah-Pah) as well as its individual members, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. Res. 668.

Resolved.

SECTION 1. REFERRAL.
Pursuant to section 1492 of title 28, United States Code, the bill (H.R. 5862), entitled "A Bill relating to members of the Quapaw Tribe of Oklahoma (O-Gah-Pah)," now pending in the House of Representatives, is referred to the chief judge of the United States Court of Federal Claims for a determination as to whether the Tribe and its members have Indian trust-related legal or equitable claims against the United States other than the legal claims that are pending in the Court of Federal Claims on the date of enactment of this resolution.

SEC. 2. PROCEEDING AND REPORT.
Upon receipt of the bill, the chief judge shall—

(1) proceed according to the provisions of sections 1492 and 2509 of title 28, United States Code, notwithstanding the bar of any statute of limitations; and

(2) report back to the House of Representatives, at the earliest practicable date, providing—

(A) findings of fact and conclusions of law that are sufficient to inform the Congress of the nature, extent, and character of the Indian trust-related claims of the Quapaw Tribe of Oklahoma and its tribal members for compensation as legal or equitable...
claims against the United States other than the legal claims that are pending in the Court of Federal Claims on the date of enactment of this resolution; and
(b) the claimant is or will be legally or equitably due from the United States to the claimants.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentlewoman from California (Ms. ZOE LOFGREN) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

Mr. SMITH of Texas. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Mr. SMITH of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, first of all, I want to thank the gentleman from Oklahoma (Mr. COLE) for sponsoring House Resolution 668.

This bill allows a Native American Tribe that resides in Oklahoma, the Quapaw, to appear before the United States Federal court of claims to plead for damages against the Federal Government for mismanagement of tribal trust funds. The court would issue a report, either favorable or unfavorable, to the tribe. If favorable, the Natural Resources Committee would be authorized to move separate legislation to effect the court's decision.

In 2002, the tribe filed a lawsuit for an accounting in Federal district court of the U.S. Government's mismanagement of tribal and tribal member trust assets.

In November 2004, the tribe and the U.S. Government agreed that the tribe and third-party contractors would conduct an accounting of the U.S. Government's actions and inactions related to the trust assets. This was to facilitate an mediation solution to this lawsuit's claims. In exchange for this mediated route, the tribe would dismiss the lawsuit.

In June 2010, after 5 years of accounting and related analysis, the Quapaw Analysis was completed and shared with the tribe. This set the stage for mediation. That analysis confirmed that the government's mismanagement of the Quapaw's trust constituted a breach of trust.

The tribe initiated multiple attempts to resolve their claims, which the government rejected. By 2011, the tribe sought relief in court from the government's failure to fulfill its trust obligations and to mediate and settle the trust claims.

Last year, eight Quapaw Tribe members filed a class-action lawsuit on behalf of themselves and other individuals for damages based on breach of trust. The government filed motions to dismiss the case and also refused to respond to a formal settlement demand proffered by the tribe.

The government's foot-dragging necessitates our passage of House Resolution 668 today. The bill doesn't guarantee that the Quapaw have a chance to go before the Federal court of claims and make their best case. Even if the court rules in their favor, the Natural Resources Committee must still move subsequent legislation to appropriate funds to satisfy the claims.

Also, a revision to the bill stipulates that an award of damages by the court only applies to claims that are not already pending before the Court of Federal Claims. This ensures that claimants will not be doubly or excessively compensated.

Again, I want to thank the gentleman from Oklahoma (Mr. COLE) for his persistence on this issue and for introducing this particular bill. I urge my colleagues to support House Resolution 668.

I reserve the balance of my time.

Ms. ZOE LOFGREN of California. Madam Speaker, I yield myself such time as I may consume.

I rise in support of House Resolution 668, a congressional reference bill concerning the trust-related claims of the Quapaw Tribe of Oklahoma.

Now, congressional reference bills are rare in Congress. The House hasn't considered such a bill since 2002 in the 107th Congress. The fact that this procedure is a rare one doesn't mean that it isn't a useful one.

Unlike most other legislation, reference bills require passage in only one Chamber to take effect. If passed by either the House or Senate, the bill would simply refer a claim against the U.S. Government to the U.S. Court of Federal Claims for consideration.

The court, however, as the chairman has indicated, if any award is not authorized to render a final ruling on the claim. Rather, it would only be authorized to consider evidence and to submit a report to Congress with its findings and recommendations. Congress could then decide, based on the court's report, whether or not to enact a private claims bill or appropriate funds to satisfy the claimant in the interest of justice.

In this case, H. Res. 668 would refer the bill, H.R. 5862, a bill relating to the management of the Quapaw Tribe of Oklahoma, to the Court of Federal Claims. And as amended, the bill would authorize the court to determine whether the tribe and its members have trust-related legal or equitable claims against the U.S., other than legal claims that are currently pending before the court.

We have consulted with the Department of Justice and the Department of the Interior on this matter, and both agencies agree that the Quapaw Tribe has legitimate claims against the United States concerning certain tribal lands that were held in trust by the Federal Government. The only real dispute is the value of the claim.

This makes this congressional reference bill an appropriate measure to help bring this matter to a final resolution. By referring the case to the Federal claims court, they can consider all the evidence, submit a report on what the award should be, and appropriate the appropriate value of the tribal claim.

Then, based on that court's findings and conclusions, Congress can play its appropriate role to consider whether or not it is in the interest of justice to pass a private claims bill or otherwise appropriate funds to satisfy the claim.

This procedure will help the Congress do the right thing, and that's why we're sent here, to do the right thing.

So I ask my colleagues to support this important legislation. I commend Congressman COLE for his diligent pursuit of this matter of justice.

I reserve the balance of my time.

Mr. SMITH of Texas. Madam Speaker, I yield as much time as he may consume to the gentleman from Oklahoma (Mr. COLE), who is the sponsor of this legislation.

Mr. COLE. I thank the gentleman for yielding.

I had a long oration I was going to make, but I want to be quite honest. My good friend Chairwoman SMITH and my good friend Ranking Member LOFGREN have actually covered the case as well or better than I can. They're both distinguished attorneys. They understand the intricacies involved here, so there's no need for me to go through and literally repeat point by point what they have already made.

I do want to make one central point, or two points.

First, I want to thank both of them. This is a matter of justice. This is a bipartisan effort to try and make sure that an Indian nation that has a legitimate claim against the United States of America has an opportunity to go to court and make its case; no preetermination of the outcome, no settlement without coming back through Congress again, just simply an opportunity to make a case of an injustice that all sides admit occurred, and establish what's fair compensation.

I urge my colleagues to support House Resolution 668. The bill doesn't guarantee that the Quapaw have a chance to go before the Federal court of claims and make their best case. Even if the court rules in their favor, the Natural Resources Committee must still move subsequent legislation to appropriate funds to satisfy the claimant.

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I urge passage of the legislation.

INTRODUCTION

Several hundred years ago, the Quapaw ("the Downstream People") were part of a larger group known as the Dhegiha Sioux, which split into the modern tribes known as the Quapaw, Osage, Ponca, Kansas, and Omaha. The Quapaw's ancestral lands are located at the confluence of the Arkansas and Mississippi rivers in what is present day Arkansas. When first encountered by the Europeans in the 1670's, there were some 20,000 Quapaws living in four villages.

A series of treaties with the U.S. Government resulted in most of the Quapaw land being ceded to the United States, and the
Tribe acquiesced to relocation to the far northeastern corner of present-day Oklahoma. In the process, the tribal land base was whittled down to its current acreage.

After Quapaw lands in Oklahoma were found to contain rich deposits of zinc and lead in 1905, the Government allowed mining activities to be carried out largely unfettered, and not for the benefit of the Quapaws. For years the value of the Quapaw mineral estate was exported from their land with the Government failing to ensure that royalties, bonuses and other payments were properly made and managed.

WHY H. RES. 668 IS NECESSARY

The Office of Historical Trust Accounting (OHTA) was established by Secretary of the Interior Secretarial Order No. 3231 on July 10, 2001; OHTA is charged with planning, organizing, directing and executing the historical accounting of tribal trust accounts and non-monetary assets.

In 2002, the Tribe filed a lawsuit for an accounting and for asset mismanagement in the Federal District Court in Oklahoma alleging the U.S. Government owed them an accounting and had mismanaged their funds and non-monetary assets.

During this time, there were over 104 tribal lawsuits pending and the Department of the Interior—Office of Historic Trust Accounting’s ability to fund the accountings and determine whether assets were mismanaged was severely limited. At the same time, the Department of Justice had similar concerns about its ability to respond to the myriad of tribal lawsuits.

In July 2004, the U.S. Government and the Tribe negotiated and agreed to settle the pending lawsuit, and enter into an agreement under which the Department of the Interior would enter into a contract with Quapaw Information Services as contractor, to “identify, select, and analyze documents, and prepare an analysis (the Quapaw Analysis), of Interior’s management” of the Tribe’s Tribal Trust Fund Account, along with certain non-monetary land and natural resources assets held in trust on behalf of the Tribe, and eight individual members of the Tribe.

In 2010—after six years of work, Quapaw Information Services gave its report to the U.S. Government. In turn, the U.S. Government accepted the accounting as being in conformity with the Federal standards, but refused to do anything with the accounting.

The Tribe fulfilled its end of the bargain. The U.S. Government did not.

By 2011, the Tribe was left with no choice but to seek relief in court from the Government’s failure—not only its failure to fulfill its trust obligations, but its agreement to mediate and settle the matter once the accounting was completed. Accordingly, eight Quapaw tribal members filed a class-action lawsuit on behalf of themselves and all other similarly situated tribal members. This case, Goodeagle v. United States, seeks damages for the Government’s breach of trust in the U.S. Court of Federal Claims.

In May 2011, the Tribe submitted a formal settlement demand to the Government, to which the Government has never responded. Instead, the Government has filed repeated Motions to dismiss the Goodeagle case. With the settlement demand ignored, and the Government’s ongoing refusal to resolve these claims through settlement, in September 2012, the Tribe filed a complaint for damages in the U.S. Court of Federal Claims. In November 2012, the Government filed yet another motion to dismiss the Tribe’s case.

THE MECHANICS OF H. RES. 668

To ensure that the Tribe and its members can pursue their trust-related claims in the U.S. Court of Federal Claims, Rep. TOM COLE and Rep. DAN BOREN introduced H. Res. 668. Notably, this resolution does not pre-determine the outcome of the U.S. Court of Federal Claims review of the Tribe’s lawsuit. It simply allows the Tribe and its members to plead their case to a neutral decision-maker in a judicial proceeding.

Some may assume that the sending of a congressional reference to the U.S. Court of Federal Claims has already predetermined liability in favor of a claimant. As observed by former House Member (Rep. Marion T. Bennett (R-MO)), who became a Claims Court judge, “nothing could be further from the truth or the intent of Congress . . . Congress intends only to afford an impartial and independent forum for determination of the merits of a complex claim by judicial methods.” Bennett, Private Claims Acts and Congressional References, 9 JAG L. Rev. 9 (1967).

H. Res. 668, as amended, simply affords the Tribe and its members the chance to present their case about the nature, extent, and character of the Indian trust related claims of the Quapaw Tribe and its tribal members for compensation as legal or equitable claims against the United States other than the legal claims that are pending in the Court of Federal Claims on the date of House approval of this to a neutral decision-maker in a judicial proceeding.

Ms. ZOE LOFGREN of California. I have no further requests for time, and I yield back the balance of my time.

Mr. SMITH of Texas. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and agree to the resolution, H. Res. 668.

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

Ms. ZOE LOFGREN of California. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

PANDEMIC AND ALL-HAZARDS PREPAREDNESS REAUTHORIZATION ACT OF 2012

Mr. ROGERS of Michigan. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 6672) to reauthorize certain programs under the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act with respect to public health security and all-hazards preparedness and response, and for other purposes.

The Clerk read the title of the bill. The text of the bill is as follows:

H.R. 6672

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.
(a) Short Title.—This Act may be cited as the “Pandemic and All-Hazards Preparedness Reauthorization Act of 2012”.
(b) Table of Contents.—The table of contents of this Act is as follows:

TITLE I—STRENGTHENING NATIONAL PREPAREDNESS AND RESPONSE FOR PUBLIC HEALTH EMERGENCIES

Sec. 102. Assistant Secretary for Preparedness and Response.
Sec. 103. National Advisory Committee on Children and Disasters.
Sec. 104. Modernization of the National Disaster Medical System.
Sec. 105. Continuing the role of the Department of Veterans Affairs.

TITLE II—OPTIMIZING STATE AND LOCAL ALL-HAZARDS PREPAREDNESS AND RESPONSE

Sec. 201. Temporary redeployment of federally funded personnel during a public health emergency.
Sec. 202. Improving State and local public health security.
Sec. 203. Hospital preparedness and medical surge capacity.
Sec. 204. Enhancing situational awareness and biosurveillance.
Sec. 205. Eliminating duplicative Project BioShield reports.

TITLE III—ENHANCING MEDICAL COUNTERMEASURE DEVELOPMENT AUTHORITY

Sec. 301. Special protocol assessment.
Sec. 303. Definitions.
Sec. 304. Enhancing medical countermeasure activities.
Sec. 305. Regulatory management plans.
Sec. 306. Federal research.
Sec. 307. Pediatric medical countermeasures.

TITLE IV—ACCELERATING MEDICAL COUNTERMEASURE ADVANCED RESEARCH AND DEVELOPMENT AUTHORITY

Sec. 401. BioShield.
Sec. 402. Biomedical Advanced Research and Development Authority.
Sec. 403. Strategic National Stockpile.
Sec. 404. National Biodefense Science Board.

TITLE I—STRENGTHENING NATIONAL PREPAREDNESS AND RESPONSE FOR PUBLIC HEALTH EMERGENCIES

Sec. 101. NATIONAL HEALTH SECURITY STRATEGY.
(ii) in subparagraph (A), by inserting "and trauma" after "medical";
(iii) in subparagraph (B), by striking "Medical evacuation and fatality management" and inserting "Fatality management";
(iv) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively;
(v) by inserting after subparagraph (B), the following the new subparagraph:
"(C) Coordinated medical triage and evacuation to appropriate medical institutions based on local need, taking into account regionalized systems of care;.;
(vi) in subparagraph (E), as redesignated by clause (v), by striking "which include such dental health assets" after "medical assets"; and
(vii) by adding at the end the following:
"(7) COUNTERMEASURES.—
(A) Promoting strategic initiatives to advance medical countermeasures to diagnose, mitigate, prevent, or treat harm from biological, chemical, radiological, or nuclear agents or agents, whether naturally occurring, unintentional, or deliberate.
(B) For purposes of this paragraph, the term "medical countermeasures" has the same meaning as the term "qualified countermeasures" under section 319F–1, "qualified pandemic and epidemic products" under section 319F–3, and "security countermeasures" under section 319F–2.
(8) MEDICAL AND PUBLIC HEALTH COMMUNITY RESILIENCY.—Strengthening the ability of States, local communities, and tribal communities to prepare for, respond to, and be resilient in the event of public health emergencies, whether naturally occurring, unintentional, or deliberate by—
(A) optimizing alignment and integration of medical and public health preparedness and response planning and capabilities with and in consultation with the Secretary of Homeland Security, the Department of Defense, (D) the Medical Reserve Corps pursuant to section 2812;
(F) the Biocontainment Unit pursuant to section 319C–2;
(C) the Biomedical Advanced Research and Development Authority pursuant to section 319L;
(D) the Medical Reserve Corps pursuant to section 2812.
(2) COUNTERMEASURES BUDGET PLAN.—Develop, and update on an annual basis, a coordinated 5-year budget plan based on the medical countermeasure priorities described in section (d). Each such plan shall—
(A) include consideration of the entire medical countermeasures enterprise, including—
(i) basic research and advanced research and development;
(ii) approval, clearing, licensure, and authorized use of products; and
(iii) administration of the qualification, maintenance, and replenishment of all products in the Strategic National Stockpile;
(B) account regionalized systems of care. Therefor resources and include measurable outputs and outcomes to allow for the tracking of the progress made toward identified priorities;
(C) include the medical countermeasure lifecycle cost to inform planning, budgeting, and anticipated needs within the continuum of the medical countermeasures enterprise consistent with section 319F–2; and
(D) be made available to the appropriate committees of Congress upon request.;
(2) by striking subsection (c) and inserting the following:
"(c) FUNCTIONS.—The Assistant Secretary for Preparedness and Response shall—
(1) be the principal advisor to the Secretary of Homeland Security for emergency preparedness and response policy coordination and strategic direction; and
(2) have authority over and responsibility for—
(A) the National Disaster Medical System pursuant to section 2812;
(B) the Hospital Preparedness Cooperative Agreement Program pursuant to section 319C–2;
(C) the Biomedical Advanced Research and Development Authority pursuant to section 319L;
(D) the Medical Reserve Corps pursuant to section 2813;
(E) the Emergency System for Advance Registration of Volunteer Health Professionals pursuant to section 319I; and
(F) administering grants and related authorities related to trauma care under parts A through C of title XII, such authority to be transferred by the Secretary from the Administrator of the Health Resources and Services Administration to such Assistant Secretary; and
(3) exercise the responsibilities and authorities of the Assistant Secretary with respect to the coordination of—
(A) the Public Health Emergency Preparedness Cooperative Agreement Program pursuant to section 319B;
(B) the Strategic National Stockpile pursuant to section 319F–2; and
(C) the Cities Readiness Initiative; and
(4) assume other duties as determined appropriate by the Secretary.
(3) by adding at the end the following:
"(4) PUBLIC HEALTH EMERGENCY MEDICAL COUNTERMEASURES ENTERPRISE STRATEGY AND IMPLEMENTATION PLAN.—
(1) IN GENERAL.—Not later than 180 days after the date of enactment of this sub-section, and every year thereafter, the Assistant Secretary for Preparedness and Response shall develop and submit to the appropriate committees of Congress a coordinated strategy and accompanying implementation plan for medical countermeasures to address chemical, biological, radiological, and nuclear threats. In developing such a plan, the Assistant Secretary for Preparedness and Response shall consult with the Director of the Biomedical Advanced Research and Development Authority, the Director of the National Institutes of Health, the Director of the Centers for Disease Control and Prevention, and the Commissioner of Food
and Drugs. Such strategy and plan shall be known as the ‘Public Health Emergency Medical Countermeasures Enterprise Strategy and Implementation Plan’.

(1) Activities authorized under this title and title III.

(2) The coordination of efforts between the Department of Health and Human Services and the Department of Defense to address countermeasures needs for various segments of the population.

SEC. 103. NATIONAL ADVISORY COMMITTEE ON CHILDREN AND DISASTERS.

(a) Establishment.—The Secretary, in consultation with the Secretary of Homeland Security, shall establish an advisory committee to be known as the ‘National Advisory Committee on Children and Disasters’ (referred to in this section as the ‘Advisory Committee’).

(b) Duties.—The Advisory Committee shall—

(1) provide advice and consultation with respect to the activities carried out pursuant to section 2814, as applicable and appropriate;

(2) evaluate and provide input with respect to the medical and public health needs of children as they relate to preparation for, response to, and recovery from all-hazards emergencies; and

(3) provide advice and consultation with respect to State emergency preparedness and response activities and children, including related drills and exercises pursuant to the preparedness goals under section 2802(b).

(c) Additional Duties.—The Advisory Committee may provide advice and recommendations to the Secretary with respect to children and the medical and public health grants and cooperative agreements as applicable to preparedness and response activities authorized under this title and title III.

(d) Membership.—

(1) In General.—The Secretary, in consultation with such other Secretaries and agencies as may be appropriate, may appoint to the Advisory Committee an odd number.

(2) Required Members.—The Secretary, in consultation with such other Secretaries and agencies as may be appropriate, shall appoint not to exceed 15 members to the Advisory Committee. In appointing such members, the Secretary shall ensure that the total membership of the Advisory Committee includes individuals with expertise in pediatric disaster planning, preparedness, response, or recovery;

(3) Appointment.—The Secretary, in consultation with such other Secretaries and agencies as may be appropriate, may appoint to the Advisory Committee under paragraph (1) such individuals as may be appropriate to perform the duties described in subsections (b) and (c), which may include—

(A) the Assistant Secretary for Preparedness and Response;

(B) the Director of the Biomedical Advanced Research and Development Authority;

(C) the Director of the Centers for Disease Control and Prevention;

(D) the Director of the Food and Drug Administration;

(E) the Director of the National Institutes of Health;

(F) the Assistant Secretary of the Administration for Children and Families;

(G) the Administrator of the Federal Emergency Management Agency;

(H) at least two non-Federal health care professionals with expertise in pediatric medical disaster planning, preparedness, response, or recovery;

(I) at least two representatives from State, local, and tribal government agencies with expertise in pediatric disaster planning, preparedness, response, or recovery; and

the identification of the threat or threats;

(1) a list of such countermeasures and products, including research, advanced research and development and procurement, that include—

(iv) an evaluation of the progress made in addressing priorities identified pursuant to subparagraph (C);
...representatives from such Federal agencies (such as the Department of Education and the Department of Homeland Security) as determined necessary to fulfill the duties of the Advisory Committee, as established under subsections (b) and (c).

(e) Meetings.—The Advisory Committee shall meet not less than biannually.

(f) Advisory Committee shall terminate on the date that is 5 years after the date of enactment of the Pandemic and All-Hazards Preparedness Reauthorization Act of 2012, the Comptroller General of the United States shall conduct an independent evaluation, and submit to the appropriate committees of the Congress a report, on the Secretary’s authority under this subsection, including—

(A) a description of how, and under what circumstances, such authority has been used by States and tribes;

(B) an analysis of how such authority has improved operational efficiencies in responding to public health emergencies;

(C) an analysis of the extent to which, if any, Federal programs from which personnel have been temporarily redeployed pursuant to such authority have been adversely affected by the redeployment; and

(D) recommendations under the laws such authority could be improved to further assist in responding to public health emergencies.

(2) Definition.—In this subsection, the term ‘State’ includes—

(A) the District of Columbia;

(B) any Commonwealth, territory, or possession of the United States;

(C) the Freely Associated States;

(D) any other term used in the definition of any term used in any Act referred to in section 319C.

(3) Repeal.—Section 318 of the Public Health Service Act (42 U.S.C. 247d) is amended by—

(A) by striking ‘‘in preparing a request for temporary redeployment under paragraph (1) of personnel funded through a Federal program, the Secretary shall notify the State or tribe of the possibility of such temporary redeployment of personnel;’’;

(B) by redesignating subparagraph (C) as subparagraph (D); and

(C) by inserting at the end the following:

‘‘(D) ANALYSIS.—The Secretary shall submit to the appropriate committees of the Congress a report, on the Secretary’s authority under this subsection, including—

(A) a description of how, and under what circumstances, such authority has been used by States and tribes;

(B) an analysis of how such authority has improved operational efficiencies in responding to public health emergencies;

(C) an analysis of the extent to which, if any, Federal programs from which personnel have been temporarily redeployed pursuant to such authority have been adversely affected by the redeployment; and

(D) recommendations under the laws such authority could be improved to further assist in responding to public health emergencies.

(4) Repeal.—Section 319C-1 of the Pandemic and All-Hazards Preparedness Reauthorization Act of 2012 is amended by—

(A) by striking the last paragraph;

(B) by redesignating subparagraph (C) as subparagraph (D); and

(C) by inserting at the end the following:

‘‘(D) Repeal.—Section 319C-1 of the Pandemic and All-Hazards Preparedness Reauthorization Act of 2012 is repealed.

SEC. 202. IMPROVING STATE AND LOCAL PUBLIC HEALTH SECURITY.

(a) Cooperative Agreements.—Section 319C-1 of the Public Health Service Act (42 U.S.C. 274f-3a) is amended by—

(A) by striking the last paragraph;

(B) by redesigning subparagraph (C) as subparagraph (D); and

(C) by inserting at the end the following:

‘‘(D) Cooperative Agreements.—The Secretary shall enter into cooperative agreements with States and local public health agencies and organizations, as appropriate, to develop and improve public health emergency preparedness and response; and

(E) improve the ability of the public health workforce to respond to emerging diseases and infectious disease outbreaks whether naturally occurring or due to...
bioterrorism, consistent with the requirements of this section; and

“(ix) A description of any activities that such entity will use to analyze real-time clinical specimens for pathogens of public health or bioterrorism significance, including any utilization of poison control centers;” and

“(B) by redesignating subparagraph (C), by inserting “including addressing the needs of at-risk individuals,” after “capabilities of such entity;”

“(B) in paragraph (4), by striking “and remaining unobligated at the end;”

“(A) in paragraph (1), by striking subparagraph (D) of the pandemic influenza plan as amended under subsection (a) for a fiscal year and inserting $374,700,000 for each of fiscal years 2013 through 2017.”; and

“(B) by adding at the end the following:

“(C) modernize and enhance biosurveillance systems supported by the Department of Health and Human Services;”;

“(D) in paragraph (3)(D), by inserting “community health centers, health centers” after “poison control centers,”; and

“(B) by adding at the end the following:

“(C) improve information sharing, coordination, and communication between biosurveillance systems supported by the Department of Health and Human Services;”;

“(E) in paragraph (5), by striking subparagraph (A) and inserting the following:

“(F) by inserting at the end the following:

“(B) in subparagraph (C), by inserting “infectious disease outbreaks’’ before the period at the end;

“(A) in subsection (b), by striking “such sums as may be necessary for each of fiscal years 2008 through 2011” and inserting “$11,200,000 for each of fiscal years 2013 through 2017’’.

“(B) in subsection (i), by striking “$222,000,000 for fiscal year 2007, and such sums as may be necessary for each of fiscal years 2008 through 2011” and inserting “$222,000,000 for each of fiscal years 2013 through 2017’’.

“(C) by striking paragraph (3), by striking “; and’’

“(A) by striking “$361,000,000 for each of fiscal years 2013 through 2017’’;

“(B) in paragraph (4), by striking “; and’’;

“(C) in paragraph (A)–

“(D) by adding at the end the following:

“(B) by striking “such sums as may be necessary for each of fiscal years 2007 through 2011” and inserting “$361,000,000 for each of fiscal years 2013 through 2017’’.

“(B) by striking “and remaining unobligated at the end of such fiscal year shall remain available to such entity for the purposes for which such funds were provided.”

“(B) funds contingent on achieving benchmarks.—The continued availability of funds under subparagraph (A) with respect to an entity shall be contingent upon such entity achieving the benchmarks and submitting the pandemic influenza plan as required under subsection (i).’’.

“SEC. 203. HOSPITAL PREPAREDNESS AND MEDICAL SURGE CAPACITY.

“(a) All-Hazards Public Health and Medical Response Curricula and Training.—

“Section 319F(a)(5)(B) of the Public Health Service Act (42 U.S.C. 247d–6a(5)(B)) is amended by striking “public health or medical” and inserting “public health, medical, or dental”;

“(b) Encouraging Health Professional Volunteers.—

“(1) Emergency System for Advance Registration of Volunteer Health Professionals.—Section 319I(a) of the Public Health Service Act (42 U.S.C. 247d–7b) is amended by striking “$2,000,000 for fiscal year 2002, and such sums as may be necessary for each fiscal year 2005 through 2007’’ and inserting “$5,000,000 for each of fiscal years 2013 through 2017’’.

“(2) Volunteers.—Section 2813 of the Public Health Service Act (42 U.S.C. 300bh–15) is amended—

“(A) in subsection (d)(2), by adding at the end the following: “Such training exercises shall, as appropriate and applicable, incorporate the needs of at-risk individuals in the event of a public health emergency.’’; and

“(B) in subsection (i), by striking “$641,900,000 for each of fiscal years 2007 through 2009” and inserting “$641,900,000 for fiscal year 2013’’.

“(3) Public Health and Medical Preparedness Networks.—Section 319M, the National Biodefense Science Board Act of 2012 is amended by striking “public health or medical threats,’’ after “disease outbreaks’’; and

“(4) Consultation with the National Biodefense Science Board.—In carrying out this section and consistent with section 319M, the National Biodefense Science Board
shall provide expert advice and guidance, including recommendations, regarding the measurable steps the Secretary should take to minimize and enhance biosurveillance activity pursuant to the efforts of the Department of Health and Human Services to ensure comprehensive, real-time, all-hazards biosurveillance capabilities. In complying with the efforts of the Department, the National Biodefense Science Board shall—

“(A) identify the steps necessary to achieve a national biosurveillance system for humans and animals in international and national connectivity, where appropriate, that is coordinated with and inter-operable with systemic systems and creates a networked system to allow for two-way information flow between and among Federal, State, and local government public health authorities and clinical health care providers;

“(B) identify any duplicative surveillance programs under the authority of the Secretary, or changes that are necessary to existing programs, in order to enhance and modernize such activities, minimize duplication, strengthen and streamline such activities under the authority of the Secretary, and achieve real-time and appropriate data that relate to disease activity, both human and zoonotic; and

“(C) coordinate with applicable existing advisory committees of the Director of the Centers for Disease Control and Prevention, including such advisory committees consisting of representatives from State, local, and tribal public health authorities and appropriate public and private sector health care entities and academic institutions, in order to provide guidance on public health surveillance activities.”;

“(4) in subsection (e)(5), by striking “4 years after the date of enactment of the Pandemic and All-Hazards Preparedness Act” and inserting “3 years after the date of enactment of the Pandemic and All-Hazards Preparedness Reauthorization Act of 2012”;

“(5) in subsection (g), by striking “such sums as may be necessary in each of fiscal years 2007 through 2011” and inserting “$338,300,000 for each of fiscal years 2013 through 2017”; and

“(b) by adding at the end the following:

“(1) DEFINITION.—For purposes of this section, the term ‘biosurveillance’ means the process of gathering near real-time biological data that relates to human and zoonotic disease activity and threats to human and animal health, in order to achieve early warning and identification of such health threats, early detection and prompt ongoing tracking of health events, and overall situational awareness of disease activity.”;

“SEC. 205. ELIMINATING DUPLICATIVE PROJECT BIBSHIELD REPORTS.

Section 5 of the Food and Drug Administration Reform and Health Care Modernization Act of 2004 (42 U.S.C. 247d–6c) is repealed.

TITLE III—ENHANCING MEDICAL COUNTERMEASURE REVIEW

SEC. 303. GOVERNANCE ASSISTANT.

Section 505(b)(5)(B) of the Food, Drug, and Cosmetic Act (21 U.S.C. 355(b)(5)(B)) is amended by striking “size of clinical trials intended” and all that follows through “.”. The sponsor or applicant and inserting the following: “size—

“(I) of clinical trials intended to form the primary basis of an effectiveness claim; or

“(II) in the case where human efficacy studies are not ethical or feasible, of animal and alternative clinical trials which, in combination, are intended to form the primary basis of an effectiveness claim; or

“(iii) with respect to an application for approval of an unapproved product, the data from clinical trials under section 351(k) of the Public Health Service Act, of any necessary clinical study or studies.

The sponsor or applicant.”.

“SEC. 302. AUTHORIZATION FOR MEDICAL PRODUCTS FOR USE IN EMERGENCIES.

“(a) In General.—Section 564 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bb-3) is amended by adding—

“(1) in subsection (a)—

“(I) in paragraph (1), by striking “sections 505, 510(k), or 515 of this Act” and inserting “any provision of this Act’’;

“(II) in paragraph (2)(A), by striking “under a provision of law referred to in such paragraph” and inserting “under section 505, 510(k), or 515 of this Act or section 351 of the Public Health Service Act’’; and

“(III) in paragraph (3)(A), by striking “a provision of law referred to in such paragraph” and inserting “a section of this Act or the Public Health Service Act referred to in paragraph (2)”;

“(2) in subsection (b)—

“(I) in the subsection heading, by striking ‘EMERGENCY’ and inserting ‘EMERGENCY OR THREAT JUSTIFYING EMERGENCY AUTHORIZED USE’;

“(II) in paragraph (1)—

“(i) in the matter preceding subparagraph (A), by striking ‘declare an emergency’ and inserting ‘may make a declaration that the circumstances exist’;

“(ii) in subparagraph (A), by striking ‘specified’ and inserting ‘specified’;

“(iii) in subparagraph (B)—

“(I) by striking ‘specified’; and

“(II) by striking ‘; or’ and inserting a semicolon;

“(iv) by amending subparagraph (C) to read as follows—

“(O) a determination by the Secretary that there is a public health emergency, or a significant potential for a public health emergency, that affects, or has a significant potential to affect, national security or the public health and security of United States citizens living abroad, and that involves a biological, chemical, radiological, or nuclear agent or agents, or a disease or condition that may be attributable to such agent or agents; or

“(v) by adding at the end the following—

“(D) the identification of a material threat pursuant to section 319F–2 of the Public Health Service Act sufficient to affect national security or the public health and security of United States citizens living abroad.”;

“(C) in paragraph (2)—

“(I) in subparagraph (A), by amending clause (ii) to read as follows—

“(II) a change in the approval status of the product such that the circumstances described in subsection (a)(2) have ceased to exist;

“(III) by striking subparagraph (B); and

“(IV) by redesignating subparagraph (C) as subparagraph (B);

“(D) in paragraph (4), by striking “advance notice of termination, and renewal under this subsection” and inserting “, and advance notice of termination under this subsection”;

“(E) by adding at the end the following:

“(5) EXPLANATION BY SECRETARY.—If an authorization under this section with respect to an unapproved product or an unapproved use of an approved product has been in effect for more than 1 year, the Secretary shall provide in writing to the sponsor of such product an explanation of the scientific, regulatory, or other obstacles to approval, licensure, or clearance of such product or use, including specific actions to be taken by the Secretary to overcome such obstacles.”;

“(3) in subsection (c)—

“(A) in the matter preceding paragraph (1), by striking “the Assistant Secretary for Preparedness and Response,” after “consultation with”;

“(i) by striking “Health and” and inserting “Health,” and

“(iii) by striking “circumstances of the emergency involved” and inserting “applicable circumstances described in subsection (b)(1)”; and

“(B) in paragraph (1), by striking “specified” and inserting “referred to”; and

“(C) in paragraph (2)”—

“(i) by inserting “, taking into consideration the material threat posed by the agent or agents identified in a declaration under subsection (b)(1)(D), if applicable” after “risks of the product”;

“(ii) in subsection (d)(3), by inserting “, to the extent practicable given the circumstances of the emergency,” after “including”;

“(iii) in subsection (e)—

“(A) in paragraph (1)(A), by striking “circumstances of the emergency” and inserting “applicable circumstances described in subsection (b)(1)”;

“(B) in paragraph (1)(B), by amending clause (iii) to read as follows—

“(iii) Appropriate conditions with respect to collection and analysis of information concerning the safety and effectiveness of the product with respect to the use of such product during the period when the authorization is in effect and a reasonable time following such period.”;

“(C) in paragraph (4)—

“(i) in subparagraph (A)—

“(I) by striking “manufacturer of the product” and inserting “person”;

“(II) by striking “circumstances of the emergency” and inserting “applicable circumstances described in subsection (b)(1)”;

“(iii) by inserting at the end the period “or in paragraph (1)(B);”;

“(ii) in subparagraph (B)(5), by inserting before the period at the end “, except as provided in section 564A with respect to authorization changes to the product expiration date”; and

“(iii) by amending subparagraph (C) to read as follows—

“(C) In establishing conditions under this section with respect to the distribution and administration of the product for the unapproved use, the Secretary shall not impose conditions that would restrict distribution or administration of the product when distributed or administered for the approved use.”;

“(D) by amending paragraph (3) to read as follows—

“(3) GOOD MANUFACTURING PRACTICE; PRESCRIPTION.—With respect to the emergency use of a product for which an authorization under this section is issued (whether an unapproved product or an unapproved use of an approved product), the Secretary may waive or limit, to the extent appropriate given the applicable circumstances described in subsection (b)(1)—

“(A) requirements regarding current good manufacturing practice otherwise applicable to the manufacturing, packaging, or holding of products subject to regulation under this Act, including such requirements established under section 501 or 520(t)(1), and including relevant conditions prescribed with respect to the product by an order under section 520(f)(2);

“(B) requirements established under section 506(c)(3); and

“(C) requirements established under section 520(e); and

“(D) in subsection (g)—

“(1) in the subsection heading, by inserting “REVIEW” and before “REVOCATION”;

“(2) in paragraph (1), by inserting after the period at the end the following: “As part of the review, the Secretary shall review the progress made with respect to the approval, licensure, or clearance of—
“(A) an unapproved product for which an authorization was issued under this section; or

(B) an unapproved use of an approved product for which an authorization was issued under this section;”;

and

(C) by amending paragraph (2) to read as follows:

“(2) REVISION AND REVOCATION.—The Secretary may revise or revoke an authorization under this section if:

(A) the circumstances described under subsection (a)(1) of this section are no longer met; or

(B) the criteria under subsection (c) for issuance of such authorization are no longer met; or

(C) other circumstances make such revision or revocation appropriate to protect the public health or safety.”;

(7) in subsection (b)(1), by adding after the period at the end the following: “The Secretary shall make any revisions to an authorization under this section available on the Internet Web site of the Food and Drug Administration.”;

(8) by adding at the end of subsection (j) the following:

“(d) EMERGENCY DISPENSING.—The requirement of subsections 505(b) and 520(c) shall not apply to an eligible product, and the product shall not be considered an unapproved product (as defined in section 564(a)(2)(A)) and shall not be deemed adulterated or misbranded under this Act because, with respect to such product, the Secretary has, under subsection (a)(1)(C), authorized certain deviations from current good manufacturing practices under paragraph (1).

(4) Nothing in this section shall be construed to delay, in accord with the law or other consideration by the Secretary of any application or submission pending before the Food and Drug Administration for a product for which an authorization under this section is issued.”;

and

(9) by adding at the end the following:

“(m) CATEGORIZATION OF LABORATORY TESTS ASSOCIATED WITH DEVICES SUBJECT TO AUTHORIZATION.—

“(1) IN GENERAL.—In issuing an authorization under this section with respect to a device, the Secretary may, subject to the provisions of this section, determine that a laboratory examination or procedure associated with such device shall be deemed, for purposes of section 564(b)(1) of the Public Health Service Act, to be in a particular category of examinations and procedures (including the category described by subsection (d)(3) of such section) if, based on the totality of scientific evidence available to the Secretary—

(A) such categorization would be beneficial to protecting the public health; and

(B) the known and potential benefits of such categorization under the circumstances of the authorization outweigh the known and potential risks of the categorization.

“(2) DETERMINATION.—The Secretary may establish appropriate conditions on the performance of the examination or procedure pursuant to such determination.

“(3) EFFECTIVE PERIOD.—A determination under this subsection shall be effective for purposes of section 564 of the Public Health Service Act notwithstanding any other provision of that section during the effective period of the relevant declaration under subsection (a).

“SEC. 564A. EMERGENCY USE OF MEDICAL PRODUCTS.—Subchapter E of chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 338bb et seq.) is amended by inserting after section 564 the following:

“SEC. 564A. EMERGENCY USE OF MEDICAL PRODUCTS.

“(a) DEFINITIONS.—In this section:

“(1) ELIGIBLE PRODUCT.—The term ‘eligible product’ means a product that—

(A) is approved or cleared under this chapter or licensed under section 351 of the Public Health Service Act or

(B)(i) is intended for use to prevent, diagnose, or treat a disease or condition involving a biological, chemical, radiological, or nuclear material;

(ii) is intended for use to prevent, diagnose, or treat a serious or life-threatening disease or condition caused by a product described in clause (i); and

(C) is intended for use during the circumstances under which—

(i) a determination described in subparagraph (A), (B), or (C) of section 564(b)(1) has been made by the Secretary of Homeland Security, the Secretary of Defense, or the Secretary, respectively;

(ii) the identification of a material threat described in subparagraph (D) of section 564(b)(1) has been made pursuant to section 319F-2 of the Public Health Service Act; and

(2) PRODUCT.—The term ‘product’ means a drug, device, or biological product.

“(b) EXPIRATION DATE.—

“(1) IN GENERAL.—The Secretary may extend the expiration date and authorize the introduction or delivery for introduction into interstate commerce of an eligible product after the expiration date provided by the manufacturer if—

(A) the expiration date extension is intended to support the United States ability to protect—

(i) the public health; or

(ii) military preparedness and effectiveness; and

(B) the expiration date extension is supported by an appropriate scientific evaluation that is conducted or accepted by the Secretary.

“(2) REQUIREMENTS AND CONDITIONS.—Any extension of an expiration date under paragraph (1) shall, as part of the extension, identify—

(A) each specific lot, batch, or other unit of the product for which extended expiration is authorized;

(B) the duration of the extension; and

(C) any other requirements or conditions as the Secretary may deem appropriate for ensuring the public health, which may include requirements for, or conditions on, product sampling, storage, packaging or repackaging, transport, labeling, notice to product recipients, recordkeeping, periodic testing or retesting, or product disposition.

“(d) EFFECT.—Notwithstanding any other provision of this Act or the Public Health Service Act, an eligible product shall not be considered an unapproved product (as defined in section 564(a)(2)(A)) and shall not be deemed adulterated or misbranded under this Act because it is dispensed without an individual prescription, if—

(1) the product is dispensed during the circumstances described in subsection (a)(1)(C); and

(2) such dispensing without an individual prescription occurs—

(A) as permitted under the law of the State in which the product is dispensed; or

(B) in accordance with an order issued by the Secretary, for the purposes and duration of the circumstances described in subsection (a)(1)(C).

“(e) EMERGENCY USE INSTRUCTIONS.—IN GENERAL.—When, acting through an appropriate official within the Department of Health and Human Services, a product shall not be considered an unapproved product and shall not be deemed adulterated or misbranded under this Act because of the issuance of emergency use instructions under paragraph (1) with respect to such product or the introduction for such product into interstate commerce accompanied by such instructions—

(A) during an emergency response to an actual emergency that is the basis for a determination described in subsection (a)(1)(C); or

(B) by a government entity (including a Federal, State, local, or tribal government entity), or a person acting on behalf of such a government entity, in preparation for an emergency response.

“(k) WAIVER IN PUBLIC HEALTH EMERGENCIES.—The Secretary may waive any requirement of this section with respect to a qualified countermeasure (as defined in section 319F–1(a)(2) of the Public Health Service Act; which waiver has been applied, if the Secretary determines that such waiver is required to mitigate the effects of, or reduce the severity of, the circumstances under which—

(1) a determination described in subparagraph (A), (B), or (C) of section 564(b)(1) has been made by the Secretary of Homeland Security, the Secretary of Defense, or the Secretary, respectively; or

(2) the identification of a material threat described in subparagraph (D) of section 564(b)(1) has been made by the Secretary of Defense, or the Secretary, respectively. The Secretary may not authorize a waiver under this subsection if the Secretary determines that such waiver would be inconsistent with the public health, safety, or security of the United States.

(d) PRODUCTS HELD FOR EMERGENCY USE.—The Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) is amended by inserting after section 564A, as added by subsection (b), the following:
SEC. 304. ENHANCING MEDICAL COUNTER-MEASURE DEVELOPMENT. —

(a) Authorization.—The Secretary, in consultation with countermeasure reviewers, shall establish a formal process for obtaining scientific feedback and interacting with countermeasure reviewers and potential developers. Such a process shall include—

(1) maintain teams, composed of Food and Drug Administration personnel with expertise on countermeasure development, including countermeasure sponsors and applicants, to identify and help resolve scientific issues related to the approval, licensure, or clearance of countermeasures, through workshops or public meetings; and

(2) improve and advance the science relating to the approval of new countermeasures, standards, and approaches to assessing and evaluating countermeasures.

(b) Goal.—The Secretary shall develop a process for countermeasure approval, clearance, and licensure, and with the assistance of the Secretary, shall establish a process for obtaining scientific feedback and interacting with countermeasure reviewers and potential developers. The Secretary shall—

(1) in order to inform the process for countermeasure approval, clearance, and licensure; and

(2) ensure the appropriate involvement of countermeasure reviewers and potential developers throughout the development of written regulatory management plans.

(c) Communication.—The Secretary, in consultation with countermeasure reviewers and potential developers, shall—

(1) in order to approve, clearance, or licensure of a countermeasure, consistent with sections 319F, 319F–1, 319F–2, 319F–3 of the Public Health Service Act; or

(2) improve and advance the science relating to the approval of new countermeasures, standards, and approaches to assessing and evaluating countermeasures.

(3) SUBMISSION OF REQUEST AND PROPOSED REGULATORY MANAGEMENT PROCEDURES.—

(a) General.—A sponsor or applicant may submit a request for approval of a flexible countermeasure development and approval process by the Secretary. The Secretary shall—

(1) in order to inform the process for countermeasure approval, clearance, and licensure; and

(2) ensure the appropriate involvement of countermeasure reviewers and potential developers throughout the development of written regulatory management plans.

(3) Communication.—The Secretary, in consultation with countermeasure reviewers and potential developers, shall—

(1) in order to approve, clearance, or licensure of a countermeasure, consistent with sections 319F, 319F–1, 319F–2, 319F–3 of the Public Health Service Act; or

(2) improve and advance the science relating to the approval of new countermeasures, standards, and approaches to assessing and evaluating countermeasures.

(3) SUBMISSION OF REQUEST AND PROPOSED REGULATORY MANAGEMENT PLAN.—

(a) General.—A sponsor or applicant of a flexible countermeasure development and approval process by the Secretary. The Secretary shall—

(1) in order to inform the process for countermeasure approval, clearance, or licensure of a countermeasure, consistent with sections 319F, 319F–1, 319F–2, 319F–3 of the Public Health Service Act; or

(2) improve and advance the science relating to the approval of new countermeasures, standards, and approaches to assessing and evaluating countermeasures.

(3) SUBMISSION OF REQUEST AND PROPOSED REGULATORY MANAGEMENT PLAN.—

(a) General.—A sponsor or applicant of a flexible countermeasure development and approval process by the Secretary. The Secretary shall—

(1) in order to inform the process for countermeasure approval, clearance, or licensure of a countermeasure, consistent with sections 319F, 319F–1, 319F–2, 319F–3 of the Public Health Service Act; or

(2) improve and advance the science relating to the approval of new countermeasures, standards, and approaches to assessing and evaluating countermeasures.
that no plan can be agreed upon, the Secretary shall provide to the sponsor or applicant, in writing, the scientific or regulatory rationale why such agreement cannot be reached.

(4) PLAN.—The content of a regulatory management plan agreed to by the Secretary and a sponsor or applicant shall include—

(A) between the Secretary and the sponsor or applicant regarding developmental milestones that will trigger responses by the Secretary as described in subparagraph (B);

(B) performance targets and goals for timely and appropriate responses by the Secretary to the triggers described under subparagraph (A), including meetings between the Secretary and the sponsor or applicant, written feedback, decisions by the Secretary, and other activities carried out as part of the development and review process; and

(C) an agreement on how the plan shall be modified, if needed.

(5) MILESTONES AND PERFORMANCE TARGETS.—The developmental milestones described in paragraph (4)(A) and the performance targets and goals described in paragraph (4)(B) shall include—

(A) feedback from the Secretary regarding the data necessary to support the approval, clearance, or licensure of the eligible countermeasure involved;

(B) the data necessary to inform any authorization under section 564;

(C) feedback from the Secretary regarding the data necessary to support the positioning and delivery of the eligible countermeasure, including, to the Strategic National Stockpile;

(D) feedback from the Secretary regarding any gaps in scientific knowledge that will need resolution prior to approval, licensure, or clearance of the eligible countermeasure and plans for conducting the necessary scientific research;

(E) identification of the population for which the countermeasure sponsor or applicant does not have an agreement or unless the population for which desired labeling would not be appropriate, if known; and

(F) as necessary and appropriate, and to the extent practicable, a plan for demonstrating safety and effectiveness in pediatric populations, and for developing pediatric dosing, formulation, and administration of the eligible countermeasure, provided that such plan would not delay authorization under section 564, approval, licensure, or clearance for adults.

(6) PRIORITIZATION.—

(A) PLANS FOR SECURITY COUNTERMEASURES.—The Secretary shall establish regulatory management plans for all security countermeasures for which a request is submitted under paragraph (3)(A).

(B) PLANS FOR OTHER ELIGIBLE COUNTERMEASURES.—The Secretary shall determine whether all eligible regulatory management plans for eligible countermeasures that are not security countermeasures. If resources are available to establish regulatory management plans for eligible countermeasures that are not security countermeasures, and if resources are not available to establish regulatory management plans for eligible countermeasures for which requests have been submitted, the Director of the Biomedical Advanced Research and Development Authority, in consultation with the Commission, shall prioritize which eligible countermeasures may receive regulatory management plans."

SEC. 206. REPORT.

Section 565 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bb–4), as amended by section 305, is further amended by adding at the end the following:

"(g) ANNUAL REPORT.—Not later than 180 days after the date of enactment of this subsection, and annually thereafter, the Secretary shall provide to the public on the Web site of the Food and Drug Administration a report that details the countermeasure development and review activities of the Food and Drug Administration, including—

(1) with respect to the development of new tools, standards, and approaches to assess and evaluate countermeasures—

(A) the identification of the priorities of the Food and Drug Administration and the progress made on such priorities; and

(B) the identification of scientific gaps that impede the development, approval, licensure, or clearance of countermeasures for populations with special clinical needs, including children and pregnant women, and the progress made on resolving these challenges;

(2) with respect to countermeasures for which a regulatory management plan has been agreed upon under subsection (f), the extent to which the data, targets and goals set forth in subsection (f)(4)(B) and the regulatory management plan have been met, including, for each such countermeasure—

(A) whether the regulatory management plan was completed within the required timeframe, and the length of time taken to complete such plan;

(B) when the Secretary adhered to the timely and appropriate response times set forth in such plan; and

(C) explanations for any failure to meet such performance targets and goals;

(3) the number of regulatory teams established pursuant to subsection (b)(4), the number of products, classes of products, or technologies assigned to each such team, and the number of, type of, and any progress made as a result of consultations carried out under subsection (b)(4)(A);

(4) an estimate of resources obligated to countermeasure development and regulatory assessment, including—

(A) Center-specific objectives and accomplishments;

(B) the number of full-time equivalent employees of the Food and Drug Administration who directly support the review of countermeasures;

(C) the number of countermeasure applications and submissions submitted, the number of countermeasures approved, licensed, cleared, the status of remaining submitted applications and submissions, and the number of each type of authorization issued pursuant to section 564;

(D) the number of written requests for a regulatory management plan submitted under subsection (f)(3)(A), the number of regulatory management plans developed, and the extent to which the Secretary adhered to the timely and appropriate response times set forth in such plan; and

(E) the number, type, and frequency of meetings between the Food and Drug Administration and—

(A) sponsors of a countermeasure as defined in subsection (a); or

(B) another agency engaged in development, including the Centers for Disease Control and Prevention, the Biomedical Advanced Research and Development Authority, the National Institutes of Health, and the appropriate agencies of the Department of Defense.";
(a) PROCUREMENT OF COUNTERMEASURES.—Section 319L(c)(4) of the Public Health Service Act (42 U.S.C. 247d–6d(c)(4)) is amended—
(1) in paragraph (1)(B)(iii)(II)(bb), by striking ‘‘eight years’’ and inserting ‘‘10 years’’;
(2) in paragraph (2)(C), by striking ‘‘the designated congressional committees (as defined in paragraph (10))’’ and inserting ‘‘the appropriate committees of Congress’’;
(3) in paragraph (3)(B)(ii), by striking ‘‘eight years’’ and inserting ‘‘10 years’’;
(4) in subparagraph (C) of paragraph (6)—
(A) in the subparagraph heading, by striking ‘‘COUNTERMEASURES’’ and inserting ‘‘APPROPRIATE CONGRESSIONAL COMMITTEES’’; and
(B) by striking ‘‘the designated congressional committees’’ and inserting ‘‘the appropriate congressional committees’’; and
(5) in paragraph (7)(C)—
(A) in clause (i)(1), by inserting ‘‘including advanced research and development,’’ after ‘‘as may reasonably be required,’’;
(B) in clause (ii)—
(i) in subparagraph (B)(i), by striking ‘‘eight’’ and inserting ‘‘10’’;
(ii) by striking clause (IX) and inserting the following:
‘‘(IX) CONTRACT TERMS.—The Secretary, in any contract for procurement under this section—
‘‘(aa) may specify—
‘‘(AA) the dosing and administration requirements for the countermeasure to be developed and procured;
‘‘(BB) the amount of funding that will be dedicated by the Secretary for advanced research, development, and procurement of the countermeasure; and
‘‘(CC) the specifications the countermeasure must meet to qualify for procurement under a contract under this section; and
‘‘(bb) shall provide a clear statement of defined Government purpose limited to uses related to a security countermeasure, as defined in paragraph (1)(B),’’; and
(C) by adding at the end the following:
‘‘(vii) R&D funding.—In carrying out this section, the Secretary may, consistent with the applicable provisions of this section, enter into contracts and other agreements that are in the best interest of the Government in meeting identified security countermeasure needs, including with respect to reimbursement of the cost of advanced research and development as a reasonable, allowable, and allocable direct cost of the contract involved.’’;
(b) REAUTHORIZATION OF THE SPECIAL RESERVE FUND.—Section 319F–2 of the Public Health Service Act (42 U.S.C. 247d–6b) is amended—
(1) in subsection (c)—
(A) striking ‘‘special reserve fund under paragraph (10)’’ and inserting ‘‘special reserve fund as defined in subsection (h)’’; and
(B) by striking paragraphs (9) and (10); and
(2) by adding at the end the following:
‘‘(g) SPECIAL RESERVE FUND.—
‘‘(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to the appropriation provided for the special reserve fund prior to the date of the enactment of this subsection, there is authorized to be appropriated, for the procurement of security countermeasures under this subsection and for carrying out section 319L (relating to the Biomedical Advanced Research and Development Authority), $2,800,000,000 for the period of fiscal years 2014 through 2018. Amounts appropriated pursuant to the preceding sentence are authorized to remain available until September 30, 2019.
‘‘(2) USE OF SPECIAL RESERVE FUND FOR ADVANCED RESEARCH AND DEVELOPMENT.—The funds authorized to be appropriated under paragraph (1) to carry out section 319L (relating to the Biomedical Advanced Research and Development Authority), Amounts authorized to be appropriated under this subsection to carry out section 319L are in addition to amounts otherwise authorized to be appropriated to carry out such section.
‘‘(3) RESTRICTIONS ON USE OF FUNDS.—Amounts in the special reserve fund shall not be obligated or expended to pay amounts made by the Secretary to a vendor for advanced development (under section 319L) or for procurement of a security countermeasure under subsection (c)(7).
‘‘(4) REPORT.—Not later than 30 days after any date on which the Secretary determines that the amount of funds in the special reserve fund available for procurement is less than $1,500,000,000, the Secretary shall submit to the appropriate committees of Congress a report detailing the amount of such funds available for procurement and the impact such reduction in funding will have—
‘‘(A) in meeting the security countermeasure needs identified under this section; and
‘‘(B) on the annual Public Health Emergency Medical Countermeasures Enterprise and Strategy Implementation Plan (pursuant to section 315).’’;
(c) QUALIFIED PANDEMIC OR EPIDEMIC PRODUCT.—Section 319F–3(a)(2)(A) of the Public Health Service Act (42 U.S.C. 247d–6a(a)(2)(A)) is amended—
(1) in the matter preceding clause (i), by striking ‘‘to—’’ and inserting ‘‘—’’;
(2) by adding at the end the following:
‘‘(ii) by striking ‘‘diagnose’’ and inserting ‘‘to diagnose’’; and
‘‘(ii) by striking ‘‘or’’ and inserting ‘‘; or’’;
(C) in clause (i)—
(i) by striking ‘‘diagnose’’ and inserting ‘‘to diagnose’’;
(ii) by striking the period at the end and inserting ‘‘; or’’; and
(D) by adding at the end the following:
‘‘(ii) a product or technology intended to enhance the use or effect of a drug, biological product, or device described in clause (i) or (ii).’’;
(d) TECHNICAL AMENDMENTS.—Section 319F– 3(i) of the Public Health Service Act (42 U.S.C. 247d–6d(i)(1)(T)(A)) is amended—
(1) in clause (i), by striking ‘‘or’’ and inserting ‘‘; or’’;
(2) in clause (ii), by striking ‘‘and’’ and inserting ‘‘; or’’;
(3) in clause (iii), by striking ‘‘and’’ and inserting ‘‘; or’’;
(4) by adding at the end the following:
‘‘(iii) a product or technology intended to enhance the use or effect of a drug, biological product, or device described in clause (i) or (ii).’’;
(e) QUALIFIED PANDEMIC OR EPIDEMIC PRODUCT.—Section 319F–3(i)(7)(A) of the Public Health Service Act (42 U.S.C. 247d–6a(7)(A)) is amended—
(1) in the matter preceding clause (i), by striking ‘‘to—’’ and inserting ‘‘—’’;
(2) by adding at the end the following:
‘‘(ii) a product or technology intended to enhance the use or effect of a drug, biological product, or device described in clause (i) or (ii).’’;
(f) TECHNICAL AMENDMENTS.—Section 319F– 3(i) of the Public Health Service Act (42 U.S.C. 247d–6d(i)(1)(T)(A)) is amended—
(1) in paragraph (1)(C), by inserting ‘‘, 564A, or 564B’’ after ‘‘564’’; and
(2) in paragraph (7)(B)(iii), by inserting ‘‘, 564A, or 564B’’ after ‘‘564’’;
(g) COMPLIANCE WITH CERTAIN PROVISIONS.—Section 319F–2(b) of the Public Health Service Act (42 U.S.C. 247d–6b) is amended—
(1) in subsection (a)—
(A) in paragraph (1)—
   (i) by inserting “consistent with section 2811” before “by the Secretary to be appropriate”; and
   (ii) by inserting before the period at the end of the second sentence the following: “and shall submit such review annually to the appropriate congressional committees of jurisdiction to the extent that disclosure of such information does not compromise national security”; and
   (B) in paragraph (2)(D), by inserting before the semicolon at the end the following: “and that the potential depletion of countermeasures currently in the stockpile is identified and appropriately addressed, including through replenishment;”
   (2) in subsection (f)(1), by striking “$650,000,000 for fiscal year 2002, and such such sums as may be necessary for each of fiscal years 2003 through 2006. Such authorization is in addition to amounts in the special reserve fund referred to in subsection (c)(10)(A),” and inserting “$533,800,000 for each of fiscal years 2013 through 2017. Such authorization is in addition to amounts in the special reserve fund referred to in subsection (b).”
SEC. 404. NATIONAL BIODEFENSE SCIENCE BOARD.
Section 319M(a) of the Public Health Service Act (42 U.S.C. 247d–f(a)) is amended—
   (1) in paragraph (2)—
      (A) in subparagraph (D)—
         (i) in clause (i), by striking “and” at the end;
         (ii) in clause (ii), by striking the period and inserting a semicolon; and
         (iii) by adding at the end the following: “; and
   (2) in paragraph (5)—
      (A) in subparagraph (D)—
         (i) in clause (i), by striking “and” at the end;
         (B) in subparagraph (C), by striking the period and inserting “; and”;
         (C) in clause (ii), by striking the following: “(D) provide any recommendation, finding, or report provided to the Secretary under this paragraph to the appropriate committees of Congress.”

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. ROGERS) and the gentleman from Texas (Mr. GENE GREEN) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. ROGERS of Michigan. Madam Speaker, I ask unanimous consent that the bipartisan House and Senate-passed preparedness bills, I would like to take this opportunity to thank the bipartisan cosponsors, including Chairman UPTON and Ranking Member WAXMAN, as well as our great bipartisan partners in the Senate for their support in what has been a very productive process to ensure the health, preparedness of our States and hospitals for the next flu outbreak or pandemic.

The bill will reauthorize critically important biodefense programs designed to ensure the continuity development of medical countermeasures against threats and would strengthen the Nation’s public health preparedness infrastructure. Reauthorizing these programs is essential to how the Nation would respond to a chemical, biological, radiological, or nuclear attack. PAHPRA will reauthorize critically important programs for 5 years at the fiscal year 2012 appropriated level. The bill would not create a new program nor increase the authorization for any countermeasures program.

H.R. 6672 would reauthorize and improve certain provisions of Project BioShield and PAHPRA. Its passage, I think, is important for the future of our national security here at home. Madam Speaker, I reserve the balance of my time.

Mr. GENE GREEN of Texas. I yield myself such time as I may consume.

I rise in strong support of the Pandemic and All-Hazards Preparedness Reauthorization Act of 2012, which passed the House last year. This bill reflects common ground reached between the House and Senate through months and months of bipartisan negotiations. I’m hopeful that the Congress, House and Senate, will enact the bill this week so that we can ensure that our Nation is prepared for the unthinkable of this Congress.

This bill reauthorizes the special reserve fund, the Biodefense Advanced Research and Development Authority, and public health preparedness programs, while eliminating duplicative reports. It also clarifies that the Assistant Secretary for Preparedness and Response is the leader of the Federal Government’s efforts on preparedness countermasures require time, resources, and research—all of which will be provided under the legislation before us today. I’m pleased that the language I supported during the committee process was included, aimed at increasing emphasis on regionalized threats and a system to protect Americans in the event of such an attack. As a result of these efforts, we now have numerous vaccines and treatments in the Strategic National Stockpile that will save thousands of lives if appropriately used in the time frame to protect Americans against bioterrorism is not finished; and we must pass this bill, or the future of America’s public health preparedness infrastructure will be in jeopardy.

The Pandemic and All-Hazards Preparedness Authorization Act, known as PAHPRA, is a fiscally responsible bill that represents common ground between the bipartisan House and Senate-passed preparedness bills. We have a great opportunity to thank the bipartisan cosponsors, including Chairman UPTON and Ranking Member WAXMAN, as well as our great bipartisan partners in the Senate for their support in what has been a very productive process to ensure the health, preparedness of our States and hospitals for the next flu outbreak or pandemic.

Mr. ROGERS of Michigan, I yield 2 minutes to the distinguished chairman of the House Committee on Energy and Commerce, the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. I particularly want to thank Mr. ROGERS, who has helped shepherd this bill through our committee. I appreciate the very hard work of Chairman PITTS, Ranking Members WAXMAN and PALLONE, along with all the members of our committee to get this bill done and to the floor this afternoon.

Madam Speaker, this bill, the Pandemic and All-Hazards Preparedness Reauthorization Act of 2012, would reauthorize programs designed to encourage the development of medical countermeasures and improve the Nation’s health infrastructure to help us respond to a terrorist attack. This bill is very similar to H.R. 2405, the Pandemic and All-Hazards Preparedness Act of 2011, which passed the House last year.

This bill reflects common ground reached between the House and Senate through months and months of bipartisan negotiations. I am hopeful that the Congress, House and Senate, will enact the bill this week so that we can ensure that our Nation is prepared for the unthinkable of this Congress.
and response. This clarification will help in removing duplication, improving coordination, and providing accountability.

The bill also takes important steps to foster medical countermeasure development by ensuring that the PDA’s regulations and medical countermeasures are predictable, consistent, and, in fact, transparent. Finally, the bill would provide additional flexibility for emergency distribution, stockpiling, and use of medical countermeasures. The bill is prepared for whatever may happen.

I would like to yield such time as she may conclude to the gentleman from California (Ms. ESHOO) and stress her involvement in this issue over the years.

The SPEAKER pro tempore. Without objection, the gentleman from New Jersey will control the time.

Mr. SHO:-: I rise today in support of the Pandemic and All-Hazards Preparedness Act’s reauthorization. I am pleased to rise today in support of H.R. 6672, the Pandemic and All-Hazards Preparedness Act of 2012. This bill reflects bipartisan work done by the majority staff, for all their help in developing the legislation before us today reauthorizes programs and activities first established as part of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002, the 2004 Project BioShield Act, and the 2006 Pandemic and All-Hazards Preparedness Act.

In the wake of 9/11, Congress placed a high priority on biodefense. Congress first passed the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 to improve the Nation’s ability to respond to acts of biological terrorism. In 2004, we passed the Project BioShield Act with tremendous bipartisan support, and Democrats and Republicans worked together to authorize the development, procurement, and emergency use of medical countermeasures for biological, chemical, radiological, and nuclear threats.

We then identified some shortfalls, and in 2006 worked to amend and build upon the existing program and Department of Health and Human Services authorities by passing PAHPA. For example, PAHPA charged the Assistant Secretary for Preparedness and Response with the Department’s public health and medical response. It required, a National Health Security Strategy to guide the Department’s preparedness and response efforts, reauthorize grants to improve State and local public health and hospital preparedness, and establish the Biomedical Advance Research and Development Authority to spur development of medical countermeasures.

Together, BioShield and PAHPA represent more comprehensive efforts to prepare for and respond to public health emergencies, whether they’re naturally occurring events like the H1N1 outbreak, or those that are deliberate, such as anthrax attacks. As a result of these bills and the investments that followed, our Nation is better equipped to respond to public health emergencies.

I’d just like to take a few moments, Madam Speaker, to highlight ways we’ve made over the past decade.

First, the bill further facilitates the development of medical countermeasures through emphasizing medical countermeasures advancement in the National Health Security Strategy; requiring the development of a 5-year budget analysis of the countermeasure enterprise; and calling for the development of a countermeasure strategy and implementation plan.

Second, Madam Speaker, H.R. 6672 bolsters the Nation’s medical and public health preparedness and response infrastructure, including through a new authority that would allow States to redeploy personnel funded through Federal programs to the areas within their State where they’re most needed in the aftermath of a disaster.

Third, it strengthens and clarifies the position of Assistant Secretary for...
Preparedness and Response as the lead for HHS on emergency preparedness and response and calls for streamlining and better coordinating HHS preparedness grants with those of other departments.

Next, it places even greater emphasis on the special needs of pediatric and other at-risk populations in preparing for and responding to public health emergencies.

Finally, H.R. 6672 improves FDA's emergency response capabilities. It will enable FDA to authorize the distribution and use of medical countermeasures in preparation for an emergency and to take actions during an emergency that will allow for the most effective use of medical countermeasures.

I'd like to thank Congressman MIKE ROGERS, Congressman GENE GREEN, and their staff who authored the original House legislation, H.R. 2465. I'd like to recognize contributions of Chairwoman UPTON, Chairman PITTS, Ranking Member WAXMAN, Congresswoman ESHOO, and Congressman MARKET, and their staff in strengthening the legislation as it moved through the committee process and in discussions with the Speaker. They have all worked in a bipartisan fashion over the past 1½ years to accomplish the goals of our Members and should be commended for their work.

I also urge Members to join me in supporting passage of H.R. 6672. I’m hopeful that our Senate colleagues will similarly support this bill’s passage so we can get the bill to the President’s desk.

Madam Speaker, I reserve the balance of my time.

Mr. ROGERS of Michigan. Madam Speaker, at this time we have no further speakers, and I would continue to reserve the balance of my time.

Mr. Speaker, I'd like to submit letters of support from the following organizations into the RECORD: the Alliance for Biosecurity, the American Academy of Pediatrics, the Biotechnology Industry Organization, the BIO, the Roundtable on Critical Care Policy, and a joint letter from four public health organizations. Those are the American Public Health Association, the Association of State and Territorial Health Officials, the National Association of County and City Health Officials, and the Trust for America’s Health.

I yield back the balance of my time.

ALLIANCE FOR BIOSECURITY, Office of the Secretary and Legal Counsel, Washington, DC, December 17, 2012.

DEAR REPRESENTATIVE ROGERS: On behalf of the Alliance for Biosecurity, I write in strong support of the Pandemic All-Hazards Preparedness Reauthorization Act of 2012 (H.R. 6672). The Alliance for Biosecurity is a collaboration of pharmaceutical and biotechnology companies working to develop medical countermeasures (MCMs) to prevent and treat diseases associated with bioterrorism and emerging infectious diseases. It is essential to our nation’s safety that this bill is passed by the House and Senate before the end of the 112th Congress.

As you know, biomedical, biological, radiological, and nuclear (CBRN) threat is real and growing. It is critical that the country continues to develop and stockpile MCMs to both deter an attack and protect our citizens should a bioterrorism event occur. The Congressionally-established Commission on Weapons of Mass Destruction Prohibition and Terrorism 2008 report predicted that “it is more likely than not that a weapon of mass destruction in a terrorist attack somewhere in the world by the end of 2013.” There is a limited commercial market for MCMs; consequently, without adequate advanced research and development funding, companies have neither the incentive nor the ability to invest in these life-saving therapies.

Reauthorization of PAHPA and Project BioShield is critical to ensuring the sustainability of the MCM enterprise. We applaud the tireless work of you and your colleagues on this legislation and that this measure is brought up for consideration in the House and Senate without delay to ensure that our nation remains prepared to face such threats.

Respectfully submitted on behalf of the Alliance for Biosecurity,
MACREEN DONAHUE HARDWICK, Secretariat and Legal Counsel,
AMERICAN ACADEMY OF PEDIATRICS, December 18, 2012.

Hon. MIKE ROGERS,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN ROGERS: On behalf of the American Academy of Pediatrics (AAP), a professional organization of 60,000 primary care pediatricians, pediatric medical subspecialists, and pediatric surgical specialists dedicated to the health, safety, and well-being of infants, children, adolescents, and young adults, I write to express our support for H.R. 6672, the Pandemic and All-Hazards Preparedness Reauthorization Act of 2012.

Representing twenty-five percent of the U.S. population, children are not little adults. Their size and unique physiology place them at disproportionate risk during a disaster situation. Children are particularly vulnerable to aerosolized biological or chemical agents because they breathe more times per minute than adults and they are more vulnerable to agents that act on or through the skin because their skin is thinner and they have a larger surface-to-mass ratio than adults. Children need different dosages of medicine than adults, not only because they are smaller, but also because certain drugs and biologics may have different or unanticipated effects on developing children. From needles and tubing, to oxygen masks on neonatal intensive care unit patients, to laboratory access, children need medical equipment that has been specifically designed for their size and unique physiology.

Numerous expert bodies including the National Commission on Children and Disasters and the National Biodefense Science Board (NBSB) have found that, with respect to medical countermeasures (MCMs) for children, significant gaps remain in pediatric indications, dosages and formulations. H.R. 6672 includes several important provisions that would help develop, procure, and stockpile MCMs for children by maximizing existing pediatric drug testing laws, increasing pediatric expertise at federal agencies involved in MCM development, procurement, and prioritizing children within the existing Public Health Emergency Medical Countermeasures Enterprise. Additionally, the expansion of existing emergency use authorization authority will be critical to ensuring that countermeasures for children are stockpiled in advance of a disaster or emergency.

In particular, the Academy thanks you for including a provision that will require the Secretary of Health and Human Services to establish a National Advisory Committee on Children and Disasters. With the termination of the National Commission on Children and Disasters, which helped focus attention on gaps in disaster planning and delivered practical recommendations to the President and Congress, the National Advisory Committee on Children and Disasters will help ensure that Congress is served at a high level, and throughout the private sector continues. Importantly, the Advisory Committee will bring together federal and non-federal partners to provide guidance and recommendations on our nation’s preparedness to meet the needs of children before, during and after all-hazards emergencies. It is our hope that the Advisory Committee will comprehensively assess progress toward fulfilling the recommendations of the National Commission on Children and Disasters. The Academy looks forward to working with you and the Department of Health and Human Services to establish the National Advisory Committee on Children and Disasters.

H.R. 6672 maintains the important role of the National Disaster Medical System (NDMS) while ensuring that the NDMS takes into account pediatric populations. It also ensures that the requirements for the Hospital Preparedness Program and the Public Health Emergency Preparedness Program Agreement Program have specific pediatric performance measures. The AAP applauds the requirement in the legislation that the NBSB include an individual with pediatric subject matter expertise.

Thank you for your continued commitment to improving the health and well-being of children. We look forward to working with you on passage of H.R. 6672.

Sincerely,

THOMAS K. MCINERNEY, MD, FAAP, President.

BIOTECHNOLOGY INDUSTRY ORGANIZATION, December 18, 2012.

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

DEAR SPEAKER BOEHNER and MINORITY LEADER PELOSI: On behalf of the Biotechnology Industry Organization (BIO), I am writing with our support for H.R. 6672, the Pandemic and All-Hazards Preparedness Reauthorization Act of 2012.

BIO represents more than 1,100 biotechnology companies, academic institutions, state biotechnology centers and related organizations across the United States. BIO members are involved in the research and development of healthcare, agricultural, industrial and environmental biotechnology products. Our members play a central role in ensuring the effective development of medical countermeasures to prevent our nation’s citizens against chemical, biological, radiological and nuclear threats, whether naturally occurring or man-made.

BIO strongly supports the unanimous reauthorization of Project BioShield and the Special Reserve Fund (SRF) with PAHPRA.
Because the government represents the sole marketplace for the vast majority of MCMs, the funding available through the SRF is vital for private companies, considering the high credit risk and time commitment associated with the development and manufacture of these products. We also support the bill’s provisions clarifying the regulatory processes for U.S. Food and Drug Administration (FDA) for MCMs, as these provisions will help accelerate MCM development and approval, improving the nation’s preparedness.

We thank you for moving the legislation forward in the House, and we look forward to working with you, Chairman Rogers, and the Senate to ensure that H.R. 6672 is ultimately enacted into law this year. Thank you.

Sincerely,

JAMES C. GREENWOOD,
President & CEO.

The Roundtable
On Critical Care Policy

Hon. NANCY PELOSI,
House Minority Leader, U.S. Capitol, Washington, DC.

Mr. Speaker, Mr. Minority Leader, and Members of the House:

Mr. WAXMAN. Madam Speaker, I rise in support of H.R. 6672, the Pandemic and All-Hazards Preparedness Reauthorization Act of 2012 (PAHPRA/H.R. 6672) before the House of Representatives this week. We thank you for your leadership on this legislation that is critical to the safety of our nation.

PAHPRA is vital to state and local health and other public health practitioners who are a critical part of any community’s first response to disease outbreaks, emergencies, and acts of terrorism. The following provisions in particular are essential to keeping communities healthy and safe:

1. Enhancing Situational Awareness and Bio-surveillance (Section 204): The bill calls for planning and integrating bio-surveillance systems to strengthen the nation’s bioterrorism and disease outbreak response capabilities. The bill also requires coordination with the Defense Science Board. HHS is required to provide a report to Congress on their implementation plans and progress.

2. Individuals with Disabilities (Section 101): The bill calls for the consideration of the needs individuals with disabilities in the National Health Security Strategy.

Thank you again for your work to reauthorize this important legislation. We look forward to working with you and your staff to move this bill to the President’s desk.

Sincerely,

GEORGES C. BENJAMIN, MD,
FAAP, FACP, FACEP, FSAHM,
Executive Director, American Public Health Association.

PAUL E. JARRIS, MD, MBA,
Executive Director, Association of State and Territorial Health Officials.

ROBERT M. PESTRONK, MPH,
Executive Director, National Association of County and City Health Officials.

JEFF LEVI, PhD,
Executive Director, Trust For America’s Health.

Mr. ROGERS of Michigan. Madam Speaker, there are many things that keep me awake at night as the chairman of the House Permanent Select Committee on Intelligence. The growing threat from chemical, biological, radiological, and nuclear attacks not only abroad but here is of growing concern. Instability in governments that possess these materials, an increasing interest from those who would choose to do harm to the United States, desire to get their hands on these materials means that we must prepare ourselves here at home for the unfortunate, I think unlikely certainly in the short term, but possible position of being attacked with these disturbing weapons systems. This is that important step to protect Americans by increasing our stockpiles, and I would urge its passage.

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

Mr. WAXMAN. Madam Speaker, I rise in support of H.R. 6672, the Pandemic and All-Hazards Preparedness Reauthorization Act of 2012, and urge my colleagues to support this bill as well.

Madam Speaker, this legislation has been a long time coming. The House version of the
Mr. PAULSEN. Madam Speaker, I rise in strong support of the Pandemic and All-Hazards Preparedness Reauthorization Act of 2012. This legislation will bolster the nation’s public health preparedness infrastructure and enhance the regulation of pharmaceutical products that provide key resources to states, health departments, and hospitals.

I am particularly pleased that the final legislation contains key provisions that enhance the nation’s ability to care for the critically ill and injured in the aftermath of a public health emergency. For the first time, the federal government will be required to prioritize the critical care system in its emergency and disaster planning efforts. Furthermore, the bill requires additional planning regarding evacuation of patients.

Last year, I introduced legislation with my colleague from Wisconsin, Congresswoman BALDWIN to ensure that the nation’s critical care system is structured to provide the highest quality and most efficient health care. This legislation is designed to determine inefficiencies in the current system and bolster capabilities to meet future demands—including improving federal disaster preparedness efforts to care for the critically ill or injured.

A key aspect of this bill was to put in place measures to ensure there are sufficient numbers of critical care providers to respond to a medical crisis, develop best practices for the safe evacuation of ICU patients, and enhance the current databases that provide necessary resource information in the aftermath of a disaster. I am happy to report that these important provisions are all reflected in today’s bill.

Today’s bill recognizes that critical care services play an important role in our medical response system and provides an opportunity to build more prepared and resilient communities that are able to respond and contain the impact of a public health emergency. I urge its passage.

The SPEAKER pro tempore. Pursuant to the rule, the Speaker pro tempore directed me to announce that the Speaker has determined that a quorum is present. The question was taken.

The yeas and nays were ordered.

Mr. PITTS. Mr. Speaker, I move to suspend the rules and pass the bill, H.R. 6672.

Mr. PITTS. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1440) to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity, as amended.

The Clerk read the title of the bill.

The text of the amendments is as follows:

Amendments: Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Prematurity Research Expansion and Education for Mothers who Deliver Infants Early Reauthorization Act” or the “PREEMIE Reauthorization Act”.

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—PREMATURITY RESEARCH EXPANSION AND EDUCATION FOR MOTHERS WHO DELIVER INFANTS EARLY

Sec. 101. Research and activities at the Centers for Disease Control and Prevention.

Sec. 103. Activities at the Health Resources and Services Administration.

Sec. 102. Activities at the Centers for Disease Control and Prevention.

Sec. 101. Research and activities at the Centers for Disease Control and Prevention.

(a) EPIDEMIOLOGICAL STUDIES.—Section 3 of the Prematurity Research Expansion and Education for Mothers who deliver Infants Early Act (42 U.S.C. 247b–4f) is amended by striking subsection (b) and inserting the following:

(’B) conduct activities to improve national data to facilitate tracking the burden of preterm birth; and

(C) continue efforts to prevent preterm birth, including late preterm birth, through the identification of opportunities for prevention and the assessment of the impact of such efforts.

(2) REPORT.—Not later than 2 years after the date of enactment of the PREEMIE Reauthorization Act, and every 2 years thereafter, the Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, shall submit to the appropriate committees of Congress reports concerning the progress and any results of studies conducted under paragraph (1).

(b) REAUTHORIZATION.—Section 3(e) of the Prematurity Research Expansion and Education for Mothers who deliver Infants Early Act (42 U.S.C. 247b–4f(e)) is amended by striking “2011” and inserting “2017”.

SEC. 102. ACTIVITIES AT THE HEALTH RESOURCES AND SERVICES ADMINISTRATION.

(a) TELEMEDICINE AND HIGH-RISK PREGNANCIES.—Section 330I(h)(1)(B) of the Public Health Service Act (42 U.S.C. 254p(h)(3)) is amended by striking “2011” and inserting “2017.”
§ 201. NATIONAL PEDIATRIC RESEARCH NETWORK

Section 409D of the Public Health Service Act (42 U.S.C. 248h; relating to the Pediatric Research Initiative) is amended—

(1) by redesignating subsection (d) as subsection (f); and

(2) by inserting after such subsection—

"(g) NATIONAL PEDIATRIC RESEARCH NETWORK—

"(1) NETWORK.—In carrying out the Initiative, the Director of NIH may award grants and cooperative agreements to public or private nonprofit entities—

"(i) for establishing or strengthening pediatric research consortia; and

"(ii) for providing support for such consortia, including with respect to—

"(I) basic, clinical, behavioral, or translational research to meet unmet pediatric research needs; and

"(II) training researchers in pediatric research techniques in order to address unmet pediatric research needs.

"(B) RESEARCH.—The Director of NIH may ensure that—

"(i) each consortium receiving an award under paragraph (A) conducts or supports at least one category of research described in subparagraph (A)(ii)(I) and collectively such consortia conduct or support all such categories of research; and

"(ii) one or more such consortia provide training described in subparagraph (A)(ii)(II)."

The Secretary shall make awards under this paragraph for not more than 8 pediatric research consortia, with a minimum of one pediatric research consortium that prioritizes collaboration with institutions serving rural areas.

§ 301. PROGRAM OF PAYMENTS TO CHILDREN'S HOSPITALS THAT OPERATE GRADUATE MEDICAL EDUCATION PROGRAMS

(a) In general.—Section 306E of the Public Health Service Act (42 U.S.C. 256e) is amended—

(1) in subsection (a), by striking "and each of fiscal years 2007 through 2011" and inserting "and each of fiscal years 2007 through 2013"; and

(2) in subsection (d), by striking "each of fiscal years 2007 through 2011" and inserting "each of fiscal years 2007 through 2013".

(b) Report to Congress.—Section 306E(b)(3)(D) of the Public Health Service Act (42 U.S.C. 256e(b)(3)(D)) is amended—

(1) by striking "and each of fiscal years 2007 through 2011" and inserting "and each of fiscal years 2007 through 2013".
The chair recognizes the gentleman from Pennsylvania. Mr. PALLONE. Madam Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 1440, the Prematurity Research Expansion and Education for Mothers who deliver Infants Early Authorization, or the “PREEMIE” Reauthorization Act, would take important steps to protect and improve children’s health. The bill includes three important programs: the PREEMIE Reauthorization Act, the National Pediatric Research Network, and the Children’s Hospitals Graduate Medical Education Reauthorization.

The PREEMIE Reauthorization Act addresses one of the leading causes of neonatal death and a major cause of childhood disabilities: preterm birth. Since its passage in 2006, the PREEMIE Act has sponsored important research that has led to improved prevention and care of children born too early. Reauthorization will mean the continuation of the program that will lead to even better outcomes for children.

The National Pediatric Research Network is a proven way to support pediatric research by coordinating multi-centered research activities, including those in rural areas. By working in teams, researchers can focus their efforts on diseases, especially for diseases that are rare or affect a small population of children. Most of the approximately 7,000 rare diseases are pediatric and often genetic, and doctors do not have sufficient therapies to treat them. This bill will help alleviate that problem.

The Children’s Hospital Graduate Medical Education Reauthorization would enable the Department of Health and Human Services to provide funding to freestanding children’s hospitals to support training of pediatricians and other residents. Prior to the enactment of CHGME, the number of residents in children’s hospitals had declined by 13 percent. Now the program has enabled children’s hospitals to increase their training programs by 35 percent.

In my home State of Pennsylvania, three premier children’s hospitals, Children’s Hospital of Pittsburgh, St. Christopher’s Hospital for Children, and Children’s Hospital of Philadelphia receive CHGME funds that support and ensure world-renowned health care for children.

CHGME is a significant achievement in pediatric health care in Pennsylvania and across the country. Despite these gains, shortages still exist, and the future of the pediatric workforce relies on the continuation of CHGME. I commend the leadership on both sides of the aisle and in the committee for their leadership on this. These programs enjoy bipartisan support, and I urge my colleagues to support S. 1440.

I reserve the balance of my time.

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

I am pleased to rise in support of S. 1440, as amended. The legislation before us extends two existing programs and creates one new initiative, all activities that impact children’s health.

The first title of the legislation reauthorizes the Prematurity Research Expansion and Education for Mothers who deliver Infants Early, or PREEMIE, Act through fiscal year 2017. The PREEMIE Act was signed into law in 2006, and I was proud to be a cosponsor of the original House legislation.

S. 1440, as amended, calls for further studies on factors related to prematurity, improved data on the national burden of preterm birth, continued preterm birth prevention efforts, and strengthened public and health provider education on risk factors for preterm delivery and treatments and outcomes for preterm infants. The legislation also codifies an advisory committee to the Health and Human Services on infant mortality and directs the Secretary to coordinate existing quality studies on hospital readmissions and preterm infants.

Since the enactment of the PREEMIE Act, we’ve seen the preterm birth rate decline to its present level of just under 12 percent, the lowest rate we’ve seen since the late nineties. The good news is there’s been progress in reducing the causes of preterm births and promoting interventions that work. On the other hand, however, we still don’t know the causes of premature birth in up to 40 percent of cases. And then there’s the cost to the health care system of prematurity births—more than $26 billion each year—not to mention the increased risks of serious disability and death for newborns and the tremendous toll prematurity takes on their families. And that’s precisely why the goals of the PREEMIE Act are just as salient as they were 6 years ago.

The second title is similar to the House-passed National Pediatric Research Network Act of 2012 and allows the National Institutes of Health to establish a national pediatric research network comprised of up to eight pediatric research consortia, or groups of collaborating institutions. The consortia will conduct basic clinical, behavioral, and translational research on pediatric diseases and conditions.

Among the eight consortia, the NIH Director will ensure that an appropriate number of awards go to consortia that focus primarily on pediatric rare diseases, such as muscular atrophy or birth defects such as Down syndrome. There are many rare pediatric diseases, and in some of these diseases, the children are incredibly fragile. If we can allow for research to occur across the country, not just on one single location, research can be done at a larger level because children could then participate without having to travel.

Additionally, we all know too well that, traditionally, pediatric research has been underfunded. That can make it hard to train and develop the research talent needed to address these devastating illnesses. The consortia can therefore be the training grounds for future researchers, helping to fill the pediatric pipeline.

Finally, the third title, Madam Speaker, of the amendment to S. 1440 reauthorizes the Children’s Hospitals Graduate Medical Education, or CHGME, program through fiscal year 2017. The legislation maintains the current authorization level and will support the work of 56 children’s hospitals training over 5,000 pediatric residents in 30 States.

The CHGME program was first established in 1992, following declines in pediatric training programs that threatened the stability of the pediatric workforce.

Like any parent knows, it’s important to have a trusted health provider to turn to when your child is sick or hurt. In Congress, on a bipartisan basis, we recognize that if we didn’t create and fund programs to train pediatricians, there wouldn’t be anyone left to care for our kids.

Since its inception, the CHGME program has been a success story, supporting children’s hospitals and their work to train future generations of our pediatric workforce, including pediatric subspecialists in very short supply. Representing only 1 percent of all hospitals, the small number of children’s hospitals that participate in the program train approximately 40 percent of all pediatricians and nearly half of all pediatric specialists. That’s why continuing this critical program will have a major impact on access to primary care and specialty care for kids.

Reauthorizing this program, Madam Speaker, was one of my top health priorities of the year, and I want to thank Chairman Joe PITTS, the chairman of...
our Health Subcommittee, for working with me on this bill. Together with his help and leadership, we were able to move this bill through our committee and to the House floor last year. I’m hopeful that reauthorization of the CHGMR program will finally make it to the President’s desk as part of S. 1440.

I just want to take a moment to commend Chairman Upton, Chairman Pitts, and Ranking Member Waxman for their leadership on this legislation. I have worked with the House sponsor of the PREEMIE Act and the National Pediatric Research Network Act, and those Energy and Commerce members: Congresswoman Eshoo, Congressman Lance, Congresswoman Capps, and Congresswoman McMorris Rodgers. They were really dedicated to these important issues.

Madam Speaker, I reserve the balance of my time.

Mr. PITTS. Madam Speaker, I yield 2 minutes to the gentleman from Georgia, one of the leaders on this issue, Dr. Phil Gingrey.

Mr. GINGREY of Georgia. Madam Speaker, I thank the chairman for yielding me time.

The gentleman from New Jersey just gave attributions to so many members, both Republicans and Democrats, from the Energy and Commerce Committee that worked so long and hard on this legislation back originally in 2006 and now in the reauthorization of S. 1440, the PREEMIE Act.

There are a lot of statistics that some people may not be aware of. One is the fact that about two-thirds of all infant deaths in the first year of life are among the preterm infants. In 2008, 12.3 percent of all live births, over 500,000 babies, were born preterm.

Madam Speaker, let me put it a little bit in context. Prematurity or preterm birth is by definition a birth earlier than it should have occurred. Those children are usually not the problem. They’re not the ones that end up with permanent disabilities. But there is a subset of preterm infants. In 2008, there were a million babies born as early as 20 weeks, all the way up to 37 weeks. Those children are the ones that very often, if they survive, are left with permanent long-term disabilities. We see a lot of folks on the Hill coming down the halls of our office building, sometimes they’re in wheelchairs, sometimes they’re visually impaired, sometimes they’re hearing impaired, but so many of those adults and children that we see on Capitol Hill were born prematurely. So a piece of legislation like this is hugely important to me.

I’ll end my remarks by just making it a little personal. My wife, Billie, and I, Madam Speaker, have 13 grandchildren, and the oldest will be 15 years old in about 3 weeks. And they were born between 24 weeks and 32 weeks. They are virtually unimpaired today and in the eighth grade and doing well. It tugs at your heartstrings. This is something that is hugely important.

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

Mr. PITTS. I yield an additional 30 seconds to the gentleman from Georgia.

Mr. GINGREY of Georgia. Madam Speaker, I yield.

Mr. PITTS. I yield an additional 30 seconds to the gentleman from Georgia, one of the leaders on this issue, Dr. Phil Gingrey.

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

Mr. PITTS. I yield an additional 30 seconds to the gentleman from Georgia.

Mr. GINGREY of Georgia. Madam Speaker, I yield.

Mr. PITTS. I yield an additional 30 seconds to the gentleman from Georgia, one of the leaders on this issue, Dr. Phil Gingrey.

Mr. GINGREY of Georgia. Madam Speaker, I thank the chairman for yielding me time.

The gentleman from New Jersey just gave attributions to so many members, both Republicans and Democrats, from the Energy and Commerce Committee that worked so long and hard on this legislation back originally in 2006 and now in the reauthorization of S. 1440, the PREEMIE Act. In closing, I would also like to thank Erin Katzelnick-Wise of my staff, who has worked on this bill as if it were the most important thing she could do in her life, understanding that it is one of the most important things she could do for the children in this country; to the American Academy of Pediatricians, who have been so magnificent in instructing all of us in our work on this legislation; and a particular shout-out to Dr. Phil Pizzo, the dean of the Stanford School of Medicine, a pediatrician himself who at one time worked with great distinction at the National Institutes of Health.

Mr. PITTS. Madam Speaker, I yield 2½ minutes to the chairman of the full committee, the gentleman from Michigan (Mr. Upton).

Mr. UPTON. I, too, want to commend the Republicans and Democrats, who worked very, very hard to get this legislation to the floor and, hopefully, to the President’s desk as soon as possible. I particularly commend Chairman Pitts and Ranking Member Pallone, Leonard Lance, Anna Eshoo, Leonard Lance, and the staffs, really, on both sides. I made a commitment to all of these Members early on that we would work very diligently to get this legislation here, and we are finally here.

Madam Speaker, this bill, S. 1440, known as the PREEMIE Reauthorization Act, is designed to strengthen health care for kids, particularly for vulnerable kids. Not only does the bill reauthorize the PREEMIE Act, but it also includes the reauthorization of the Children’s Hospital Graduate Medical Education program, and it authorizes the National Pediatric Research Network.

The original PREEMIE Act that I sponsored brought attention to the problems related to preterm birth, and since its passage, the preterm birth rate has declined. Good news. Yet, despite that improvement, according to the CDC, still a half a million babies are born prematurely every year in the United States. That’s one out of eight. We can and we must do better. This reauthorization will continue to strengthen the ongoing effort to track,
prevent, and treat prematurity, ensuring that every child has a healthy start and a better chance at a healthy and a productive future.

Madam Speaker, the National Pediatric Research Network brings us a step closer in providing more help to children with unmet health needs, particularly to those with rare pediatric and genetic diseases. I've met a number of times with a family in my district, the Kennedys, whose wonderful little daughter—Breella and Brooke, who are affectionately known in our office as “Sleeping Beauty” and “Cinderella”—have a rare disease called spinal muscular atrophy. It’s often difficult to conduct research into these diseases due to the very small number of kids with that disease, but today, we are working to provide families like the Kennedys and so many others with greater hope for a cure or an advancement in the treatment.

This bill will help establish pediatric research networks and the consortia that are effective in overcoming gaps in research. Networks and consortia will be comprised of leading institutions that will act as partners to consolidate and coordinate those research efforts.

The SPEAKER pro tempore (Mrs. EMERSON). The time of the gentleman has expired.

Mr. PITTS. I yield the gentleman an additional 30 seconds.

Mr. UPTON. With the passage of the Children’s Hospital Graduate Medical Education in 1999, freestanding children’s hospitals began receiving funds to support their pediatric medical residency programs. As a result, the number of pediatricians in the U.S. has grown steadily. Today, over 40 percent of the pediatricians and pediatric specialists are trained in the 57 freestanding children’s hospitals that receive this funding. A proven track record. We need to get it done. Again, I congratulate the Members on the floor today for getting this bill, hopefully, to the President’s desk before the year is out.

Mr. PALLONE. I yield such time as she may consume to the Democratic sponsor of the House National Pediatric Research Network Act of 2012, which is the second title of the legislation before us, the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. I do want to acknowledge the gentlyman in the chair as my partner who helped to craft the Childs-Emerson lectures and as my neighbor and a real friend.

Madam Speaker, I rise in strong support of the PREEMIE Reauthorization Act. This is an important bill to improve the health outcomes of pregnant women and their babies, and it shows our Nation’s commitment to addressing the costly and emotionally troubling incidence of preterm birth. While this is enough reason for me to support this legislation, I would like to highlight sections of the bill that will improve the health and well-being not only of newborns but of our children as they grow.

First, it includes the reauthorization of the Children’s Hospital Graduate Medical Education program. This is a critical investment in both the health of our kids and in the health of our economy by bringing new, talented individuals into the health care workforce.

From my years as a school nurse, I know the difficulty that children experience, especially those with special health care needs, when they look for a pediatric specialist. Over the years, we have seen improvements that have made a measurable impact in alleviating that burden, allowing these children and their families to focus on healing. I am proud to be an original cosponsor of this legislation and will continue to champion it in the House.

While we must ensure that the providers are available for our kids, we are still far behind on too many important diagnostics, cures, and treatments for many of our ailing children. That is why I am pleased that the National Pediatric Research Network Act, which is a bill that I coauthored with my colleague, Representative CATHY MC MORRIS RODGERS.

This legislation will help strengthen and coordinate our Nation’s research on pediatric diseases. It will disseminate research findings quickly so that all children may benefit, especially those who have rare diseases; and it will expand the geographic scope of research, making sick kids easier access to research programs and to clinical trials. Moreover, this bill places an added emphasis on researching children’s rare diseases, like spinal muscular atrophy, as my colleague Mr. UPTON has noted, and on developing new treatments to fight them.

The low prevalence of these diseases makes them particularly hard to research, and yet these diseases have such a marked impact on the lives of too many families and communities, like the strong family of Santa Barbara. My constituents Bill and Victoria Strong have worked tirelessly on behalf of their daughter, Gwendolyn, and all children with spinal muscular atrophy and other rare diseases. The work they’ve done to help raise the profile of pediatric rare disease research is going to help families all across the Nation. I thank them.

I also thank the leadership of the Energy and Commerce Committee—Chairman UPTON, Ranking Member WAXMAN, Chairman PITTS, and Ranking Member PALLONE—for their dedication to this bill. I thank the staff, especially Dr. Katz, for working across the aisle and across the Capitol to bring a strong bill now to the floor.

I urge my colleagues to support this bipartisan bill. I urge its swift passage in the Senate so that we can improve the health and well-being of all infants and all children.

Mr. PITTS. Madam Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. LANCE), a leader on this issue.

Mr. LANCE. It is wonderful to see you in the chair, and I congratulate you on your magnificent service to the people of Missouri and the Nation.

I rise in strong support of S. 1440, to reauthorize the 2006 PREEMIE Act and make important continued research, education, and intervention in the national effort to reduce preterm births.

Madam Speaker, our Nation’s pre-mature birth rate is one of the highest in the world, and it is the cause of newborn death in the United States. Infants born just a few weeks too soon can face serious health challenges and are at risk for lifelong health and learning disabilities. In addition to its human toll, premature birth costs our economy billions of dollars per year; and while the medical community has made great strides in identifying the risk factors associated with premature births, far too many premature births today have no known cause.

That is why the Members of the House and Senate have worked in a bipartisan and bicameral fashion to reauthorize the 2006 PREEMIE Act so that we may continue to spur innovative solutions that will not just lead to healthier babies but to lower annual health care costs.

I thank Chairman UPTON and Chairman PITTS and Ranking Member WAXMAN and Ranking Member PALLONE for their steadfast leadership on this issue as well as to thank Senators LAMAR ALEXANDER and MICHAEL BENNET. Once again, I commend Congresswoman ANNA ESCHOO of California for working on an important issue to the health and well-being of the American people.

While many complain about the partisan nature of Congress, we have worked in a cooperative fashion on this and other issues, as has the entire Energy and Commerce Committee. It is in the bipartisan spirit that I ask all of my colleagues to join with us in the support of the PREEMIE Reauthorization Act so that we as a Nation will be able to continue our focus on premature birth research and prevention.

Mr. PALLONE. I have no further speakers, Madam Speaker, so I would simply ask that we support this legislation and pass it on a bipartisan basis. I yield back the balance of my time.
2006, the PREEMIE Act expands federal research related to preterm labor and delivery, and the care and treatment, and outcomes of preterm and low birth weight infants. It also supports education programs for health professionals and the public on preterm birth. Title One is designed to enhance these activities and required commitment to our nation’s efforts to reduce premature birth, the leading killer of newborns.

Title Two of S. 1440 would allow the National Institutes of Health to establish a national pediatric research network dedicated to finding cures for pediatric diseases and conditions—especially those that are rare. In addition to the research itself, Title Two places special emphasis on professional training for future pediatric researchers. These and other related components of Title Two are intended to build on the strong body of pediatric research that NIH already conducts and supports. I would encourage NIH to take full advantage of this opportunity.

Finally, Title Three of the bill would reauthorize the children’s hospital graduate medical education—CHGME—program. This program provides ongoing and consistent financial support to hospitals such as Children’s Hospital of Los Angeles for the training of doctors who want to specialize in pediatrics. Over the years, the CHGME program has been enormously successful in reversing the significant decline in the number of pediatric trainees across the country. Indeed, today, children’s hospitals nationwide that are supported by the program train 40% of all pediatricians and 43% of all pediatric specialists.

As I have noted, this package of programs is a bi-partisan initiative that reflects the work of several members of the Energy and Commerce Committee. I especially want to note Congresswoman ESHOO, the Democratic sponsor of the original PREEMIE Reauthorization Act; Congressman CAPPS, the Democratic sponsor of the original Children’s Hospital Graduate Medical Education Act; and Congressman PALLONE, the Democratic sponsor of the original Children’s Hospital Graduate Medical Education Act. All of them and all of us—on both sides of the aisle—have much to be proud of supporting S. 1440, as amended. I urge my colleagues to vote for S. 1440, as amended.

Mrs. McMORRIS RODGERS. Madam Speaker, as a mother, I am reminded on a daily basis of the importance of the health of our nation’s children.

For that reason, I am proud to support the Prematurity Research Expansion and Education for Mothers who deliver Infants Early (PREEMIE) Act. This important legislation authorizes the receipt of preterm birth research and it requires the Secretary of HHS to coordinate our nation’s efforts to achieve this goal. This legislation also amends the Public Health Service Act to extend and reauthorize appropriations for Children’s Hospital Graduate Medical Education. This is the source of training for most of our nation’s pediatricians.

The PREEMIE act also includes legislation introduced by Representative CAPPIS and myself, the National Pediatric Research Network Act which will build upon our Nation’s commitment to pediatric medical research. That commitment has led to the prevention and treatment of terrible conditions such as polio, meningitis, childhood leukemia, and congenital heart disease.

Research networks have a proven track record in their ability to ensure collaboration and sharing of resources which, in turn, have led to medical discoveries that have improved lives. This legislation will authorize NIH to establish up to 8 pediatric research networks throughout the nation. Each network will be selected by NIH through a competitive review process. These networks will allow multiple institutions to work together in a “hub and spoke” fashion in order to encourage collaboration and resource sharing.

These pediatric networks will improve health outcomes for children who have conditions such as spinal muscular atrophy, Down syndrome, and Fragile X. This will be accomplished by encouraging teamwork among researchers, patients, and NIH.

Today, I am proud to vote for measures to improve the health of our Nation’s children.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. PITTS) that the House suspend the rules and pass the bill, S. 1440, as amended.

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

A motion to reconsider was laid on the table.

MEDICARE IVIG ACCESS AND STRENGTHENING MEDICARE AND REPAYING TAXPAYERS ACT OF 2012

Mr. BRADY of Texas. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1845) to provide for a study on issues relating to access to intravenous immune globulin (IVIG) for Medicare beneficiaries in all care settings, and a demonstration project to examine the benefits of providing coverage and payment for items and services necessary to administer IVIG in the home, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1845

Be 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 “Medicare IVIG Access and Strengthening Medicare and Repaying Taxpayers Act of 2012”.

TITLE I—MEDICARE IVIG ACCESS

SEC. 101. MEDICARE PATIENT IVIG ACCESS DEMONSTRATION PROJECT.

(a) ESTABLISHMENT.—The Secretary shall establish and implement a demonstration project under part B of title XVIII of the Social Security Act to evaluate the benefits of providing payment for items and services needed for the in-home administration of intravenous immune globulin for the treatment of primary immune deficiency diseases.

(b) DURATION AND SCOPE.—

(1) DURATION.—Beginning not later than one year after the date of enactment of this Act, the Secretary shall conduct the demonstration project for a period of 3 years.

(2) SCOPE.—The Secretary shall enroll not more than 4,000 Medicare beneficiaries who have been diagnosed with primary immune deficiency disease for participation in the demonstration project.

A Medicare beneficiary may participate in the demonstration project on a voluntary basis and may terminate participation at any time.

(c) COVERAGE.—Except as otherwise provided in this section, the Secretary shall adopt rules under which payment may be made under the demonstration project shall be treated and covered under part B of title XVIII of the Social Security Act in the same manner as similar items and services covered under such part.

(d) PAYMENT.—The Secretary shall establish a per visit payment amount for items and services needed for the in-home administration of intravenous immune globulin based on the national per visit low-utilization payment amount under the prospective payment system for home health services established under section 1861 of the Social Security Act (42 U.S.C. 1395m).

(e) WAIVER AUTHORITY.—The Secretary may waive such requirements of title XVIII of the Social Security Act as may be necessary to carry out the demonstration project.

(f) STUDY AND REPORT TO CONGRESS.—

(1) INTERIM EVALUATION AND REPORT.—Not later than three years after the date of enactment of this Act, the Secretary shall submit to Congress a report containing an interim evaluation of the impact of the demonstration project on access for Medicare beneficiaries to items and services needed for the in-home administration of intravenous immune globulin.

(2) FINAL EVALUATION AND REPORT.—Not later than one year after the date of completion of the demonstration project, the Secretary shall submit to Congress a report that contains the following:

(A) A final evaluation of the impact of the demonstration project on access for Medicare beneficiaries to items and services needed for the in-home administration of intravenous immune globulin.

(B) An analysis of the appropriateness of implementing a new methodology for payment for intravenous immune globulins in all care settings under part B of title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(C) An update to the report entitled “Analysis of Supply, Distribution, Demand, and Access Issues Associated with Immune Globulin Intravenous (IVIG)”, issued in February 2007 by the Office of the Assistant Secretary for Planning and Evaluation of the Department of Health and Human Services.

(f) FUNDING.—There shall be made available to the Secretary to carry out the demonstration project not more than $15,000,000 from the Federal Supplementary Medical Insurance Trust Fund under section 1841 of the Social Security Act (42 U.S.C. 1395d).

(h) DEFINITIONS.—In this section:

(1) DEMONSTRATION PROJECT.—The term “demonstration project” means the demonstration project conducted under this section.

(2) MEDICARE BENEFICIARY.—The term “Medicare beneficiary” means an individual who is enrolled for benefits under part B of title XVIII of the Social Security Act.

(3) SECRETARY.—The term “Secretary” means the Secretary of Health and Human Services.

TITLE II—STRENGTHENING MEDICARE SECONDARY PAYER RULES

SEC. 201. DETERMINATION OF REIMBURSEMENT AMOUNT THROUGH CMS WEBSITE TO IMPROVE PROGRAM EFFICIENCY.

Section 1855(b)(3)(B) of the Social Security Act (42 U.S.C. 1395y(b)(3)(B)) is amended by adding at the end the following new clause:

“(vii) USE OF WEBSITE TO DETERMINE FINAL AMOUNT THROUGH CMS WEBSITE...”
the case of a payment made by the Secretary pursuant to clause (i) for items and services provided to the claimant, the claimant or applicable plan (as defined in paragraph (8)(F)) may at any time beginning 120 days before the reasonably expected date of a settlement, judgment, award, or other payment, notify the Secretary that a payment is reasonably expected and the expected date of such payment.

(II) SECRETARIAL PROVIDING ACCESS TO CLAIMS INFORMATION THROUGH A WEBSITE.— The Secretary shall maintain and make available to individuals to whom items and services are furnished under this title (and to other representatives recognized under regulations and to an applicable plan which has obtained the consent of the individual) access to information on the claimant's claims and payments (including payment amounts for such claims), including those claims that relate to a potential settlement, judgment, award, or other payment. Such access shall be provided to an individual, representative, or plan through a website that requires a password to gain access to the information. The Secretary shall update such claims and payments on such website in as timely a manner as possible but not later than 15 days after the date that payment is made. Information related to payments shall be posted to the notice under subclause (I) shall be maintained and made available consistent with the following:

(aa) The information shall be as complete as possible and shall include provider or supplier name, diagnosis codes (if any), dates of service, and conditional payment amounts.

(bb) The information accurately identifies those claims and payments that are related to a potential settlement, judgment, award, or other payment that is after the end of a Secretarial response period beginning on the date of notice under subclause (I) for settlement, judgment, award, or other payment relating to an injury or incident, the portion (if any) of the period beginning on the date of notice under subclause (I) for settlement, judgment, award, or other payment that is after the end of a Secretarial response period beginning on the date of such notice to the Secretary.

(cc) The website provides a method for the receipt of secure electronic communications with the individual, representative, or plan involved.

(dd) The website provides that information is transmitted from the website in a form that includes an official time and date that the information is transmitted.

(ee) The website shall permit the individual, representative, or plan to download a statement of reimbursement amount that is downloaded during such period and within 3 business days before the date of the settlement, judgment, award, or other payment made during such period, then the last 3 business days before the date of any payments, judgments, awards, or other payments made to contractors for a conditional payment arising from liability insurance (including self-insurance) and for such alleged incidents subject to this section shall equal the estimated average amount to be credited to the single threshold amount for a year shall be set such that the estimated average amount to be credited to the single threshold amount for such payments for conditional payments from such settlements, judgments, awards, or other payments arising from liability insurance (including self-insurance) and for such alleged incidents subject to this section shall equal the estimated cost of collection incurred by the United States (including payments made to contractors) for a conditional payment arising from liability insurance (including self-insurance) and for such alleged incidents subject to this section to the amount utilized for calculation of the single threshold amount for a year, the Secretary shall inform, and seek review of, the Comptroller General of the United States with regard to such amount.

(ii) Publication.—The Secretary shall include, as part of such publication for a year—

(I) the estimated cost of collection incurred by the United States (including payments made to contractors) for a conditional payment arising from liability insurance (including self-insurance) and for such alleged incidents; and

(II) a summary of the methodology and data used by the Secretary in computing the single threshold amount and such cost of collection.

(C) EXCLUSION OF ONGOING EXPENSES.—For purposes of this paragraph and with respect to any settlement, judgment, award, or other payment not otherwise addressed in clause (ii) of paragraph (2)(B) that includes ongoing responsibility for medical payments (exclud- ing payments to contractors for a conditional payment arising from liability insurance (including self-insurance) and for such alleged incidents subject to this section to the amount utilized for calculation of the single threshold amount for such payments for conditional payments from such settlements, judgments, awards, or other payments arising from liability insurance (including self-insurance) and for such alleged incidents subject to this section to the amount utilized for calculation of the single threshold amount for such payments for conditional payments from such settlements, judgments, awards, or other payments arising from liability insurance (including self-insurance) and for such alleged incidents subject to this section, the Secretary shall include only the cumulative value of the medical payments made under this title.

(D) REPORT TO CONGRESS.—Not later than November 15 before each year, the Secretary shall submit to the Congress a report on the single threshold amount for settlements, judgments, awards, or other payments for conditional payments arising from liability insurance (including self-insurance) and alleged incidents described in subparagraph (A) for that year and on the estimated average amount utilized for calculation of the single threshold amount for such payments for conditional payment obligations arising from worker
compensation cases and from no fault insurance cases subject to this section for the year. For each such report, the Secretary shall—

1. calculate the threshold amount by using the methodology applicable to certain liability claims described in subparagraph (B); and

2. include a summary of the methodology and data used in calculating each threshold amount and the amount of estimated savings under this title achieved by the Secretary implementing each such threshold.

(b) Effective date.—The amendments made by subsection (a) shall apply to years beginning with 2013.

SEC. 203. REPORTING REQUIREMENT.

Section 1862(b)(8)(B) of the Social Security Act (42 U.S.C. 1395y(b)(8)(B)) is amended—

(1) in the first sentence of subparagraph (E)(i), by striking “shall be subject” and all that follows through the end of the sentence and inserting the following: “may be subject to a civil money penalty of up to $1,000 for each day of noncompliance with respect to each claimant.”; and

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

“(1) Regulations.—Not later than 60 days after the date of the enactment of this section, the Secretary shall publish a notice in the Federal Register soliciting proposals, which will be accepted during a 60-day period, for the specification of practices for which sanctions will and will not be imposed under subparagraph (E), including not imposing sanctions for good faith efforts to identify a beneficiary pursuant to this paragraph under an applicable entity responsible for reporting information. After considering the proposals so submitted, the Secretary, in consultation with the Attorney General, shall publish in the Federal Register, including a 60-day comment period, proposed specified practices for which such sanctions will and will not be imposed. After considering any public comments received during such period, the Secretary shall issue final rules specifying such practices.”.

SEC. 204. USE OF SOCIAL SECURITY NUMBERS AND OTHER IDENTIFYING INFORMATION IN REPORTING.

Section 1862(b)(8)(B) of the Social Security Act (42 U.S.C. 1395y(b)(8)(B)) is amended by adding at the end the following:

“in the first sentence of subparagraph (E)(i), by striking “shall be subject” and all that follows through the end of the sentence and inserting the following: “may be subject to a civil money penalty of up to $1,000 for each day of noncompliance with respect to each claimant.”; and

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

“(1) Regulations.—Not later than 60 days after the date of the enactment of this section, the Secretary shall publish a notice in the Federal Register soliciting proposals, which will be accepted during a 60-day period, for the specification of practices for which sanctions will and will not be imposed under subparagraph (E), including not imposing sanctions for good faith efforts to identify a beneficiary pursuant to this paragraph under an applicable entity responsible for reporting information. After considering the proposals so submitted, the Secretary, in consultation with the Attorney General, shall publish in the Federal Register, including a 60-day comment period, proposed specified practices for which such sanctions will and will not be imposed. After considering any public comments received during such period, the Secretary shall issue final rules specifying such practices.”.

SEC. 205. STATUTORY LIMITATIONS.

(a) In General.—Section 1862(b)(2)(B)(ii) of the Social Security Act (42 U.S.C. 1395y(b)(2)(B)(ii)) is amended by adding after the end of the sentence “an action may not be brought by the United States under this clause with respect to pay-
Act.” I wanted to notify you that the Committee on Energy and Commerce will forgo action on the bill so that it may proceed expeditiously to the House floor for consideration.

This is done with the understanding that the Committee on Energy and Commerce is not waiving its jurisdiction, and the Committee will not be prejudiced with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

I would appreciate a response confirming this understanding and ask that a copy of our exchange of letters on this matter be included in the Congressional Record during consideration of H.R. 1845 on the House floor.

Sincerely,

FRED UPTON,  
Chairman.

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Hon. FRED UPTON,  
Chairman, Committee on Energy and Commerce,  

DEAR CHAIRMAN UPTON, Thank you for your letter regarding H.R. 1845, the “Medicare IVIG Access and Strengthening Medicare Payment System Act of 2012.” As amended, which is expected to be considered on the floor this week.

I appreciate your willingness to forgo action on H.R. 1845. I agree that your decision should not prejudice the Committee on Energy and Commerce with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

I will include a copy of your letter and this response in the Congressional Record during consideration of H.R. 1845 on the House floor.

Sincerely,

DAVE CAMP,  
Chairman.

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

Madam Speaker, I rise in strong support of H.R. 1845. It’s a combination of two strong, bipartisan commonsense bills before the House today. I want to thank the gentleman on the Ways and Means Committee, Mr. BRADY, for his support of this important legislation.

As one of the coauthors of the SMART Act, one of the bills that have been combined today, with Representative HERGER, as an original cosponsor of the Medicare IVIG Access Act, I’m glad these two bipartisan bills have been combined and brought to the floor for consideration and hopefully passage later today.

The SMART Act had 139 bipartisan cosponsors; the Medicare IVIG Access Act, with 65 bipartisan cosponsors, are perfect examples of, at times, Democrats and Republicans joining forces and getting something done around this place. And hopefully that spirit will continue in the days to come with the difficult decisions that face this body.

I would like to thank my good friend Tim MURPHY for his leadership and hard work in moving the SMART Act through the Energy and Commerce Committee. I’d also like to recognize the extraordinary, broad stakeholder coalition that has worked so hard to help get the SMART Act on the floor today, particularly the American Association For Justice and the MARC Coalition.

Finally, I want to thank Representative BRADY and DORIS MATSU for their tireless efforts on behalf of the Medicare IVIG Access Act. Their legislation is a step toward ensuring all seniors with primary immunodeficiency diseases are able to access life-saving IVIG drugs in their own home.

But let me just take a few minutes to discuss the need for the SMART Act. The SMART Act reforms the badly broken Medicare secondary payer system. For better or for worse, the Medicare secondary payer system mandates Medicare to recoup the cost of hospital and doctor bills for a senior if her injuries are the responsibility of a private insurer or some other third party. So far so good. Making Medicare pay for the medical bills of someone who was injured in another person’s car is a good idea. For bad reasons.

I have a handful of demand letters here sent by CMS to seniors asking to recoup from seniors the cost of medical charges, and they agreed to settle for $2,000. It took 18 months and eight written exchanges with CMS to resolve this simple MSP claim, which delayed settlement of the claim by the same 18 months. Plus, Mr. Law actually passed away during the extended timeframe.

We can do better for seniors. We can get Medicare the money it’s owed a lot faster. This legislation would accomplish that.

These are just a few of the examples of why the SMART Act is needed. The toll this broken system takes on seniors and the burden it imposes on businesses is unacceptable.

I urge my colleagues to vote for H.R. 1845 to support this commonsense reform, including the IVIG program.

And, Madam Speaker, since this may be the last time I’ll have a chance to address you in the chair, I too want to echo the sentiments of so many of our colleagues, that this gentleman from Missouri, on such a distinguished career here in the House.

You did well in representing your constituents back home in Missouri. We’ll miss you as a colleague, someone who worked hard to find bipartisan, commonsense solutions to the challenges facing our Nation. And, of course, we wish you all the best in your future endeavors.

I reserve the balance of my time.

Mr. BRADY of Texas. At this time, I yield 2 minutes to the chairman of the Health Subcommittee, a longtime fighter for patients and those on Medicare, the gentleman from California (Mr. HERGER).

Mr. HERGER. I thank my friend from Texas, Madam Speaker, I rise today in strong support of H.R. 1845, as amended, the Medicare IVIG Access and Strengthening Medicare and Repaying Taxpayers Act of 2012.

This legislation would create a 3-year demonstration project to provide up to 4,000 Medicare beneficiaries suffering from primary immunodeficiency diseases with in-home coverage of IVIG. Medicare beneficiaries with PIDD need the biologic IVIG to boost their immune system so they can fight off infection and maintain a high quality of life.

Medicare currently offers comprehensive coverage of IVIG treatments in the physician’s office and hospital setting, but not when IVIG is administered in the home. This flawed payment policy encourages Medicare beneficiaries to receive care in the most costly settings.

Under this demonstration project, Medicare part B would cover the home administration costs, including the trained medical professional who administers the biologic, allowing up to 4,000 beneficiaries with PIDD to receive IVIG treatments in their home. Importantly, beneficiaries who receive IVIG
in their home can avoid the risk of infection inherent in alternative treatment settings.

The HHS Secretary would be required to issue a report to Congress detailing the impact this demonstration project had on beneficiaries' access to care, and whether CMS should permanently change its IVIG coverage policy. According to CBO, the costs of this one-time demonstration are fully offset by permanently reforming Medicare's secondary-payer rules as detailed in the SMART Act.

The SMART Act will help ensure that taxpayers will not be stuck with a Medicare bill for incidents caused when another party is liable or negligent. The SMART Act also makes important changes so that the arcane Medicare rules would no longer be an impediment for parties resolving their differences and reaching settlement.

Mr. BRADY of Texas. Madam Speaker, I yield another minute to the gentleman from California.

Mr. RON KIND. Madam Speaker, this legislation is budget-neutral and fully paid for. H.R. 1845 creates a 3-year demonstration project capped at 4,000 patients, in which the nursing services and supplies associated with home infusion of IVIG will be covered for Medicare beneficiaries with PIDD.

I urge my colleagues to join me in support of this important legislation.

Mr. KIND. Madam Speaker, I want to thank my colleagues, the gentleman from California, for his support of H.R. 1845, in particular, the SMART Act, and congratulate him, as well, on his distinguished career since he will be retiring at the end of this session of Congress as well.

At this time I yield as much time as she may consume to the gentlewoman from California (Ms. Matsu), the principal author of the Medicare IGV Act.

Ms. MATSUI. I'd like to thank my colleagues for their support.

I also want to say, Madam Speaker, thank you for your many wonderful years of service and our friendship. We'll miss you in this Chamber, and we wish you well.

Madam Speaker, a rise in strong support of H.R. 1845, the Medicare IGV Access Act. I'd like to thank Congressman BRADY for his hard work and his leadership on this legislation, as well as Congressman KIND for the leadership on the SMART Act, provisions of this important legislation.

Primary Immunodeficiency Diseases, or, as we call it, PIDDs, is a group of diseases that cause a person's immune system to be unable to function properly. Unlike most of us who are able to fight common infectious diseases, patients with untreated PIDD can become seriously ill from a single cold virus or even a cut on their arm.

Patients with PIDD are generally treated with intravenous immunoglobulin, or IVIG, a complex drug that provides them a temporary immune system. Every 3–4 weeks, patients receive an IV treatment for about 2–4 hours per treatment. To maintain a healthy immune system, they must have this treatment for the rest of their lives.

People with commercial insurance typically receive care in any of three settings: hospital outpatient department, an office; or at home, administered by a nurse. For many patients, receiving their care at home is optimal, as it greatly reduces the risk of infection.

However, for Medicare beneficiaries with PIDD, the program pays for home infusion of IVIG but does not cover nursing services and supplies. As you can imagine, a 74-year-old Medicare recipient on a fixed income is not capable of paying the several hundred dollars a month necessary for the nurse to provide IVIG infusions in their homes. As a result, many patients are forced to receive their treatment in a hospital setting, oftentimes increasing the likelihood of infection, pneumonia, and an expensive stay in a hospital billed to Medicare.

Madam Speaker, this does not make sense for the patient or for Medicare, and that's why Congressman BRADY and I introduced the Medicare IGV Access Act.

Madam Speaker, this legislation is budget-neutral and fully paid for. H.R. 1845 creates a 3-year demonstration project capped at 4,000 patients, in which the nursing services and supplies associated with home infusion of IVIG will be covered for Medicare beneficiaries with PIDD.

I believe that this project will mirror the results of studies of patients with commercial insurance that found increased compliance, fewer infections and overall savings for patients infused at home versus the hospital.

Madam Speaker, patients with rare genetic diseases should not see their access to care diminish when they become eligible for Medicare. H.R. 1845 fixes the gap in care coverage that unfairly restricts patients' access to IVIG and disrupts their continuity of care.

I strongly encourage my colleagues to vote for this critically important legislation.

Mr. BRADY of Texas. Madam Speaker, I am pleased to yield 5 minutes to the lead author and champion of the SMART Act, one of our health care leaders, Mr. Murphy of Pennsylvania.

Mr. MURPHY of Pennsylvania. I thank the gentleman.

Madam Speaker, may I add my accolades to the lead author and champion of the SMART Act? When the nursing community faced a fiscal cliff, seniors got nothing and the taxpayers are not repaid.

Four years ago, Lorraine Babich of Washington County, Pennsylvania, then age 73, suffered injuries so severe from a car accident that she will never fully recover. After the accident, Lorraine underwent a very difficult surgery. She was transferred to a rehabilitation facility, where she contracted methicillin-resistant Staphylococcus aureus, otherwise known as MRSA.

Sadly, she now suffers from dementia and must receive 24/7 care at a nursing home in Farmington, in your district. You've founded Murphy's Settlement, now to provide settling parties with accurate information about the total costs of medical bills, and Lorraine would also collect damages. First, Lorraine's health insurer—Medicare—had to be repaid, but the Centers for Medicare and Medicaid Services won't tell Lorraine or the adjuster the insurer owed to the Medicare trust fund. The insurance company wants to reimburse Medicare and provide Lorraine with a settlement, but CMS's complicated bureaucracy is standing in the way.

Lorraine's story is heartbreaking. It's just like Lorraine's in congressional districts across the country. But now we have a chance to fix this problem and make sure Lorraine and her family receive what they are rightfully owed by passing the bipartisan bill I introduced with Congresswoman Ron Kind.

Our bill, the Strengthening Medicare and Repaying Taxpayers Act, or the SMART Act, will recoup billions of dollars owed by insurance companies to the Medicare trust fund quickly and eliminate waste within CMS. The SMART Act, which has nearly 140 bipartisan cosponsors and the support of trial lawyers, patient advocates, defense attorneys, and the U.S. Chamber of Commerce, requires that Medicare provide settling parties with accurate information about the total costs of medical bills when the parties announce a settlement is near.

The Congressional Budget Office has looked at our bill and found it will save billions in Medicare. The current Medicare Secondary Payer bureaucracy is causing seniors to have their Social Security checks garnished and their Medicare coverage denied, through no fault of their own. Our bill fixes these issues and ensures bureaucracy does not stand in the way of a settlement.
LEVIN, and Congressman KIND for their support on this legislation. I want to extend a special thanks to their respective staffs for their hard work, particularly Robert Horne and Brad Grantz. Without them, this legislation would not be moving forward.

It is good government and saves taxpayers’ money. I urge its adoption.

Mr. KIND. I yield such time as he may consume to my very good friend, the governor of New Jersey, one of the leaders in the Energy and Commerce Committee, Mr. PALLONE.

Mr. PALLONE. I want to thank the gentleman from Wisconsin.

Madam Speaker, I rise to lend my support to H.R. 1845, as amended. This bill combines two pieces of legislation: H.R. 1845, which provides a demonstration for the coverage of home infusion of intravenous immune globulin, or IVIG, and H.R. 1063, which makes improvements to the Medicare Secondary Payer process, or MSP. However, I would like to note my concerns about the process.

Our committee acted on H.R. 1063, and I commend the chairman for his efforts to ensure it was a bipartisan product, but we did not act on the IVIG legislation, which is every bit as important to members as the MSP. So it’s my hope that in the future we can avoid situations like this.

The Medicare Secondary Payer provisions of this bill will reduce the burdens of the secondary payer process for beneficiaries and other stakeholders. Most importantly, the legislation will do so in a way that ensures that we’re also protecting taxpayer dollars and the Medicare trust fund. I do worry, however, that the MSP bill does not include administrative funding for the Centers for Medicare and Medicaid Services, or CMS, to implement these new changes.

One of the primary complaints I hear about MSP is that stakeholders are currently frustrated because the process does not move fast enough. But here we are, legislating new responsibilities on top of an already slow process of funding. This bill will simply burden the agency and make it more difficult to get to resolution on secondary payer cases in a timely fashion. So I hope that at some future date we can provide a reasonable sum to the agency to allow them to be better equipped to speed this process along.

One additional point on MSP: the new process we’ve established for resolving disputes of claims posted on the web portal is not intended to supplant the ordinary appeals process for the Medicare program and improve access to needed services for this vulnerable population. I thank her for her leadership on behalf of these patients. And I appreciate so much Marcia Boyle, the founder of the Immune Deficiency Foundation, and all those patients who for years have come up here asking for this help and change.

Today, this Congress, Republicans and Democrats alike, join together in providing that help and that access. I urge support for this bill and yield back the balance of my time.

Mr. WAXMAN. Madam Speaker, I am pleased that we are bringing this bill to the floor today. This bill combines two pieces of legislation, H.R. 1845 which provides a demonstration for the coverage of home infusion of intravenous immune globulin (IVIG) and H.R. 1063, which makes improvements to the Medicare Secondary Payer process.

H.R. 1063 was developed and reported by the Energy and Commerce Committee as a bipartisan effort to ensure that Medicare beneficiaries may receive home infusion of IVIG as a part B benefit; however, the equipment, nursing services, and supplies necessary for the home infusion are not reimbursed.

Congresswoman MATSU has been a clear leader here and it’s to her credit that it’s included in this package today. She’s worked so tirelessly on this IVIG issue, and I’m hopeful that this demonstration project she has championed will change the minds of money for the Medicare program and improve access to needed services for this vulnerable population. I thank her for her leadership on behalf of these patients.

I also want to thank Chairman UPTON for working on these two issues with us, and I look forward to the next Congress, where, hopefully, we’ll find additional areas of common ground to work on.

Mr. KIND. I have no further speakers.

I encourage my colleagues to support H.R. 1845, and I yield back the balance of my time.

Mr. BRADY of Texas. I yield myself such time as I may consume.

In closing, I want to thank my counterpart, DORIS MATSU, for her great work on this issue. So appreciate the leadership and partnership of Mr. KIND and Mr. MURPHY in combining these two important health care bills in order to both provide safer, more affordable access to care for those with compromised immune deficiencies, as well as finding ways to save money with the important Medicare program and the SMART Act.

I want to thank Andrew Wankum of my staff for his excellent work on this bill, Dan Elling, staff director of the Ways and Means Subcommittee on Health, as well as Jennifer Safavian for her leadership on the Ways and Means Committee. But I especially want to thank my constituent friend, Carol Ann Demaret, the mom of David, for her decades of hard work on behalf of these patients. And I appreciate so much Marcia Boyle, the founder of the Immune Deficiency Foundation, and all those patients who for years have come up here asking for this help and change.

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I would like to clarify one additional point regarding the changes in this bill. The new process we have established for resolving disputes of claims posted on the web portal is not intended to supplant the ordinary appeals process for MSP activities. I believe that is clear in the language, but I want to note there should be no ambiguity.

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I thank Chairman UPTON for working on these two issues with us, and our colleagues on the Ways and Means Committee who worked to bring these bills to the floor, and I look forward to next Congress where hopefully we will find additional areas of common ground to work on.

Mr. REICHERT. Madam Speaker, I rise today to express my support for H.R. 1845. Title II addresses a set of issues involving the workers’ compensation and the casualty insurance industry and the Medicare Secondary Payer (MSP) law.

However, this is not the only set of MSP issues that impact workers’ compensation that also needs to be addressed. My legislation, H.R. 5284, the Medicare Secondary Payor and Workers’ Compensation Settlement Agreement Act, is co-sponsored by Representative MIKE THOMPSON and has bipartisan support.

This legislation aims to resolve the delays by the Centers for Medicare and Medicaid Services (CMS) in reviewing workers’ compensation settlements to determine the appropriate set-aside amount to be maintained by Medicare beneficiaries to pay for future medical costs in which Medicare may have an interest.

In addition to MSP changes, this bill also provides for a 3-year demonstration related to IVIG. IVIG is a blood-derived treatment that helps strengthen the immune system of immunologically deficient patients and prevents paralysis in some autoimmune diseases and neuropathies. Currently, Medicare beneficiaries may receive home infusion of IVIG as a part B benefit; however, the equipment, nursing services, and supplies necessary for the home infusion are not reimbursed.

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This legislation aims to resolve the delays by the Centers for Medicare and Medicaid Services (CMS) in reviewing workers’ compensation settlements to determine the appropriate set-aside amount to be maintained by Medicare beneficiaries to pay for future medical costs in which Medicare may have an interest.
H. R. 5284 creates a system of certainty and allows the workers' compensation settlement process to move forward while eliminating millions of dollars in administrative costs. It will help create clear and consistent standards, currently lacking in the process, in the most important, it will benefit all parties involved—insured workers, employers, insurers and CMS.

I am hopeful that the House of Representatives will be able to move H. R. 5284 towards enactment.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. BRADY) that the House suspend the rules and pass the bill, H. R. 1845, 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. BRADY of Texas. Madam 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.

☐ 1400

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. BRADY) that the House suspend the rules and pass the bill, H. R. 1845, as amended.

The result of the vote was announced by the Clerk. The yeas and nays were as follows:

YEAS—383
Not voting 32, as follows:

[Roll No. 633]

YEAS—383

Not voting—32

Messrs. DUNCAN of Tennessee, KINGSTON, and LABRADOR changed their vote from “yea” to “nay.”

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

The result of the vote was announced as above recorded. A motion to reconsider was laid on the table.

Stated for: Mr. COFFMAN of Colorado. Mr. Speaker, on rollcall No. 633, I was unavoidably delayed. Had I been present, I would have voted ‘yea.’

MEDICARE IVIG ACCESS AND STRENGTHENING MEDICARE AND REPAYING TAXPAYERS ACTS OF 2012

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. ROGERS) that the House suspend the rules and pass the bill (H. R. 6672) to reauthorize certain provisions of the Deficit Control Act of 2001.

The vote was taken by electronic device, and there were—yeas 383, nays 16, not voting 32, as follows:

[Roll No. 633]
The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. BRADY) that the House suspend the rules and pass the bill, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 401, nays 5, not voting 27, as follows:

[Roll No. 664] YEAS—401

Critz
Crawford
Cooper
Conyers
Connolly (VA)
Cole
Cicilline
Chu
Chabot
Cassidy
Carney
Carnahan
Capuano
Capps
Capito
Camp
Calvert
Butterfield
Buerkle
Bucshon
Brooks
Braley (IA)
Boustany
Boren
Bonamici
Bishop (UT)
Bishop (GA)
Bilirakis
Biggert
Berkley
Bass (NH)
Barton (TX)
Barletta
Andrews
Amodei
Alexander
Adams
Ackerman

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. BRADY) that the House suspend the rules and agree to the resolution, 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.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yes 398, nays 5, not voting 28, as follows:

[Roll No. 635] YEAS—398

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.

The title was amended so as to read:

"A bill to provide a demonstration project providing Medicare coverage for in-home administration of intravenous immune globulin (IVIG) and to amend title XVIII of the Social Security Act with respect to the application of Medicare secondary payer rules for certain claims."

A motion to reconsider was laid on the table.

REFERRING QUAPAW TRIBE OF OKLAHOMA TRUST CLAIMS TO COURT OF FEDERAL CLAIMS

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to

the resolution (H. Res. 668) to refer H.R. 5862, a bill making congressional reference to the United States Court of Federal Claims pursuant to sections 1492 and 2509 of title 28, United States Code, the Indian trust-related claims of the Quapaw Tribe of Oklahoma (O-Gah-Pa) as well as its individual members, as amended:

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. BRADY) that the House suspend the rules and agree to the resolution, 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.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yes 398, nays 5, not voting 28, as follows:

For a complete list of the House Members voting 'yea' or 'nay' on H. Res. 668, please refer to the House Journal (H. J. Res. 668) or access the Roll Call Vote Results at www.congress.gov.
A motion to reconsider was laid on the table.

**PERSONAL EXPLANATION**

Mr. PLATTS. Mr. Speaker, on rollcall Nos. 633, 634, and 635, I was inadvertently delayed and was not present. Had I been present, I would have voted "yea" on all three votes.

**PERSONAL EXPLANATION**

Mr. AL GREEN of Texas. Mr. Speaker, today, due to unforeseen circumstances, I missed the following votes:

H.R. 6672—To reauthorize certain programs under the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act with respect to public health security and all-hazards preparedness and response, and for other purposes—had I been present, I would have voted "yea."

H.R. 1845—Medicare IVIG Access Act, as amended—had I been present, I would have voted "yea."

H. Res. 668—To refer H.R. 5682, a bill making congressional recognition to the United States Court of Federal Claims pursuant to sections 1492 and 2509 of title 28, United States Code, the Indian trust-related claims of the Guion-Tribune of Oklahoma (O-Gah-Pah), and as well as its individual members—had I been present, I would have voted "yea."

**MEDICARE IDENTITY THEFT PREVENTION ACT OF 2012**

Mr. SAM JOHNSON of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 1509) to amend title II of the Social Security Act to prohibit the inclusion of Social Security account numbers on Medicare cards, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H. Res. 668

**SEC. 1. SHORT TITLE.**

This Act may be cited as the "Medicare Identity Theft Prevention Act of 2012."

**SEC. 2. PROHIBITION OF INCLUSION OF SOCIAL SECURITY ACCOUNT NUMBERS ON MEDICARE CARDS.**

(a) In general.—Section 205(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C)), as added by subsection (a)(3), shall apply with respect to Medicare cards issued on and after an effective date specified by the Secretary of Health and Human Services, but in no case shall such effective date be later than the date that is 3 years after the date of the enactment of this Act.

(b) Offset from MIF.—Amounts in the Medicare Improvement Fund under section 1885 of the Social Security Act (42 U.S.C. 1395w-113), that are available for expenditures from the Fund under paragraphs (2)(B) and (3) of section 1861(s) of such Act (42 U.S.C. 1395s(s)), shall be offset by amounts that are available for expenditures under paragraphs (2)(B) and (3) of such section.

(c) Availability of funds for the social security administration.—(1) Funding under agreement.—The Com- missioner of Social Security, shall establish cost-effective procedures to ensure that Social Security account numbers (or derivatives thereof) are not displayed, coded, or em- bedded on the Medicare card issued to an individual who is entitled to benefits under part A of title XVIII or enrolled under part B of title XVIII the identifier displayed on such card is not identifiable as a Social Security account number (or derivative thereof).

(2) Reauthorization.—In implementing clause (xiii) of section 205(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C)), as amended by subsection (a)(3), the Secretary of Health and Human Services shall establish a cost-effective process that involves the least amount of disruption to Medicare benefici- aries and health care providers. The Sec- retary shall consider implementing a proc- ess, similar to the process involving Railroad Retirement Board beneficiaries, under which a Medicare beneficiary card (or derivative thereof) is used external to the De- partment of Health and Human Services and is convertible over to a Social Security account number (or derivative thereof) for use internal to such Department and the Social Security Administration.

(3) Effective date.—(1) In general.—(A) the Secretary of Health and Human Services, but in no case shall such effective date be later than the date that is 3 years after the date of the enactment of this Act.

(2) Reissuance.—The Secretary—

(B) may permit an individual to apply for a reissuance of a Medicare card that contains with such requirements before the date of such reissuance, otherwise provided under the subparagraph (A) in such circumstances as the Secretary may specify.

(d) Funding.—

(1) Offset from MIF.—Amounts in the Medicare Improvement Fund under section 1885 of the Social Security Act (42 U.S.C. 1395w-113), that are available for expenditures from the Fund under paragraphs (2)(B) and (3) of section 1861(s) of such Act (42 U.S.C. 1395s(s)), shall be offset by amounts that are available for expenditures under paragraphs (2)(B) and (3) of such section.

(2) Availability of funding for the social security administration.—(A) Funding under agreement.—The Com- missioner of Social Security, shall enter into and maintain a new agreement which shall—

(1) provide funds to the Commissioner, at scheduled intervals as specified in the agree- ment, for the full costs of the responsibilities of the Commissioner under this section; and

(2) require an annual reconciliation of the actual costs incurred and the funds provided under the agreement.

(B) Availability of funds.—Amounts transferred to the Centers for Medicare & Medicaid Services Program Management Account under paragraph (1) shall be available for transfer to the Centers for Medicare & Medicaid Services Program Management Account as the Secretary of Health and Human Services determines necessary to offset the costs incurred by the Secretary (including costs under the agreement de- scribed in paragraph (1)) in such fiscal year (or a previous fiscal year in imple- mentation clause (xiii) of section 205(c)(2)(C) of such Act (42 U.S.C. 405(c)(2)(C)), as added by subsection (a)(3), and this section.

**NOT VOTING—28**

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.
Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank Chairman JOHNSON for his leadership on this, and I concur fully with the remarks he made.

In 2008, I filed this piece of legislation with Chairman JOHNSON’s help. At that time, we worked together and passed it through the House, and the Senate failed to act.

And since that time, whether it was under a Republican or Democratic administration, there has not been sufficient priority placed on this by the Centers for Medicare and Medicaid Services to address this question of privacy. It is a serious matter. It clearly requires legislation, and this time, hopefully, the Senate will respond to our bipartisan initiative and get it passed into law.

There are, indeed, about 48 million Americans, seniors, individuals with disabilities, who are carrying in their wallet or purse today something that makes them vulnerable to identity theft, and that something is their Medicare card.

Mr. Speaker, the Medicare Identity Theft Prevention Act of 2012 requires the Secretary of Health and Human Services, in consultation with the Commissioner of Social Security, to take action to ensure Social Security numbers no longer are used on Medicare cards. It requires the Secretary to develop a cost-effective way to do that, with as little impact as possible on Medicare beneficiaries and health care providers.

Further, funds from the Medicare Improvement Fund are made available to pay for implementation costs. According to CBO, the costs of this bill are fully offset and would not increase the deficit.

Lastly, the bill directs GAO to conduct a study to determine whether the Medicare Identity Theft Prevention Act of 2012 fully offsets and would not increase the costs of this bill.

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

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

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There are, indeed, about 48 million Americans, seniors, individuals with disabilities, who are carrying in their wallet or purse today something that makes them vulnerable to identity theft, and that something is their Medicare card.
by the overuse of Social Security numbers, sent out a directive to Federal agencies to eliminate the use of Social Security numbers and explore alternative identifiers. Despite this directive, Medicare has not yet taken appropriate steps to remove the numbers from Medicare cards.

Although we have bipartisan agreement on the severity of the problem, we also have had bipartisan administrative inaction when it comes to addressing it. Clearly, we need congressional action.

To protect both the savings and the peace of mind of Medicare beneficiaries, this bipartisan legislation would require Medicare to take steps that private companies, the Department of Defense, and the Department of Veterans Affairs have already taken to protect the identities of those that they serve.

Every time that a senior or an individual with disabilities hands over their Medicare card to a healthcare provider or elsewhere, they are handing over the keys to their financial security. With increasing sophistication by identity thieves, inaction again here is simply unacceptable.

Seniors who have saved, who have built a lifetime of financial security and their reputations are all at stake. Their savings and their credit should not be put needlessly at risk if someone steals a Medicare card or it gets misplaced or left with a provider by mistake.

Medicare should make sure that it does no harm to the financial security and credit rating of those that it serves with health care security. This act will help to ensure that the government better protects our seniors, denying thieves access to this critical data. Inaction would jeopardize in a continuing way the safety of so many.

This legislation, when we previously introduced it, supported by Consumers Union, the National Committee to Preserve Social Security and Medicare, the Silver Haired Legislature, nationally and in Texas, as well as the Elder Justice Coalition.

Seniors confront many threats to retirement security these days, but this bill will be directed toward one that we can do something about immediately, and that’s those who would swindle our seniors.

I urge adoption of the measure, and reserve the balance of my time.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield 1 minute to the gentlewoman from Kansas (Ms. JENKINS), a member of the Committee on Ways and Means.

Ms. JENKINS. I thank the gentleman from Texas for yielding, and would like to commend Chairman JOHNSON and Congressman DOGGETT for their leadership on this legislation.

Mr. Speaker, today there are nearly 50 million Medicare beneficiaries who are told to carry their Medicare cards with them at all times while simultaneously being told not to carry their Social Security card. They are told that carrying their Social Security card in their purse or wallet puts them at risk of identity theft, which is a problem that affects 1 million seniors yearly.

The irony is that the Medicare cards all feature beneficiaries’ Social Security numbers prominently. This means that our seniors are in a tight spot. They are at risk of identity theft simply by carrying their Medicare card with them.

I support passage of this bill because it would ensure that a person’s Social Security Number is no longer printed on their Medicare card. This bipartisan, commonsense measure will ensure that the 115,000 Medicare enrollees in my district will be safe from identity theft.

Mr. DOGGETT. Mr. Speaker, one addition to this bill from 2008 deals with the question of Medicare fraud. I yield 4 minutes to the gentleman from Oregon (Mr. BLUMENAUER), the cosponsor of legislation dealing with that and a member of the Ways and Means Health Subcommittee, to discuss this important addition.

Mr. BLUMENAUER. I appreciate the gentleman’s courtesy, and I strongly identify with the persistence and the eloquence from Chairman JOHNSON and my friend, Mr. DOGGETT, to deal with this problem of identity theft.

The hearing was a little unnerving. I appreciate the follow-through and, hopefully, something will happen. I identify strongly with the arguments you made on behalf of it.

But I would like to focus, if I could, on one other element because it’s directly related. And I see my good friend, Mr. GERLACH, is here on the floor, and I anticipate will be speaking to as well.

We should be concerned about maybe learning another lesson from the Department of Defense, which, as the chairman mentioned, is already using this for their purposes. But we’d like to use an opportunity for a Common Access Card for Medicare will have very important application to the area of rampant Medicare fraud.

Sixty billion dollars is the number we have heard in our subcommittee. It could be more, it could be less, but it’s a huge sum of money, and it compounds going forward.

Our first concern, however, should be about the quality of care for the senior citizens who are covered. And the Common Access Card, being able to digitally track this information, provides security for these transactions, makes it less likely that there will be mistakes, be able to follow up and follow through.

Second, it will, in fact, help us stop fraud. This is an area that has been relentlessly abused, where people order, there are changes in the order, sometimes orders are actually made that are entirely different than what people had requested.

Having this secure card will enable people to be able to have the security of the transaction, know where it’s at, greater accuracy of billing, track mistakes, stop fraud. And I cannot say strongly enough that I think it’s important for us to move.

I appreciate the work that was done putting a study over the next 2 years about this provision. But with all due respect, I hope, as this legislation works its way through Congress—and I hope that it is yet enacted while we are still here for the 112th Congress—that we’re able to be serious not just about a 2-year study. This is an area in which we ought to be able to implement pilot projects right now across the country.

It would make a difference for the administration. I think this is a question we could come to scale very quickly, help senior citizens and the reliability of their Medicare coverage, reduce fraud, and allow government to track our activities going forward.

There’s a lot of talk about the fiscal cliff and the need to save money and the back and forth that’s going on here. But this provision that Mr. GERLACH and I are advancing is a simple, commonsense, bipartisan proposal that would help us right now improve services, save money, and improve the reliability of the system.

I would hope that this is the sort of provision that would find favor with our colleagues in the House, and with the administration, working together, we can implement those pilot projects sooner rather than later and have broader application for great, positive effect for Medicare, for the taxpayers.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. GERLACH), who is a member of the Committee on Ways and Means.

Mr. GERLACH. Mr. Speaker, I want to first acknowledge the hard work and leadership of my colleague on the Ways and Means Committee, Mr. JOHNSON of Texas, as well as our chairman, Mr. CAMP of Michigan. Both gentlemen recognize the urgency of finding practical solutions for protecting seniors and taxpayers against easily preventable Medicare waste, fraud and improper payments that foster an ever-increasing threat of identity theft.

Mr. Speaker, whenever someone in Washington proposes a new idea for shrinking costs and saving precious taxpayer dollars, we usually receive a barrage of questions from folks concerned that they will have to do with less and possibly see services they depend upon curtailed in some way.

This legislation, Mr. Speaker, today contains provisions that would kick-start a critically important process that ultimately may allow Congress to use commonsense technology in cutting an estimated $60 billion a year in improper and fraudulent Medicare payments while making sure seniors enrolled in Medicare receive the care and treatment they have earned.

We’re attempting to cut costs without restricting access to care. Specifically, this legislation authorizes a
Mr. BLUMENAUER and myself, as part of the Medicare Common Access Card Act, smart card technology would be used to protect personal information of Medicare participants, prevent phantom Medicare card into the 21st century, a low-cost solution for bringing the Medicare identity theft Prevention Act of 2012. This bill provides approximately $300 million to the Secretary of HHS to move forward on removing Social Security numbers from Medicare cards and to know whether that amount is sufficient. I’m concerned that if we fail to provide sufficient funding for this task, we may wind up with a programmatic mess, confusion, or even worse. I think we owe it to Medicare beneficiaries and providers to ensure that this worthy undertaking is done well. In addition, the bill allows for funding of the Social Security Administration’s costs but not the costs of the Medicare agency itself, and that’s an issue that has to be addressed.

So as we move forward, Mr. Speaker, we must make sure that the funding is sufficient and that both CMS and SSA can equitably access these funds. Beneficiary identity security depends on it.

Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. HERGER), also a member on the Subcommittee on Security, and chairman on the Subcommittee on Health.

Mr. HERGER. I thank the gentleman for leading this effort.

Mr. DOGGETT. I yield 2 minutes to the ranking member of the Health Subcommittee on the Commerce Committee, that gentleman from New Jersey (Mr. PALLONE). Mr. PALLONE. I thank my colleague from Texas.

Mr. Speaker, I, like many of my colleagues, am concerned with the problem of identity theft, particularly identity theft from elderly individuals, who can be viewed as easy victims by unscrupulous criminals. I think we all agree that a commonsense step to prevent identity theft and further protect beneficiaries is to remove beneficiary Social Security numbers from their Medicare cards, but it’s important to point out that this is not as easy as it would seem.

Medicare has dozens of claims processing systems, each that will need to be modified to accept a new beneficiary number. Providers, too, will have to ensure their billing systems can accommodate the new numbers. We will need a comprehensive education campaign to ensure that a new numbering system or the issuance of new cards doesn’t simply present a golden opportunity for unscrupulous individuals to find a new way to rip off seniors.

Now, I certainly support the policy goal of H.R. 1509, the Medicare Identity Theft Prevention Act of 2012. This bill provides approximately $300 million to the Secretary of HHS to move forward on removing Social Security numbers from Medicare cards to determine whether that amount is sufficient. I’m concerned that if we fail to provide sufficient funding for this task, we may wind up with a programmatic mess, confusion, or even worse. I think we owe it to Medicare beneficiaries and providers to ensure that this worthy undertaking is done well. In addition, the bill allows for funding of the Social Security Administration’s costs but not the costs of the Medicare agency itself, and that’s an issue that has to be addressed.

The Department of Defense has issued more than 20 million secure smart cards to authenticate and verify access to programs and facilities. To date, the Department of Defense reports that not a single common access card has been counterfeited.

The U.S. Department of Health and Human Services estimates that waste, fraud, and abuse cost the Medicare program about $60 billion a year. Nearly 10 percent of the entire annual Medicare budget, or approximately $48 billion a year—is lost to improper payments, according to a report issued by the Government Accountability Office. That’s a significant amount of human resources and financial resources that are better used helping our seniors pay for prescription drugs, and other vital medical care.

The Department of Defense has issued more than 20 million secure smart cards to authenticate and verify access to programs and facilities. To date, the Department of Defense reports that not a single common access card has been counterfeited.

We cannot stop improper payments in the Medicare system unless we find a way to verify who is authorized to provide and receive benefits. A comprehensive study is an important first step that will make sure we get the job done right for taxpayers, seniors, doctors, and other health care providers.

Taxpayers and seniors deserve the protection against identity theft and fraud that this legislation would provide, and I urge my colleagues to begin the process of putting in place a simple, low-cost solution for the Medicare card into the 21st century, and I thank the gentleman for leading this effort.

Mr. DOGGETT. I yield 2 minutes to the ranking member of the Health Subcommittee on the Commerce Committee, that gentleman from New Jersey (Mr. PALLONE). Mr. PALLONE. I thank my colleague from Texas.

Mr. Speaker, I, like many of my colleagues, am concerned with the problem of identity theft, particularly identity theft from elderly individuals, who can be viewed as easy victims by unscrupulous criminals. I think we all agree that a commonsense step to prevent identity theft and further protect beneficiaries is to remove beneficiary Social Security numbers from their Medicare cards, but it’s important to point out that this is not as easy as it would seem.

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Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. HERGER), also a member on the Ways and Means Committee and chairman on the Subcommittee on Security.

Mr. HERGER. I thank my good friend from Texas.

Mr. Speaker, I rise to speak in strong support of H.R. 1509, which is commonsense, bipartisan legislation that will protect our Nation’s seniors. I do not doubt that many of us have received letters from constituents who have faced problems due to their Social Security number being compromised. Over the years, I’ve held a number of forums in my northern California district to raise awareness about identity theft and financial scams targeting senior citizens. I’ve heard complaints from many of these constituents that, while the public increasingly understands the importance of safeguarding personal information, Medicare isn’t doing its part.

Given the inaction at CMS on removing Social Security numbers from Medicare cards because it is an unnecessary risk for seniors. That’s exactly what this legislation does. It will help prevent seniors from becoming victims of these types of theft and fraud by removing the Social Security number from those Medicare cards.

I’m pleased to be a cosponsor and actively support this legislation. This is commonsense. This is bipartisan. There’s no reason for delay. We can stop putting seniors at unnecessary risk.

I want to thank, in particular, the subcommittee chairman, Mr. Johnson, as well as Congresswoman DeLauro for their bipartisan leadership on this effort and bringing it to the floor before the end of the year.
Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. MARCHANT), a member of the Committee on Ways and Means.

Mr. MARCHANT. I rise to support the Medicare Identity Theft Prevention Act of 2012. This is a commonsense, bipartisan bill that would establish cost-effective procedures to help protect the identity of all seniors.

Seniors are a high-risk demographic for identity theft. Identity thieves have been preying on our seniors in my district in Texas and across the country. This year’s Centers for Medicare Services inspector general report found that more than a quarter million Medicare beneficiaries have been potential victims of identity theft.

Most Medicare cards currently use Social Security numbers as the identifier, by removing Social Security numbers from Medicare cards, this bill gives seniors the identity protection that they deserve. Seniors work their entire lives for financial security, and that security should not be jeopardized due to preventable identity theft.

Other Federal programs and private insurance plans made similar changes years ago, and Medicare beneficiaries should have the same level of identity protection and security.

I’m pleased to support this legislation, and I urge my colleagues to do so.

Mr. DOGGETT. Mr. Speaker, I thank the gentleman from Texas, my colleague, Chairman JOHNSON, and I hope the Senate will respond this time to our action.

I yield back the balance of my time.

Mr. SAM JOHNSON of Texas. Thank you, Mr. DOGGETT.

I yield myself such time as I may consume.

Mr. Speaker, despite increasing pressure from this committee and this House, CMS has refused to act to remove Social Security numbers from Medicare cards. If CMS won’t act, we must. This commonsense bill is a vital step in protecting our nation’s seniors from identity theft, and we can’t afford to put seniors at risk any longer. Medicare beneficiaries want, need, and deserve better. I urge all my colleagues to vote “yes,” and I hope the Senate will act immediately to pass this legislation.

I yield back the balance of my time.

Mr. REICHERT. Mr. Speaker, I rise today in support of the Medicare Identity Theft Prevention Act. I applaud Chairman JOHNSON and Representative DOGGETT for introducing this bill and bringing it to the floor.

America’s seniors are some of our most valued citizens. They have spent their lives working hard and preparing for their much deserved “golden years.” It seems only fitting, then, that we reward their hard work and labor by protecting this most precious treasure.

Under current law, Social Security numbers are used as the main component of a Medicare beneficiary’s health insurance claim number and are displayed on over 50 million Medicare cards. This simply doesn’t make sense. It puts each of these 50 million people at heightened risk for identity theft and fraud. We’ve already seen high rates for this type of crime: in 2010 alone over 8.6 million households were victims of ID theft, including one million seniors. Seniors’ social security numbers are especially valuable because they can be used by thieves to obtain employment, benefits, and credit.

The GAO first recommended removing social security numbers from government documents ten years ago. Both the private and public sectors have already taken steps to remove social security numbers from forms of public identification. However, fully aware of the risks posed to seniors, the Centers for Medicare and Medicaid Services has refused to act. Both sides of the aisle agree, this is simply unacceptable.

Therefore, it is clearly time for Congress to take action. I urge my colleagues to support this legislation so that we can better protect our senior citizens.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SAM JOHNSON) that the House suspend the rules and pass the bill, H.R. 1509, as amended.

The question was taken.

The point of order that a quorum is not present and make the proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PROTECT OUR KIDS ACT OF 2012

Mr. CAMP. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6655) to establish a commission to develop a national strategy and recommendations for reducing fatalities resulting from child abuse and neglect.

The Clerk read the title of the bill.

SEC. 1. COMMISSION.

This Act may be cited as the “Protect Our Kids Act of 2012”.

SEC. 2. FINDINGS.

Congress finds that—

(1) deaths from child abuse and neglect are preventable;

(2) deaths from child abuse and neglect are significantly underreported and there is no national standard for reporting such deaths;

(3) according to the Child Maltreatment Report of 2011, in fiscal year 2011, 1,545 children in the United States are reported to have died from child abuse and neglect, and many experts believe that the actual number may be significantly more;

(4) over 42 percent of the number of children in the United States who die from abuse are under the age of 1, and almost 82 percent are under the age of 4;

(5) of the children who died in fiscal year 2011, 70 percent suffered neglect either exclusively or in combination with another maltreatment type and 48 percent suffered physical abuse either exclusively or in combination;

(6) increased understanding of deaths from child abuse and neglect can lead to improved and effective policy and practice to protect children and prevent child abuse and neglect; and

(7) Congress in recent years has taken a number of steps to reduce child fatalities from abuse and neglect, such as—

(A) providing States with flexibility through the Child and Family Services Improvement and Innovation Act of 2011 to operate child welfare demonstration projects to test services focused on preventing abuse and neglect and ensuring that children remain safely in their own homes;

(B) providing funding through the Child and Family Services Improvement Act of 2006 for services and activities to enhance the safety of children who are at risk of being placed in foster care as a result of a parent’s substance abuse;

(C) providing funding through the Fostering Connections to Success and Increasing Adoptions Act of 2008 for grants to facilitate activities such as family group decisionmaking meetings and family treatment programs to support parents in caring for their children; and

(D) requiring States through the Child and Family Services Improvement and Innovation Act of 2011 to describe how they will improve the quality of data collected on fatalities from child abuse and neglect.

SEC. 3. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established the Commission to Eliminate Child Abuse and Neglect Fatalities (in this Act referred to as the “Commission”).

(b) MEMBERSHIP.—

(1) COMPOSITION.—

(A) MEMBERS.—The Commission shall be composed of 12 members, of whom—

(i) 6 shall be appointed by the President;

(ii) 2 shall be appointed by the Speaker of the House of Representatives;

(iii) 1 shall be appointed by the minority leader of the House of Representatives;

(iv) 2 shall be appointed by the majority leader of the Senate; and

(v) 1 shall be appointed by the minority leader of the Senate.

(B) QUALIFICATIONS.—Each member appointed under subparagraph (A) shall have experience in one or more of the following areas:

(i) child welfare administration;

(ii) child welfare research;

(iii) child development;

(iv) legislation, including legislation involving child welfare matters;

(v) trauma and crisis intervention;

(vi) pediatrics;

(vii) psychology and mental health;

(viii) emergency medicine;

(ix) forensic pathology or medical investigation of injury and fatality;

(x) social work with field experience;

(xi) academia at an institution of higher education, as that term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001), with a focus on one or more of the other areas listed under this subparagraph;

(xii) law enforcement, with experience handling child abuse and neglect matters;

(xiii) civil law, with experience handling child abuse and neglect matters;

(xiv) criminal law, with experience handling child abuse and neglect matters;

(xv) substance abuse treatment; and

(xvi) education at an elementary school or secondary school, as those terms are defined
in section 901 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801); (xvii) epidemiology; and (xviii) computer science or software engineering, with a background in interoperability standards.

(C) DIVERSITY OF QUALIFICATIONS.—In making appointments to the Commission under subsection (d), the Commission shall appoint representatives of a diverse group of leaders who will represent the interests of the nation, including representatives of private sector and nonprofit organizations, including recommendations to implement a comprehensive national strategy for such purpose; and

(2) DATE.—The appointments of the members of the Commission shall be made not later than 90 days after the date of enactment of this Act.

(3) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(D) DUTY OF MEETING.—Not later than 60 days after the date on which a majority of the members of the Commission have been appointed, the Commission shall hold its first meeting.

(E) MEETINGS.—The Commission shall meet at the call of the Chairperson. A quorum of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(F) CHAIRPERSON.—The President shall select a Chairperson for the Commission from among its members.

SEC. 4. DUTY OF THE COMMISSION.

(a) STUDY.—

(1) IN GENERAL.—The Commission shall conduct a thorough study on the use of child protective services and child welfare services funded under title IV and subtitle A of title XX of the Social Security Act to reduce fatalities from child abuse and neglect.

(b) COORDINATION.—The Commission shall coordinate with Federal, State, and local governments and nongovernmental organizations; and

(c) RECOMMENDATIONS.—The Commission shall—

(1) develop recommendations to reduce fatalities from child abuse and neglect for Federal, State, and local government agencies; and

(2) develop guidelines for the type of information that should be tracked to improve interventions to prevent fatalities from child abuse and neglect.

(d) REPORT.—

(1) IN GENERAL.—Not later than 2 years after the date on which a majority of the members of the Commission have been appointed, the Commission shall submit a report to the President and Congress, which shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation and administrative actions as it considers appropriate.

(2) EXTENSION.—The President may extend the date on which the report described in paragraph (1) shall be submitted by an additional 1 year.

(3) ONLINE ACCESS.—The Commission shall make the report under paragraph (1) available on the publicly available Internet Web site of the Department of Health and Human Services.

SEC. 5. POWERS OF THE COMMISSION.

(a) Hearings.—

(1) IN GENERAL.—The Commission may hold such hearings as it considers necessary to carry out this Act.

(2) Location.—The location of hearings under paragraph (1) shall include—

(A) areas with high fatality rates from child abuse and neglect; and

(B) areas that have shown a decrease in fatalities from child abuse and neglect.

(3) SUBJECT.—The Commission shall hold hearings under paragraph (1) to—

(A) examine the activities of Federal, State, and local governments; and

(B) determine and make recommendations to improve child abuse and neglect prevention and the treatment of children and families.

(b) Information from Federal Agencies.—The Commission may require any Federal agency that is affected by the recommendations in the report to provide the Commission with such information as it considers necessary to carry out this Act. The Commission may request such information in writing or electronically. The Commission may require the Director of an agency to appear in person at any hearing and to answer any questions that the Commission may pose.

(c) Postal Services.—The Commission may use the United States mails to transmit any documents to the Federal Government.

(d) Gifts.—The Commission may accept gifts, grants, and donations. The Commission may accept gifts from the public and provide grants to States, localities, or projects.

SEC. 6. COMMISSION PERSONNEL MATTERS.

(a) Travel Expenses.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized by law for Federal employees under subchapter I of chapter 57 of title 5, United States Code, for travel to and from the homes or regular places of business in the performance of services for the Commission.

(b) Staff.—

(1) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(2) Compensation.—The Chairperson of the Commission may fix the rate of pay for the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5.

(b) Detailed of Government Employers.—At the discretion of the relevant agency, any Federal agency that is affected by a recommendation described in the report shall submit to Congress a report containing the response of the Federal agency to the recommendation.

(c) Procurement of Temporary and Intermittent Services.—The Chairperson of the Commission may procure temporary and intermittent services (as defined by section 5316 of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5).

SEC. 7. TERMINATION OF THE COMMISSION.

The Commission shall terminate on the earlier of—

(1) the 30th day after the date on which the Commission submits its report under section 4(d); or

(2) the date that is 3 years after the initial meeting under section 4(d).

SEC. 8. FEDERAL AGENCY RESPONSE.

Not later than 6 months after the submission of the report required under section 4(d), a Federal agency that is affected by a recommendation described in the report shall submit to Congress reports containing the response of the Federal agency to the recommendation.

SEC. 9. ADJUSTMENT TO THE TANF CONTINUING FUND FOR STATE WELFARE PROGRAMS.

(a) In General.—Section 408(b)(2) of the Social Security Act (42 U.S.C. 603(b)(2)) is amended by striking “for fiscal years 2011 and 2012, and all fiscal years through the end of the paragraph” and inserting “for fiscal years 2013 and 2014 such sums as are necessary for payment to the Fund in a total amount not to exceed $612,000,000 for each fiscal year, of which $2,000,000 shall be reserved for carrying out the activities of the commission established by the Protect Our Kids Act of 2012 to reduce fatalities resulting from child abuse and neglect.”

(b) Prevention of Duplicate Appropriations for Fiscal Year 2013.—Expenditures made pursuant to the Protect Our Kids Act of 2012 to reduce fatalities resulting from child abuse and neglect.”

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CAMP) and the gentleman from Texas (Mr. DOGGETT) each will control 20 minutes.

The Speaker recognizes the gentleman from Michigan.

Mr. CAMP. Mr. Speaker, I ask unanimous consent that all Members have 5
This bipartisan legislation will establish a commission charged with developing recommendations to reduce child deaths caused by abuse and neglect. The commission will study a variety of issues, including data on fatalities, prevention methods, and the adequacy of reporting and tracking. It will also compare what’s happening and can also endorsed by the tragic events that have occurred in recent years.

Mr. Speaker, I yield my time to Mr. Paulsen, the acting chair of the Human Resources Subcommittee, and ask unanimous consent that he be allowed to control the time.

Mr. Speaker, I urge all of my colleagues that they work with me in the Department of Health and Human Services has taken to supporting the collection and accurate reporting of this information.

Mr. Doggett. My thanks to Chairmen CAMP and Chairman Paulsen, whose leadership has facilitated our consideration of this bill today and the crafting of it into the piece of legislation that I introduced about a year ago.

We are reminded, as Chairman CAMP indicated, by the tragedy in Connecticut, each family touched by the damage, the deaths of these youngest Americans. In contrast, as with so many families, in our family we share the joy of three little girls. As difficult as it is to conceive of the wrong, the evil that occurred in Connecticut so recently, it is similarly difficult to conceive of how many of our youngest Americans are the subject of abuse and even death.

We, through the Protect Our Kids Act, are seeking to have thoughtful consideration of what steps we can take to protect these most vulnerable children. We’re not interested in another commission that just prepares reports and mandated task forces somewhere; we’re interested in action coming from this commission.

The original legislation, which was drafted in a way that provided for its consideration in a number of committees, has been, in terms of jurisdiction, narrowed somewhat, but the objectives of the legislation remain as broad as they ever were—to explore every aspect of child abuse leading to child fatalities and to find more bipartisan solutions to addressing that serious matter.

As I referenced a witness from Dallas, Madeline McClure, the executive director of the Texas Association for the Protection of Children, who testified before our committee very recently that the estimate of 753,000 children being abused and neglected in America is a conservative one, but that to put it in context, if you filled the Alamodome, the Darrell K. Royal Stadium in Austin, the Houston Astrodome, Century Link Fields in Washington State, you would fill those and still not cover all of the children who are subject to abuse and neglect each year in this country. Almost half of those children that are abused are age 4 or under.

Our bill provides an opportunity to take an important step forward in developing a national strategy to protect our most vulnerable children. The commission, appointed by the President and Congress, would develop recommendations to reduce the number of children who die from abuse and neglect.

The commission would bring together a group of experts from around the country in a wide variety of professions to identify prevention efforts. So little of the resources that we focus on abused and neglected children in America go to that that should be an important focus in a broad sense, as well as the collection of good data so that we can adequately compare what’s happening and can also understand the best practices that are already underway in many communities across America.

As we listened to experts both in our recent hearing in front of the Subcommittee on Human Resources and last year when we held a hearing, we note the need for what one called an “accessible blueprint” for the States to implement better child abuse prevention strategy. The commission that we set up today goes to that that can provide.

In my home State of Texas, there are groups like Voices for Children San Antonio, CASA, Children’s Shelters in San Antonio, Austin and other communities, and TexProtects, that are serving as a voice for the voiceless and trying to prevent child abuse. There are local leaders like Texas State Senator Carlos Uresti, who was the moving force behind the Texas Blue Ribbon Task Force and the Bexar County Task Force on Child Abuse.

The important work that these folks are doing has been a great benefit; but despite it, the fatalities that are stemming from child abuse continue to grow, and they are almost at epidemic proportions in Texas, and in San Antonio in particular. Last year, there were almost 6,000 confirmed cases of child abuse in the San Antonio area in Bexar County, the highest number in Texas, higher than even Houston and Harris County which has about twice the population.

In the last decade, Texas had over 2,000 children who were killed—who
died—as a result of abuse and neglect. Last year, we had a total in Texas of nearly 66,000 confirmed cases. That's just too much. There is more that we can do and that we must do to protect these youngest Americans.

Child neglect are not isolated. The children don't just “bounce back.” The consequences of abuse and neglect are felt throughout the lifetime and, indeed, often from one generation to another. These conditions can linger for a very long time. The data shows those adults who have experienced the highest level of childhood trauma, these individuals were five times more likely to suffer from alcoholism, nine times more likely to be involved in drug abuse, three times more likely to be clinically depressed, and four times more likely to be addicted to nicotine. Additional research shows a relationship between child abuse and the presence of a range of adult diseases.

In the past, Congress’ adoption of expert advice has provided progress in dealing with the issue of child neglect and abuse. We have made some positive changes to the way children are placed into foster care and have elevated child safety as a primary welfare goal for the States. But as evidenced by the statistics, there are gaps in policy. There is much more work to be done to reduce the number of children who die each year in the hands of someone who is supposed to be caring for them.

The Protect Our Kids Act is a significant step in the right direction, and I urge its approval.

I reserve the balance of my time.

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

Mr. Speaker, today we have an opportunity to improve the way our child welfare system works. We have a chance to learn what is most effective in preventing child fatalities from child abuse and neglect. By acting on this bill today, we can make a significant difference in the lives of children who need to be protected.

In a hearing that we held just this last week on the Protect Our Kids Act of 2012, I shared the heartbreaking story of Devin Drake, who is an example of the type of tragedy we hope to prevent through the work of this important commission.

As the cochair of the Congressional Caucus on Foster Youth, I look forward to continue working with my colleagues to help prevent child abuse, neglect and fatalities. I urge my colleagues to support H.R. 6655.

Mr. PAULSEN. Mr. Speaker, we have no other speakers. I reserve the balance of my time.

Mr. DOGGETT. I would yield myself such time as I may consume.

Mr. Speaker, as Texas District Judge Darline Byrne, a leader in establishing child protection courts says had: Childhood should be a time of innocence and freedom, but it is a sad fact that many children are vulnerable to injury and abuse. Our Nation’s children need good leaders to stand up and find creative ways to protect them from harm. The creation of the National Commission to End Child Fatalities is an important step in that direction.

At a hearing, Mr. Speaker, of our Ways and Means Human Resources Subcommittee that we held over a year ago, I expressed how that we would be able to come together in a bipartisan response. Today, we are doing just that.

As we take this step toward reducing child neglect and abuse, I would like to thank the many children’s protection groups that have been so instrumental in providing input and support for this legislation, including the members of the National Coalition to End Child Abuse Deaths; particularly the National District Attorneys Association; the National Children’s Alliance; Every Child Matters Education Fund; and, of course, the National District Attorneys Association, as well as individuals like Michael Petit, Teresa Huizar, who testified before our committee, Kim Day, Teri Covington and Joan Zlotnick.

We have a real chance to see this bipartisan legislation become law this year in the few days that remain. There is similar, bipartisan legislation that was introduced last year at the same time I originally filed the bill that is authored by Senators KERRY and COLLINS.

I'm hopeful that the Senate will see this bipartisan action that we have here today and the commitment we have and will move forward with this improved version of the legislation quickly.

With that, I yield back the balance of my time and give my thanks to Chair- man PAULSEN.

Mr. PAULSEN. Mr. Speaker, I yield myself such time as I may consume.
Mr. Speaker, the Protect Our Kids Act of 2012 will help us prevent child fatalities from abuse and neglect. The commission created by this bill will show us how we can improve on our current efforts, and it will help provide us with the information we need to move forward on this issue.

I urge my colleagues to support the bill today.

I want to thank not only Chairman CAMP, but Ranking Member DÖGGERT for his leadership and his passion on this issue.

I urge support and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CAMP) that the House suspend the rules and pass the bill, H.R. 6655.

The question was taken.

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

JAMES M. CARTER AND JUDITH N. KEEP UNITED STATES COURT-HOUSE

Mr. DENHAM. Mr. Speaker, I ask unanimous consent that the Committee on Transportation and Infrastructure be discharged from further consideration of the bill (H.R. 6166) to designate the United States courthouse located at 333 West Broadway Street in San Diego, California, as the “James M. Carter and Judith N. Keep United States Courthouse,” and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The SPEAKER pro tempore. Is there objection to the request of the gentleman from California? There was no objection.

The text of the bill is as follows:

H.R. 6166

Be it enacted by the Senate and House of Representaties of the United States of America in Congress assembled.

SECTION 1. DESIGNATION.

The United States courthouse located at 333 West Broadway Street in San Diego, California, shall be known and designated as the “James M. Carter and Judith N. Keep United States Courthouse”.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the “James M. Carter and Judith N. Keep United States Courthouse”.

Mrs. DAVIS of California. Mr. Speaker, I am pleased to offer my bill, H.R. 6166, for consideration to designate the new courthouse at 333 West Broadway Street in San Diego as the James M. Carter and Judith N. Keep United States Courthouse.

First, I would like to thank Chairman McAHER, Ranking Member RAHAL, Subcommittee Chairman DENHAM and Subcommittee Ranking Member NORTON, the Democratic and Republican staff of the Committee, and my colleagues from California who came together to move this legislation honoring two highly deserving judges and human beings.

By way of history, this iconic new courthouse construction project in downtown San Diego was nearing completion and the time had come to consider a name for the new building, my office sought input from the San Diego legal community to determine a consensus.

After considering hundreds of submissions, it became clear that, among many worthy options, San Diegans preferred to honor two former, prominent San Diego judges—Judge James Carter and Judge Judy Keep.

I decided that the right thing to do would be to honor both of these individuals—as they were both true trailblazers in the San Diego community.

And reflecting San Diego’s widespread support for honoring Judge Carter and Judge Keep my legislation was endorsed by the San Diego City Council, the San Diego County Bar Association, and San Diego’s Mayor at the time, Jerry Sanders.

After the San Diego City Council’s vote, Judge Carter was moving force behind the creation of the Southern California District. In response to the tremendous population growth in San Diego after World War II, Judge Carter successfully convinced the Judicial Conference of the United States to create the Southern California District. Judge Carter as an outstanding federal judge.

In 1980, Judge Keep was nominated to become the first Chief Judge of the District Court, serving in that position until his appointment to the 9th Circuit Court of Appeals. Judge Keep was instrumental in opening up the San Diego legal field to women.

Judge Keep graduated from San Diego Law School as a valedictory—at a time when fewer than 5% of lawyers were women! She then worked as a Staff Attorney at Defenders, Inc. where she was the first female staff attorney representing indigent criminal defendants in federal court.

In 1980, Judge Keep was nominated to become the first female judge for the District Court of the Southern District of California, and later she became the District Court’s first female Chief Judge.

Displaying true dedication to public service, both Judge Carter and Judge Keep worked tirelessly off the bench to better the San Diego community.

Judge Carter founded the Federal Defenders of San Diego and was instrumental in the creation of the University of San Diego Law School.

Former law clerks of Judge Carter remember him as a giant of his time, a man who was revered by the San Diego legal community, and whose service was an example for all those who followed in his footsteps.

Judge Carter even touched the life of one of our colleagues, Senator MIKE CRAPO. Like many law clerks who passed through the judge’s chambers, he was in awe of Judge Carter’s service and work. And in Senator CRAPO’s words, there is “no more appropriate way to honor his legacy than to name this federal courthouse for Judge Carter.”

Judge Keep was a Chair of both the Task Force on Judicial Wellness and the Conference of Chief District Judges for the 9th Circuit, and she worked with the San Diego Community Foundation and the Armed Forces YMCA.

And, both judges served as role models and mentors to countless young attorneys and judges in San Diego.

A Superior Court judge, who appeared before Judge Keep as a young prosecutor wrote to me:

Judy’s presence and words of wisdom shaped my own career and trajectory. Even after her death, her light shines. I keep her picture in my court chambers to remind me everyday of what is important in life and about how to arrive at the best decisions possible.

Judge Carter and Judge Keep served the public with distinction and truly reflected the San Diego legal community’s shared values of excellence and integrity.

The new San Diego Courthouse will be a fitting testament to their careers and inspire others in the community to continue to follow their path.

Thank you again for your consideration of this legislation honoring these two trailblazing San Diego public servants.


Representative SUSAN DAVIS.

Longworth HOB.

Washington, DC.

DEAR REPRESENTATIVE DAVIS: I recently became aware of your efforts to solicit input on the naming of the new federal courthouse in San Diego, to be opened in 2013. I expect you have been receiving many worthy suggestions from your constituents, and I would like to join those who have suggested to you that the courthouse be named for former federal judge James M. Carter.

Following graduation from Harvard Law School in 1977, I served for a year as law clerk to Judge Carter on the Ninth U.S. Circuit Court of Appeals. I learned a great deal through this experience and came to admire Judge Carter as an outstanding federal judge.

Judge Carter was responsible for the legislation that first created the Southern District of California, and he would go on to become the District’s founding Chief Judge. Upon his passing in 1979, the local newspaper editorials hailed him as “The Dean of the San Diego Judiciary.”

Given the time that has passed since his service, I recognize many of his contemporaries are no longer with us, and the memory of his accomplishments may have faded. As one who did have the honor of working with this fine man, I can think of no more appropriate way to honor his legacy than to name this federal courthouse for Judge Carter.

Thanks for your consideration.

Sincerely,

MIKE CRAPO,
U.S. Senator.

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.

GENERAL LEAVE

Mr. DENHAM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials on H.R. 6166.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?
There was no objection.

PAUL BROWN UNITED STATES COURTHOUSE

Mr. DENHAM. Mr. Speaker, I ask unanimous consent that the Committee on Transportation and Infrastructure be discharged from further consideration of the bill (H.R. 6633) to designate the United States courthouse located at 101 East Pecan Street in Sherman, Texas, as the “Paul Brown United States Courthouse,” and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The text of the bill is as follows:

H.R. 6633

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

SECTION 1. DESIGNATION.
The United States courthouse located at 101 East Pecan Street in Sherman, Texas, shall be known and designated as the “Paul Brown United States Courthouse”.

SEC. 2. REFERENCES.
Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the “Paul Brown United States Courthouse”.

Mr. HALL. Mr. Speaker, I rise in support of H.R. 6633, a bill to designate the United States courthouse located at 101 East Pecan Street in Sherman, Texas, as the “Paul Brown United States Courthouse”. Judge Brown was an outstanding Federal judge who passed away on November 26 after 21 years of distinguished service. Judge Paul Brown was my good friend, a respected judge, and beloved member of the Sherman, Texas community.

Judge Brown embodied all of these qualities, and he dispensed justice accordingly. He was highly regarded, well-respected, and was a role model for many.

Paul Brown was the youngest of a family of six raised on a farm near Pottsboro, TX. He graduated from Denison High School and attended the University of Texas before being recalled to active duty in the Korean war. He saw combat aboard a Navy ship, received an honorable discharge in December 1951.

Judge Brown worked as an assistant U.S. Attorney in Texarkana under U.S. Attorney William Steger—who would become his mentor, good friend, and eventually fellow colleague on the bench. He served as Assistant U.S. Attorney from 1953 to 1959, and then followed in Judge Steger’s footsteps as U.S. District Attorney from 1959 to 1961.

While in Texarkana, Judge and married Frances Morehead. They raised two children and retired to their two rural homes, one in Texarkana, where he practiced law for a number of years. In 1985 Senator Phil Graham recommended him to President Ronald Reagan for a new judge’s position created for the Eastern District of Texas, and he was confirmed that year. He held court in Beaumont, Texarkana, and then in Sherman, where he eventually presided over the Sherman courthouse exclusively.

Premiere cases over the years included intellectual property, patent cases, and criminal cases precipitated by the bank and savings and loan failures of the 1980s and 1990s. In recent years he noted the increase in drug cases and expressed his regret that, in spite of all the efforts that have been made to prosecute drug dealers, the Nation is not making much progress in curtailing the use of drugs. Notwithstanding, the justice he dispensed was remarkable, and his reputation for punctuality is legendary.

As we near adjournment of the 112th Congress, I ask my colleagues to join me in celebrating the life of a great American, outstanding public servant, and respected jurist. This bill has the support of the Federal judges in the Eastern District, and I ask for your support of H.R. 6633, to designate the United States courthouse in Sherman, Texas, as the “Paul Brown United States Courthouse”.

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.

Mr. DENHAM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials on H.R. 6633.

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

There was no objection.

Mr. DENHAM. Mr. Speaker, I yield myself such time as I may consume. S. 3311 would designate the United States courthouse located at 2601 2nd Avenue North, Billings, Montana, as the James F. Battin United States Courthouse.

Judge Battin received his law degree from George Washington University Law School in 1961. Prior to attending law school during World War II, Judge Battin served in the United States Navy.

Early in his career, Judge Battin practiced law in Washington, D.C., and in Billings, Montana. Later, he served in a number of public service positions, including deputy county attorney for Yellowstone County, Montana, and city attorney in Billings.

In 1958, Judge Battin served as a State representative in Montana, and in 1961 Judge Battin was elected to the U.S. House of Representatives and served as a U.S. Representative from Montana until 1969. In 1969, Judge Battin was appointed by President Nixon to be a judge on the U.S. District Court for the District of Montana. During that time, he served as chief judge from ’78 to ’90, when he assumed senior status.

Judge Battin’s commitment to public service is clear. I believe his dedication to serving this Nation makes it fitting to name this courthouse after him. I support passage of this legislation and urge my colleagues to do the same.

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

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

Mr. Speaker, I rise in support of S. 3311. It’s a bill to designate the courthouse in Billings, Montana, as the...
James F. Battin United States Courtthouse.

As my colleague has so aptly stated, in 1969, President Nixon appointed James Battin to the Federal bench in Billings, Montana, where he continued his 40 years of public service to the citizens of that State. In 1978, Judge Battin was appointed chief judge and served in that position for 12 years. He remained active in judicial affairs until his death in September of 1996.

Prior to his judicial appointment, Judge Battin served, as was mentioned, in the House of Representatives, representing eastern Montana from 1960 to 1969, when he resigned to receive his judicial appointment. While in this Congress, Judge Battin served on the Judiciary Committee, the Ways and Means Committee.

Judge Battin was also a World War II Navy veteran, a member of the Montana State Legislature, and also Billings city attorney and general counsel for the Billings planning board.

It is fitting to honor the contributions Judge Battin, a great hero to Montana, has made to public service with the designation of the U.S. courthouse in Billings, Montana, as the James F. Battin United States Courthouse. I urge support of S. 3311 and urge my colleagues to also support the bill. I yield back the balance of my time.

Mr. Speaker.

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

The Clerk read the title of the bill.

The SPEAKER pro tempore. The motion to reconsider was laid on the table.

MT. ANDREA LAWRENCE DESIGNATION ACT OF 2011

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (S. 925) to designate Mt. Andrea Lawrence.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 925

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 "Mt. Andrea Lawrence Designation Act of 2011".

SEC. 2. FINDINGS.

Congress finds that Andrea Mead Lawrence—

(a) was born in Rutland County, Vermont on April 19, 1932, where she developed a life-long love of winter sports and appreciation for the environment; and

(b) competed in the 1948 Winter Olympics in St. Moritz, Switzerland, and the 1956 Winter Olympics in Cortina d’Ampezzo, Italy, and was the torch lighter at the 1960 Winter Olympics in Squaw Valley, California; and

(c) won 2 Gold Medals in the Olympic special and giant slalom races at the 1952 Winter Olympics in Oslo, Norway, and remains the only United States double-gold medalist in alpine skiing; and

(d) was inducted into the U.S. National Ski Hall of Fame in 1958 at the age of 25; and

(e) moved in 1968 to Mammoth Lakes in the spectacularly beautiful Eastern Sierra of California, a place that she fought to protect for the rest of her life; and

(f) founded the Friends of Mammoth to maintain the beauty and serenity of Mammoth Lakes and the Eastern Sierra; and

(g) testified in 2008 before the Mono County Board of Supervisors, where she worked tirelessly to protect and restore Mono Lake, Bodie State Historic Park, and other important natural and cultural landscapes of the Eastern Sierra; and

(h) worked, as a member of the Great Basin Air Pollution Control District, to reduce air pollution that had been caused by the dewatering of Owens Lake; and

(i) founded the Andrea Lawrence Institute for Mountains and Rivers in 2003 to work for environmental protection and economic vitality in the region she loved so much; and

(j) passed away on March 31, 2009, at 76 years of age, leaving 5 children, Cortlandt, Matthew, Deirdre, Leslie, and Quentin, and 4 grandchildren.

(i) leaves a rich legacy that will continue to benefit present and future generations.

SECTION 3. DESIGNATION OF MT. ANDREA LAWRENCE.

(a) IN GENERAL.—Peak 12,240 (which is located 0.6 miles northeast of Donahue Peak on the northern border of the Ansel Adams Wilderness and Yosemite National Park (UTM coordinates Zone 11, 304428 E, 4183631 N)) shall be known and designated as "Mt. Andrea Lawrence".

(b) REFERENCES.—Any reference in a law, paper of the United States to the peak described in subsection (a) shall be considered to be a reference to "Mt. Andrea Lawrence".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. HASTINGS) and the gentleman from Arizona (Mr. GRIJALVA) each will control 20 minutes. The Chair recognizes the gentleman from Washington.

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the bill under consideration.

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

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

S. 925 will designate an unnamed mountain peak at the northern border of the Ansel Adams Wilderness and Yosemite National Park in California as Mt. Andrea Lawrence.

Andrea Lawrence, a former Olympic skier and inductee into the U.S. National Ski Hall of Fame, was a community leader in northern California who worked to protect these special places and communities in the eastern Sierras.

We applaud Senator BOXER and Congressman MCKEON for this legislation, and we support its passage.

I yield back the balance of my time.

Mr. MCKEON. Mr. Speaker, I speak in favor of S. 925, to name a peak in the Eastern Sierras in honor of Andrea Lawrence. This legislation is a companion bill to my House version, H.R. 1818. I would like to thank Senator BOXER for working with me to ensure the legacy of a great woman who called the Eastern Sierra home. Let me also express my appreciation to the leadership of the Committee on Natural Resources, Chairman HASTINGS and Ranking Member MARKEY who worked to help bring this legislation to the floor today, as well as Majority Leader CANTOR for allowing this bill to move.

Andrea Mead Lawrence was a remarkable woman. I was honored to know and work with her for the protection of the Eastern Sierra, a cause she championed for much of her life. Born in Rutland County, Vermont on April 19, 1932, she developed a life-long love of winter sports and appreciation for the environment. A skilled skier, she competed in the 1948 Winter Olympics in St. Moritz, Switzerland as well as the 1956 Winter Olympics in Cortina d'Ampezzo, Italy. She also served as the torch lighter at the 1960 Winter Olympics in Squaw Valley, California. In the 1952 Winter Olympics in Oslo, Norway, she won two Gold Medals in the Olympic special and giant slalom races. For her significant accomplishments, she was inducted into the U.S. National Ski Hall of Fame in 1958, at the age of 25.

These remarkable achievements at a young age, however, were just the beginning of a life of service to her community and environmental preservation. In 1968, Andrea moved to Mammoth Lakes in the spectacularly beautiful Eastern Sierra of California. It was in this special region she spent the rest of her life working to protect these special places.

Never one to rest on her accomplishments, she founded the Friends of Mammoth to maintain the beauty and serenity of Mammoth Lakes and the Eastern Sierra. She served for 16 years on the Mono County Board of Supervisors, where she worked tirelessly to protect and restore Mono Lake, Bodie State Historic Park, and other important natural and cultural landscapes of the Eastern Sierra. As a member of the Great Basin Air Pollution Control
District, she worked to reduce air pollution caused by the dewatering of Owens Lake. In 2003, she founded the Andrea Lawrence Institute for Mountains and Rivers to protect the environment and the economic vitality of this important region.

In 2008, she testified before the Mono County Board of Supervisors in favor of the Eastern Sierra and Northern San Gabriel Gabriel Heritage Act, a bill enacted the day before she died on March 31, 2009 at the age of 76. Andrea left a rich legacy of a family of five children and four grandchildren, as well as a distinguished record in skiing. Her tireless efforts have left a better legacy for the people who live and recreate in the Eastern Sierra.

Andrea Mead Lawrence’s life philosophy is summed up in her quote “Your life doesn’t stop by winning medals. It’s only the beginning. And if you have the true Olympic spirit, you have to put it back into the world in meaningful ways.” Mr. Speaker, it is very fitting to name Peak 12,240 “Mt. Andrea Lawrence”; both in her honor, and as a visible point of inspiration for future generations.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill, S. 925.

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. GRIJALVA. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

HATCH ACT MODERNIZATION ACT OF 2012

Mr. FARENTHOLD. Mr. Speaker, I move to suspend the rules and pass the bill (S. 2170) to amend the provisions of title 5, United States Code, which are commonly referred to as the “Hatch Act”, to scale back the provision forbidding certain State and local employees from seeking elective office, clarify the application of certain provisions to the District of Columbia, and modify the penalties which may be imposed for certain violations under subparagraph (b) of section 73 of chapter 73 of title 5, United States Code.

The Clerk read the title of the bill.

The text of the bill is as follows:

SEC. 1. SHORT TITLE.
This Act may be cited as the “Hatch Act Modernization Act of 2012”.

SEC. 2. PERMITTING STATE AND LOCAL EMPLOYEES TO BE CANDIDATES FOR ELECTIVE OFFICE.
Section 1502(a)(3) of title 5, United States Code, is amended to read as follows:

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

SEC. 3. APPLICABILITY OF PROVISIONS RELATING TO STATE AND LOCAL EMPLOYEES.
(a) STATE OR LOCAL AGENCY.—Section 1501(2) of title 5, United States Code, is amended by inserting “or the executive branch of the District of Columbia, or of the agency or department thereof” before the semicolon.

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

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

(I) a State or political subdivision thereof;

(II) the District of Columbia; or

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

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

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

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

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

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

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

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

(3) by striking subparagraph (C); and

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

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

“(1) the municipality or political subdivision is—

(A) the District of Columbia;

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

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

SEC. 4. HATCH ACT PENALTIES FOR FEDERAL EMPLOYEES.
Chapter 73 of title 5, United States Code, is amended by striking section 7326 and inserting the following:

* 7326. Penalties

“An employee or individual who violates section 7253 or 7254 shall be subject to removal, reduction in grade, debarment from Federal employment for a period not to exceed 5 years, suspension, reprimand, or an assessment of a civil penalty not to exceed $10,000.”.

SEC. 5. EFFECTIVE DATE.
(a) IN GENERAL.—This Act and the amendments made by this Act shall take effect 30 days after the date of enactment of this Act.

(b) APPLICABILITY RULE.—

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

(2) EXCEPTION.—The amendment made by section 4 shall not apply with respect to an alleged violation if, before the effective date of this Act, the Special Counsel has presented a complaint for disciplinary action, under section 1215 of title 5, United States Code, with respect to the alleged violation; or has committed the violation has entered into a signed settlement agreement with the Special Counsel with respect to the alleged violation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. FARENTHOLD) and the gentleman from Missouri (Mr. CLAY) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. FARENTHOLD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on our bill under current procedures.

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

There was no objection.

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

The adoption today of S. 2170 will mark an important step in the Oversight and Government Reform Committee’s long-term effort to modernize the Hatch Act.

At its best, the Hatch Act keeps partisan politics out of the workplace and prevents those in political power from abusing their authority to advance partisan political causes. At its worst, however, the Hatch Act causes the Federal Government to unnecessarily interfere with the rights of well-qualified candidates to run for local office.

S. 2170 addresses these flaws by easing restrictions on State and local government employees and on employees of the District of Columbia Government who are covered by the Hatch Act. The bill also provides a greater range of penalties, in addition to termination, for those Federal employees who violate the law. S. 2170 will allow more individuals the right to run for public office without violating the Hatch Act.

Under current law, State and local government employees may not run for partisan office if their jobs are connected to Federal funding. For example, in Pennsylvania, a K-9 officer was not allowed to run for a local school board because his partner, a black Labrador, was tied to funding from the Department of Homeland Security. In another case, the U.S. Office of Special Counsel advised an ambulance driver that he would violate the Hatch Act if he ran for county coroner because some of the patients he transported received Medicaid.

In enforcing the Hatch Act, the Office of Special Counsel routinely advises deputy sheriffs they are ineligible to run for sheriff, and the number of

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local law enforcement Hatch Act cases has dramatically increased with the influx of Federal dollars to local police departments as a result of the attacks on September 11, 2001. The best candidates for local law enforcement and other positions are often disqualified from running in local elections. The concern is especially acute in rural areas, where the pool of candidates for elective office is limited by the population.

Congressman Latta has led the way in championing Hatch Act reform for State and local sheriffs. The National Sheriffs Association has noted that the current law “severely limits the number of qualified candidates for sheriff.”

The OSC is required by law to intervene in State and local contests hundreds of times a year through formal investigations. The OSC also issues thousands of advisory opinions annually to potential State and local candidates. Approximately 45 percent of the Hatch Act cases handled over the past 2 years involve allegations of waste, fraud, and abuse in the Federal Government. These cases do not involve any allegations of coercive or abusive political conduct.

Investigations of waste, fraud, and abuse in the Federal Government workers who are otherwise disqualified from running in a partisan political election if their jobs involve Federal funding. This creates problems for many government workers who are otherwise well qualified to run for local office.

For example, Mr. Jon Greiner had to be fired as police chief of Ogden, Utah, because he ran for a State senate seat and won. Ms. Kristin DiCenso, an Illinois State employee, was prevented from running for court clerk. In response to this problem, she said, “I was utterly defeated. It’s an insult.”

The second reform would institute a less severe range of penalties for Hatch Act violations. Current law requires employees who violate the Hatch Act to be terminated unless the Merit Systems Protection Board unanimously votes for a lesser penalty. Jon Adler, the president of the Federal Law Enforcement Officers Association, testified that this penalty system is draconian.

The third reform made by this bill is to treat District of Columbia employees like State and local government employees under the Hatch Act.

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This is a commonsense change. In closing, I support the Hatch Act Modernization Act, and I hope that every Member of the House will support this bill so that it can become law. Mr. Speaker, I ask that we pass the underlying bill, and I reserve the balance of my time.

Mr. PARENTHOLD. Mr. Speaker, at this time I’d like to yield 5 minutes to my friend and colleague, Mr. CAYETT of Utah, a member of the Oversight and Government Reform Committee.

Mr. CHAFFETZ. Mr. Speaker, I thank the gentleman from Texas. I rise in support of S. 2170, the Hatch Act Modernization Act. I’d also like to thank and commend Ranking Member CUMMINGS and his work with Chairman Issa for bringing this bill to the floor on a bipartisan and bicameral basis.

I also want to commend Senator MIKE LEE for his tireless work on this, his concern, particularly on what happened in Utah, and his good work with Senator AKAKA. The bill wouldn’t be here today without their good work, and I commend them both for working, again, in a bipartisan way.

I am also a proud cosponsor of H.R. 4152, sponsored by Ranking Member CUMMINGS—I’m glad to come together with him—which is the House companion to S. 2170. This commonsense, long overdue reforms to the Hatch Act, which became law nearly 75 years ago. While the numerous reforms this legislation includes are all important, I’d like to highlight the critical reform made by section 2 of this bill.

In May of this year, the Oversight and Government Reform Subcommittee with jurisdiction over the Federal workforce held a hearing where members heard of the ongoing problems with the Hatch Act and options employment for sub. The subcommittee heard from my fellow Utahn Jon Greiner, an individual whose experience with the Hatch Act has become far too common and is the reason why we’re here today.

In 2006, Mr. Greiner, while serving as the chief of the Ogden City Utah Police Department, was elected to the Utah State Senate. While this occasion would presumably be joyous, unfortunately for Chief Greiner, it was the beginning of a 5-year legal battle with the Federal Government with the enforcing of the Hatch Act. At the end of the long and costly legal battle, Chief Greiner was ultimately found by these Federal entities to have violated the Hatch Act in December 2011. Chief Greiner was not only fired by Ogden City for his violation, but was also banned by the Federal Government from serving as a law enforcement officer in Utah for 18 months.

What does an employee do to deserve such punishment? He simply signed a required quarterly report for a Federal technology grant awarded to upgrade the Weber and Morgan County, Utah, emergency dispatch center—a Federal grant that directly benefit the Ogden City Police Department but, instead, was designed to enhance the dispatch capabilities for the entire county. Chief Greiner didn’t receive a cent of the money in his paycheck nor did his department. He was simply the department and city’s point of contact after one pen stroke ended an exemplary career of nearly four decades of distinguished public service.

Thankfully, Mr. Speaker, section 2 of S. 2170 will now make it possible for State and local public servants whose job is connected to Federal funding to be able to run for office—while still preventing those who are paid completely by the Federal Government from running for office.

Sadly, Mr. Speaker, Chief Greiner’s Hatch Act violation, while absurd, has occurred all over the country. I’m happy to say, after this legislation is passed, it should never, ever happen again. I urge my colleagues to join me in supporting this bipartisan, bicameral piece of legislation.

Again, I thank Chairman Issa for making this happen and for the work of Ranking Member CUMMINGS.

Mr. CUMMINGS. Mr. Speaker, at this time, I yield 5 minutes to the gentleman from Maryland, ELIJAH CUMMINGS, the chief sponsor of the bill.

Mr. CUMMINGS. Mr. Speaker, I thank the gentleman for yielding, and I thank my distinguished colleagues on both sides of the aisle. The bill incorporates recommendations for reform that the Special Counsel Carolyn Lerner sent to Congress last year. I want to thank Senator AKAKA not only for his work on this bill, but for everything he has done for Federal workers.

I urge my colleagues to take a moment to thank my good friend Representative JASON CHAFFETZ, the chairman of the National Security Subcommittee, for his very hard work in support of this legislation, as well as Chairman Issa for bringing this bill to the floor today.

This legislation makes commonsense reforms to the Hatch Act that are much needed. The Hatch Act was passed to ensure that Federal Government employees work on behalf of the Federal Government rather than whatever political party is in power. The law works well most of the time, but it has had some unintended consequences.
Currently, the Hatch Act prohibits State and local government employees from running for partisan political office if they work on programs that receive Federal funding. This can and has led to some unfair and absurd results. For example, Matthew Arlen, a transit officer in Philadelphia, was barred from running for his school board because his canine partner was paid for by a Federal grant. Officer Arlen told The Washington Post:

I was upset because I truly believed I had something to offer. I've been riding the buses all day long and working at the same time.

Mr. Speaker, I include in the RECORD a New York Times op-ed by Special Counsel Carolyn Lerner. In her op-ed, Special Counsel Lerner wrote:

Increasingly, the act is being used as a political weapon to disqualify otherwise well-qualified candidates even when there is no indication of wrongdoing.

This bill will fix that.

The Hatch Act Modernization Act also creates a range of penalties for Hatch Act violations. Currently, the only available penalty for violation of the Hatch Act is removal from employment. The Hatch Act Reform Act of 2012 contains two of our longtime priority bills for the district—the District of Columbia Hatch Act Reform Act and the Hatch Act National Capital Region Parity Act—giving D.C. full equality under the Federal Hatch Act.

Our first bill, the District of Columbia Hatch Act Reform Act, which is included in this bill, passed the House in the last Congress but stalled in the Senate. I have been fighting for the bill for most of my term of service in the Congress.

The D.C. Hatch Act Reform Act eliminates discriminatory treatment of the District of Columbia, which, along with U.S. jurisdictions, still falls under the Federal Hatch Act, as it did before Congress made the District an independent jurisdiction in 1973 able to enact its own local laws. My provision retains Federal Hatch Act authority concerning prohibited partisan and political activity that applies to every locality upon receipt of Federal funds or functions, and requires the District to enact its own local Hatch Act barring similar local violations. And I’m pleased to say that the District has already done that and is waiting only for passage of this bill and for signing by the President.

Hatch Act violations in the District are rare, but the District needs to be
Mr. FARENTHOLD. Mr. Speaker, I have no other speakers at this time, and continue to reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I have no further speakers on this bill. I yield back the balance of my time.

Mr. FARENTHOLD. Mr. Speaker, I’d like to take this one final opportunity to urge my colleagues to support the Hatch Act Modernization Act of 2012. We’ve heard from speakers on both sides of the aisle indicating some of the absurd results that we have seen as a result of this act, none more glaring than the officer whose canine partner, a Labrador named Haynes, was prohibited from running for office.

With that, and all the other examples, I think it’s clear we need to support passage of S. 2170.

I see the chairman has asked for some time. If my colleague on the other side of the aisle doesn’t object, I would like to yield 2 minutes to the chairman, Mr. Issa.

Mr. ISSA. Mr. Speaker, I want to thank my colleagues on both sides of the aisle, particularly my friend, Mr. CLAY.

It is not often that we get to come here as a committee and talk about something that, in fact, affects perceived government cronyism and misconduct, a law that protects the American people against politics getting into your government, and then say, you know what, we need to go back and reset our compass. We need to make it a little tighter.

This is an example where, as many of my colleagues have said, unintended consequences have made a good bill into a bill that stifles the opportunity and legitimate political activity that occurs by people serving in State and local office.

So I join with my colleagues on both sides of the aisle, with my good friend from the District of Columbia, and say that this is a bill in which we’re making small technical changes that make a big difference to our political landscape around the country, and in a good way.

We want to make sure that we have the opportunity to have everyone participate, and I want to thank Members of both parties for bringing this bill. And I want to particularly thank my colleague, Mr. CUMMINGS, for his effort throughout the entire Congress to get us here where we are today.

Mr. FARENTHOLD. I do urge all Members to join me in support of this bill. I yield back the remainder of my time.

The SPEAKER pro tempore. Mr. SIMPSON. The question is on the motion offered by the gentleman from Texas (Mr. FARENTHOLD) that the House suspend the rules and pass the bill, S. 2170.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.
The chief goals of the PIDB are to help develop effective modern standards and processes for classification and declassification to address the problems by overclassification and promote the fullest possible public access to non-classified Federal records. The PIDD acts as a clearinghouse for efficient and timely declassification systems. S. 3564 will further the cause of transparency by maintaining an expert advisory group to ensure the executive branch is classifying and declassifying records in a timely and responsible manner.

I reserve the balance of my time.

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

I rise in support of this important legislation. This bill renews the authorization of the Public Interest Declassification Board. The PIDB is an advisory committee whose purpose is to promote the fullest possible public access to significant national security declassification. The PIDB advises the President on policies related to classification and declassification of national security information. The Board also advises the President on the declassification and release of classified records with historical value. The authorization for PIDB is set to expire at the end of this month. It is important that we reauthorize the authority for this panel so that their important work is not jeopardized.

Just last month, the PIDB issued a report to the President, titled “Transforming the Security Classification System.” The report made a number of recommendations for improving the classification system. The report criticized our current system. It stated:

We believe the current classification and declassification systems are outdated and incapable of dealing adequately with the large volumes of classified information generated in an era of digital communication and information systems. Overcoming the entrenched practices that no longer serve the purpose of protecting our national security will prove difficult.

Transparency and access to information are essential tools for effective oversight of the executive branch. Outdated systems for managing classified information must be modernized to provide greater public access to information about the Federal Government’s policies and activities. Reauthorizing the PIDB is critical to that effort, and I support this bill. I urge my colleagues to do the same.

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

Mr. FARENTHOLD. As we’ve heard, this bill promotes bipartisan-supported transparency in the government. I urge my colleagues to support the passage of the Public Interest Declassification Board Reauthorization Act of 2012, S. 3564, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. FARENTHOLD) that the House suspend the rules and pass the bill, S. 3564. 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. FARENTHOLD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered. The rules are suspended through the time. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

GOVERNMENT EMPLOYEE ACCOUNTABILITY ACT

Mr. FARENTHOLD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6016) to amend title 5, United States Code, to provide for administrative leave requirements with respect to Senior Executive Service employees, and for other purposes, as amended.

The Clerk read the title of the bill. The text of the bill is as follows:

S. 3564

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 “Government Employee Accountability Act.”

SEC. 2. SUSPENSION FOR 14 DAYS OR LESS FOR SENIOR EXECUTIVE SERVICE EMPLOYEES.

(a) In General.—Chapter 75 of title 5, United States Code, is amended to read as follows:

(1) ‘employee’ means—

(A) an individual in the competitive service who is not serving a probationary or trial period under an initial appointment or who has completed the probationary period and who is not serving a probationary or trial period under an initial appointment;

(B) a career appointee in the Senior Executive Service who—

(i) has completed the probationary period prescribed under section 33511(d); or

(ii) was covered by the provisions of chapter II of this chapter immediately before appointment to the Senior Executive Service;

SEC. 3. INVESTIGATIVE LEAVE FOR SENIOR EXECUTIVE SERVICE EMPLOYEES.

(a) In General.—Chapter 75 of title 5, United States Code, is amended by adding at the end the following:

‘SUBCHAPTER VI—INVESTIGATIVE LEAVE FOR SENIOR EXECUTIVE SERVICE EMPLOYEES

§ 7551. Definitions

For the purposes of this subchapter—

(1) ‘employee’ means the meaning given such term in section 7511; and

(2) ‘investigative leave’ means a temporary absence without duty for disciplinary reasons, of not greater than 90 days.

§ 7552. Actions covered

This subchapter applies to investigative leave.

§ 7553. Cause and procedure

(a)(1) Under regulations prescribed by the Office of Personnel Management, an agency may place an employee on investigative leave, without loss of pay and without charge to annual or sick leave, only for misconduct, neglect of duty, malfeasance, or misappropriation of funds.

(2) If an agency determines that such employee’s conduct is serious or flagrant, the agency may place such employee on investigative leave under this subchapter without pay.

(b)(1) At the end of each 45-day period during a period of investigative leave implemented under this section, the relevant agency shall review the investigation into the employee with respect to the misconduct, neglect of duty, malfeasance, or misappropriation of funds.

(b) An employee against whom an action covered by this subchapter is proposed is entitled to, before being placed on investigative leave under this section—

(i) at least 30 days’ advanced written notice stating specific reasons for the proposed action, unless—

(A) there is reasonable cause to believe that the employee has committed a crime for which a sentence of imprisonment can be imposed; or

(B) the agency determines that the employee’s conduct with respect to which an action covered by this subchapter is proposed is serious or flagrant as prescribed in regulation by the Office of Personnel Management; or

(ii) a reasonable time, but not less than 7 days, to answer orally and in writing and to furnish affidavits and other documentary evidence in support of the answer;

(iii) be represented by an attorney or other representative; and

(iv) a written decision and specific reasons therefor at the earliest practicable date.

(c) An agency may place an employee on investigative leave, for a hearing which may be in lieu of or in addition to the opportunity to answer provided under subsection (b), only if—

(a) an agency intends to regulate, for a hearing which may be in lieu of or in addition to the opportunity to answer provided under subsection (b), only if—

(c)(1) At the end of each 45-day period

(d) Copies of the notice of proposed action, the answer of the employee when written, and a summary thereof when made orally, the notice of decision and reasons therefor, and any order effecting an action covered by this subchapter, together with any supporting material, shall be maintained by the agency and shall be furnished to the Merit Systems Protection Board upon its request and to the employee affected upon the employee’s request.

(b) Clerical Amendment.—The table of sections at the beginning of chapter 75 of title 5, United States Code, is amended by adding after the item relating to section 7543 the following:

‘SUBCHAPTER VI—INVESTIGATIVE LEAVE FOR SENIOR EXECUTIVE SERVICE EMPLOYEES

§ 7551. Definitions

§ 7552. Actions covered

§ 7553. Cause and procedure

SEC. 4. SUSPENSION OF SENIOR EXECUTIVE SERVICE EMPLOYEES.

Section 7543 of title 5, United States Code, is amended—

(a) in subsection (b), by inserting ‘misappropriation of funds’ after ‘malfeasance’; and

December 19, 2012
I reserve the balance of my time.

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

Mr. Speaker, I thank the majority for working with us to make additional improvements to H.R. 6016, the Government Employee Accountability Act, as amended. Mr. FARENTHOLD from Texas, Mr. KELLY from Pennsylvania, who introduced this bill to address an unfortunate instance where a few Senior Executive Service officials at the GSA received a lot of attention regarding their extravagant spending on a Las Vegas conference.

While I fully support the purpose and intent of this legislation to prevent misappropriation and misuse of taxpayer dollars, we need to be careful not to allow the bad actions of a few government employees to take away from the good work that our Federal workers do every day. I have the greatest respect and appreciation for our Federal workers, and I think we all need to be reminded that these men and women devote their professional lives to serving all Americans. This is especially important to note given all the recent legislation attacking these middle class Federal workers' pay and benefits. I believe in the importance of safeguarding taxpayer dollars and holding our public servants accountable. For this reason, I support this bill.

I reserve the balance of my time.

Mr. FARENTHOLD. At this time, I yield myself such time as I may consume.

Earlier this year, the Committee on Government Oversight and Reform held a hearing concerning the wasteful spending that occurred during the planning and execution of the General Services Administration 2010 Western Regional Conference. As you may recall, the GSA spent more than $290,000 on a conference originally budgeted at $250,000. The GSA has no triggers or controls in place to stop this flagrant overspending. GSA employees, including former member of the Senior Executive Service, failed to follow GSA policy, Federal procurement law, and basic common sense.

H.R. 6016 helps ensure Senior Executive Service, or SES, employees are held accountable for their actions. It allows an SES employee to be fired for misappropriation of funds and gives the agency head discretion to place an SES on unpaid leave, all while maintaining that employee's existing due process rights.

I'd like to commend my colleague, Mr. KELLY, for his work on this bill, and urge all Members to support its adoption.

I reserve the balance of my time.

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

Mr. Speaker, I thank the majority for working with us to make additional improvements to H.R. 6016, the Government Employee Accountability Act, as amended. Mr. FARENTHOLD from Texas, Mr. KELLY from Pennsylvania, who introduced this bill to address an unfortunate instance where a few Senior Executive Service officials at the GSA received a lot of attention regarding their extravagant spending on a Las Vegas conference.

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I'd like to commend my colleague, Mr. KELLY, for his work on this bill, and urge all Members to support its adoption.
Mr. CLAY. At this time I have no further speakers, and I yield back the balance of my time.

Mr. FARENTHOLD. As we have heard from both sides of the aisle, this is a bill designed to prevent the worst kind of overspending, one of the worst examples we see.

I understand Mr. CLAY and agree with his concerns that we cannot violate the due process rights of government employees. We’ve worked to protect that, but we’ve also worked very hard to the extent that we were elected to do, and that is to be good stewards of the taxpayers’ money. This bill, the Government Employees Accountability Act, H.R. 6016, Mr. KELLY’s bill, does just that; and I urge my colleagues to support the bill.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. FARENTHOLD) that the House suspend the rules and pass the bill, H.R. 6016, as amended.

The question was taken. The yeas and nays were ordered.

The yeas and nays were ordered. The SPEAKER pro tempore. The yeas and nays were ordered. The yeas and nays were ordered. The yeas and nays were ordered. The yeas and nays were ordered. The yeas and nays were ordered.

Mr. FARENTHOLD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4062) to designate the facility of the United States Postal Service located at 1444 Main Street in Ramona, California, as the “Nelson ‘Mac’ MacWilliams Post Office Building”.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4062

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

SECTION 1. NELSON ‘MAC’ MACWILLIAMS POST OFFICE BUILDING.

Mr. FARENTHOLD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4062) to designate the facility of the United States Postal Service located at 1444 Main Street in Ramona, California, as the “Nelson ‘Mac’ MacWilliams Post Office Building”.

The Clerk read the title of the bill.

Mr. FARENTHOLD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4062) to designate the facility of the United States Postal Service located at 1444 Main Street in Ramona, California, as the “Nelson ‘Mac’ MacWilliams Post Office Building”.

The Clerk read the title of the bill.

The text of the bill is as follows:

(a) DESIGNATION.—The facility of the United States Postal Service located at 1444 Main Street in Ramona, California, as the “Nelson ‘Mac’ MacWilliams Post Office Building”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “Nelson ‘Mac’ MacWilliams Post Office Building”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. FARENTHOLD) and the gentleman from Missouri (Mr. CLAY) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

Mr. FARENTHOLD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 4062.

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

Mr. CLAY. The Chair recognizes the gentleman from Texas (Mr. FARENTHOLD).

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

H.R. 4062, introduced by the gentleman from California (Mr. HUNTER), would designate the facility of the United States Postal Service located at 1444 Main Street in Ramona, California, as the Nelson “Mac” MacWilliams Post Office Building. The bill was introduced on February 16.

Mr. Speaker, Mr. MacWilliams served in the U.S. Navy for 22 years and retired as a Navy chief in 1999. Upon returning to civilian life, he was a small businessman.

Mr. MacWilliams served his community in San Diego in many ways, including with the Ramona Chamber of Commerce. He is responsible for assisting local fire victims and military personnel in Mr. HUNTER’s district office. Sadly, nearly a year ago, on December 20, 2011, Mr. MacWilliams passed away. He is remembered fondly by his wife, brother, sons, daughters, and several grandchildren.

Mr. Speaker, Mr. MacWilliams is a very worthy designee of this postal facility naming, and I urge all Members to join me in support of this bill.

I reserve the balance of my time.

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

As a member of the House Committee on Oversight and Government Reform, I am pleased to join my colleagues in the consideration of H.R. 4062, to designate the facility of the U.S. Postal Service located at 1444 Main Street in Ramona, California, as the Nelson “Mac” MacWilliams Post Office Building.

The bill before us was introduced by Representatives Duny HUNTER, Nelson MacWilliams graduated from Calverton High School in Huntington, Maryland. Nelson MacWilliams would attend Salisbury State University in Salisbury, Maryland, before enlisting in the U.S. Navy in 1977. Upon his retirement from active Navy, he would begin serving his community in California.

His work with the Ramona Chamber of Commerce would establish him as a respected member within the community. He was called on by Representative HUNTER to help small businesses within the community. His tireless efforts would help local small businesses succeed in cutting bureaucratic red tape.

Mr. Speaker, I urge passage of the underlying measure, and I reserve the balance of my time.

Mr. FARENTHOLD. At this time I’d like to yield such time as he may consume to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Speaker, I thank the gentleman from Texas. And my good friend from Texas (Mr. FARENTHOLD) and the gentleman from Missouri (Mr. CLAY) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

Mr. FARENTHOLD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 4062.

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

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Mr. Speaker, I urge passage of the underlying measure, and I reserve the balance of my time.

Mr. FARENTHOLD. At this time I’d like to yield such time as he may consume to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Speaker, I thank the gentleman from Texas. And my good friend from Texas (Mr. FARENTHOLD) and the gentleman from Missouri, thank you for your kind words about Mac—Nelson “Mac” MacWilliams. See, he passed away about a year ago on December 20, 2011, in an unfortunate car accident that cost him his life on one of the most dangerous roads in San Diego County. He was a dedicated public servant, proud Navy veteran, an all-around great guy to be around.

San Diego is not just the city part where there’s the ocean and the beach. There’s the back country, too. You have small towns like Ramona where everybody knows each other. There is literally a place called Cheers. It’s a bar in Ramona where everybody does know your name. You could find Mac there after work on Sundays.

He was a member of the VFW. Like my friend said, he was in the Navy from 1977 to 1999, where he became a Navy chief. Anybody who knows the Navy or knows the U.S. military, they understand that there’s more to it than on its face.

The chiefs are the ones that actually get things done, the ones that you look to when you need to cut through the red tape and cut through the bureaucracy.

Mac was also a member of the Veterans of Foreign Wars Post 7783 in Ramona, California. It was because of their request, along with others in Ramona, that I introduced this bill to name the post office in Ramona for Mac.

When the devastating wildfires hit San Diego in 2007, Mac answered the call to service again, working tirelessly helping victims get assistance to rebuild their homes. As we can see from Hurricane Katrina or Hurricane Sandy, when natural disasters happen, the bureaucracy is sometimes hard to get through, but Mac specialized at that as a Navy chief.

He did the same thing working as the executive director of the Ramona, California, Chamber of Commerce for 4 years. In his position, he advocated for businesses and building lasting relationships across the region.

But Mac wasn’t a big business guy. He came out of the Navy. The reason he was chosen for that position was because he was good at it, he knew how to get along with people of differing views and ideologies, and he simply knew how to get things done.

The VFW said in their letter:

One of Mac’s traits was that he was always “on duty.” There was never a problem too small which did not dictate 100 percent effort to have it corrected.

In fact, on the day he died, Mac was coming into my office because he was in the middle of some casework for a constituent and didn’t want to wait until he got back from Christmas vacation.

At his funeral, one of my constituents and VFW Post member, Dale Smith, described Mac by saying:

Mac was a gentle, intelligent individual and a “get-it-done” kind of guy, no matter what obstacles stood in his way.
December 19, 2012

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H7327

He was a proud veteran and public servant who served his country in the Navy and served the people in his community on veterans and military issues. He had a profound impact on his community and deserves recognition for his contributions and service at the post office for him in the community he did so much for is a fitting way to commemorate his memory.

Mr. CLAY. Mr. Speaker, I have no further speakers. I urge my colleagues to join the entire House in honoring this great American, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. FARENTHOLD) that the House suspend the rules and pass the bill, H.R. 4062. The question was taken.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed. The point of no quorum is considered withdrawn.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed. Votes will be taken in the following order: H.R. 6655, by the yeas and nays; S. 3564, by the yeas and nays; H.R. 6016, by the yeas and nays.

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

PROTECT OUR KIDS ACT OF 2012

The SPEAKER pro tempore. The un unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 6655) to establish a commission to develop a national strategy and recommendations for reducing fatalities resulting from child abuse and neglect, 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 Michigan (Mr. CAMP) that the House suspend the rules and pass the bill.

The vote was taken by electronic device, and there were—yeas 330, nays 77, not voting 24, as follows:

[Roll No. 636]

YEAS—330


Bass (RI) — Becerra — Berg — Berkley — Berman — Biggert — Bilkirski — Bishop (CA) — Bishop (NV) — Black — Blumenauer — Bonamici — Bonner — Boren — Bost — Brady (PA)

NOT VOTING—4

Mr. CANSECO changed his vote from "yea" to "nay."

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PUBLIC INTEREST DECLASSIFICATION BOARD REAUTHORIZATION ACT OF 2012

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H. Res. 356) to extend the Public Interest Declassification Board Act of 2000 until 2014 and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

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

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 409, nays 1, not voting 21, as follows:

[Vote List]
ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

By unanimous consent, the ayes were ordered to be recorded as 402 and the nay as 1.

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HOUSE OF REPRESENTATIVES

January 19, 2012

CONGRESSIONAL RECORD — HOUSE

H7329

RICHARDSON
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Rogers (A-L)
Rogers (K)
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Ross (AL)
Rossbach
Roosey
Ros-Lehtinen
Ross (FL)
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MANN-GRANDSTAFF DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER

Mr. MILLER of Florida. Mr. Speaker. I move to suspend the rules and pass the bill (H.R. 3197) to name the Department of Veterans Affairs medical center in Spokane, Washington, as the “Mann-Grandstaff Department of Veterans Affairs Medical Center.”

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3197

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

SECTION 1. NAME OF DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, SPOKANE, WASHINGTON.

The Department of Veterans Affairs medical center in Spokane, Washington, shall after the date of the enactment of this Act be known and designated as the “Mann-Grandstaff Department of Veterans Affairs Medical Center”. Any reference to such medical center in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Mann-Grandstaff Department of Veterans Affairs Medical Center.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maine (Mr. MICHAUD) and the gentleman from Florida (Mr. MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

Mr. MILLER of Florida. I yield myself such time as I may consume.

H.R. 3197 would rename the medical center in Spokane the Mann-Grandstaff Department of Veterans Affairs Medical Center. This legislation would recognize not one but two American heroes, both Medal of Honor recipients: Private First Class Joe Eugene Mann and Platoon Sergeant Bruce Alan Grandstaff. Their story is nothing less than heroic.

Private First Class Mann served in the 101st Infantry Division of the U.S. Army during World War II. On September 18, 1944, while under heavy fire, he crept into range of the enemy’s artillery position and was able to destroy key weaponry. Though wounded four times, he refused medical evacuation in order to remain with and stand guard over his platoon throughout the night. During an attack the next morning, PFC Mann selflessly threw himself on top of a live grenade, sacrificing his own life to save those of his fellow soldiers around him.

He was posthumously awarded the Medal of Honor for his bravery on August 30, 1945.

Platoon Sergeant Grandstaff served in the Eight Infantry Regiment, Fourth Infantry Division during the Vietnam War. On May 18, 1967, a weapons platoon he was leading came under attack. Though wounded four times, he refused medical aid and continued to defend his position fiercely. At one point, he was able to crawl to within ten meters of an enemy machine gun and destroy it with hand grenades, saving countless lives. Platoon Sergeant Grandstaff eventually succumbed to his wounds in the battlefield.

He was also posthumously awarded the Medal of Honor. Together, Private First Class Mann and Platoon Sergeant Grandstaff are examples of the best, the most courageous, and the most giving and selfless parts of the American spirit. To have the VAMC in their home state of Washington bear their names is a proper and befitting honor.

H.R. 3197 has received the unanimous support of Washington’s Congressional delegation and major veterans service organizations (VSOs).

Among the many Washington State VSOs who have provided letters of support of this legislation are: the Veterans of Foreign Wars of the United States Department of Washington, the American Legion Department of Washington, the American Veterans (AMVETS) Department of Washington, the American Ex Prisoners of War Department of Washington, the Disabled American Veterans Department of Washington, the Fleet Reserve Association Northwest Region, the Washington State Gold Star Mothers, the Gold Star Wives of America Northwest Region, the Department of Marine Corps League, the Washington State Military Officers Association of America, and the Blue Star Mothers of Washington.

Further, the Congressional Budget Office, in a preliminary cost estimate, has assured me that H.R. 3197 represents only a minimal cost of less than five hundred thousand dollars to the federal Government.

At this time I yield such time as she may consume to the sponsor of this particular piece of legislation, the chairwoman of the Republican Conference, the gentlelady from Washington (Mrs. McMorris Rodgers).

Mrs. McMorris Rodgers. Thank you, Mr. Chairman.

I rise today in strong support of H.R. 3197, naming the Veterans Affairs Medical Center in Spokane, Washington, after two of our local eastern Washington heroes. The Mann-Grandstaff Department of Veterans Affairs Medical Center. Private First Class Joe E. Mann and Platoon Sergeant Bruce A. Grandstaff are heroes from eastern Washington who gave their last full measure of devotion to our Nation. Both men have been awarded the Medal of Honor for their bravery in World War II and the Vietnam War, respectively.

After graduating from high school in Reardan, Washington, Private First Class Joe E. Mann, like two of his brothers, joined the Army and trained at Fort Lewis in Washington State. Two years after enlisting, PFC Mann was on the front lines in Best, Holland, where his platoon was surrounded. In the face of heavy fire, PFC Mann was able to destroy an ammunition dump and took on numerous enemy troops. Despite being wounded several times, including both arms, PFC Mann refused to be evacuated and instead remained with his platoon and stood guard that evening. The following morning, the enemy attacked, throwing hand grenades as they approached. A grenade landed within a few feet of PFC Mann. Unable to raise his bandaged arms, PFC Mann yelled, Grenade, and threw himself on top of it. Saving his fellow soldiers, PFC Mann was severely wounded after the explosion. For this act of gallantry, PFC Mann was awarded the Congressional Medal of Honor.

Born and raised in Spokane, Washington, Platoon Sergeant Bruce A. Grandstaff graduated from North Central High School in 1952, and enlisted in the Army a few years later. In 1966, he volunteered for duty in Vietnam. On May 18, 1967, Platoon Sergeant Grandstaff was leading a weapons platoon when it came under attack. Despite taking heavy fire from three directions, he raced into the intense fire to aid his men. Surrounded by 700 enemy troops during a 5-hour siege and being wounded in both legs, Platoon Sergeant Grandstaff continued to fight and encourage his men. Realizing that his position was being overrun, he asked for artillery fire on his exact location, knowing full well it would result in his death.

His valiant actions that day immediately saved at least eight of his fellow brethren and saved many others by alerting them of the enemy’s bunkered location. At the time of his death, he had already been awarded the Silver Star for courage and valor in battle. For his gallantry that day, in May, Platoon Sergeant Grandstaff was posthumously awarded the Congressional Medal of Honor.

Private First Class Mann and Platoon Sergeant Grandstaff are heroes, willing to sacrifice their own lives in order to protect their fellow soldiers. Their selfless advancement of freedom, liberty, justice, and democracy is truly humbling. I am honored to represent the legacy both men left behind for eastern Washington and our Nation.

Mr. Speaker. I urge all of my colleagues to join in honoring these two eastern Washington heroes, Private First Class Joe E. Mann and Platoon Sergeant Bruce A. Grandstaff, and to support H.R. 3197.

Mr. MICHAUD. I yield myself such time as I may consume.

I rise today to offer my support of H.R. 3197, a bill to name the Department of Veterans Affairs Medical Center in Spokane, Washington, the Mann-Grandstaff Department of Veterans Affairs Medical Center.

Private First Class Joe Mann served with the 101st Airborne division during World War II. He lost his life in the Netherlands, courageously absorbing the blast of a hand grenade with his body to protect those around him while in battle. Later, in 1954, Private First Class Mann received the Medal of Honor.

Platoon Sergeant Bruce Grandstaff also received the Medal of Honor after his death. Having served in Vietnam, Sergeant Grandstaff found his platoon
surrounded by the enemy near the Cambodia border and crawled through the front lines to save his comrades. Despite his wounds, he was able to notify the U.S. helicopters of their location and valiantly called for artillery in order to prevent the enemy from advancing.

Private First Class Mann and Sergeant Grandstaff went above and beyond the call of duty and made the ultimate sacrifice for our Nation. It is most appropriate that the VA Medical Center in Spokane be renamed in honor of these two heroes.

I urge my colleagues to support this legislation, and I yield back the balance of my time.

Mr. MILLER of Florida. Mr. Speaker, I do also want to thank the sponsor of this legislation, Mrs. McMorris Rodgers. She’s the wife of a retired Navy commander, and she herself has proven to be a strong and steadfast advocate for veterans in Washington and around this country.

I also want to say thanks to my good friend, the new ranking member, Mike Michaud, for his leadership in helping to move this legislation to the floor. He’s been an active and valuable member of our committee since his first days in Congress almost a decade ago, and he himself has proven himself time and again a strong voice for America’s veterans.

GENERAL LEAVE

Mr. MILLER of Florida. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include any extraneous materials on H.R. 3197.

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

There was no objection.

Mr. MILLER of Florida. Mr. Speaker, I urge all of my colleagues to join me in supporting H.R. 3197, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. Miller) that the House suspend the rules and pass the bill, H.R. 3197.

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. MICHAUD. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

WILLIAM "BILL" KLING VA CLINIC

Mr. MILLER of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6443) to designate the facility of the Department of Veterans Affairs located at 9800 West Commercial Boulevard in Sunrise, Florida, as the "William 'Bill' Kling VA Clinic".

The Clerk reads the title of the bill.

The text of the bill is as follows:

H.R. 6443

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

SECTION 1. WILLIAM "BILL" KLING VA CLINIC.

(a) DESIGNATION.—The facility of the Department of Veterans Affairs located at 9800 West Commercial Boulevard in Sunrise, Florida, shall be known and designated as the "William 'Bill' Kling VA Clinic".

(b) REFERENCE.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "William 'Bill' Kling VA Clinic".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. MILLER) and the gentleman from Maine (Mr. Michaud) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

Mr. MILLER of Florida. Mr. Speaker, I yield myself such time as I may consume.

The legislation before us would name the VA community-based outpatient clinic in Sunrise, Florida, the William "Bill" Kling VA Clinic. William, better known as Bill, served as a Navy radar technician during the Second World War.

When he moved to Plantation, Florida, in 1973, Bill continued his service—this time as an advocate for his fellow veterans. He spent eight years as Florida’s Commissioner of Veterans Affairs and twenty-seven years as the President of the Broward County Veterans Council. Bill was also a proud and active member of the American Legion, the Veterans of Foreign Wars, the Disabled American Veterans, and the Jewish War Veterans of the United States.

In each of those capacities, he worked tirelessly to ensure that the struggles and triumphs of veterans in Broward County, in Florida, and around the country were properly recognized and respected.

He was instrumental in the opening of a VA CBOC in Oakland Park more than two decades ago and, when that facility became unseaworthy, played an active role in relocating it to Sunrise.

Thanks in part to his efforts, the Broward County CBOC reopened in Sunrise in 2008 and has been helping to improve the health and daily lives of Broward County veterans each day since.

Today, the entrance to that ninety-eight thousand square foot clinic bears a plaque dedicated to Bill.

Given the leadership he has unquestionably shown on behalf of his fellow veteran Floridians, it is only proper that that facility should now also bear his name.

H.R. 6443 has received the unanimous support of Florida’s Congressional delegation and Florida’s major veterans service organizations (VSOs).

Among the VSOs who have provided letters of support in favor of this legislation are: the Vietnam Veterans of America Florida State Council, the American Legion Department of Veterans Florida, and the Jewish War Veterans of the United States.
I rise today and urge unanimous support for H.R. 6443, to designate the Department of Veterans Affairs facility in Sunrise as the Bill Kling VA Clinic.

Naming this clinic after Bill Kling is more than a way to honor the memory of a great American, it is a way to acknowledge one of Bill’s greatest accomplishments as a tireless advocate for south Florida’s veterans.

Because of Bill Kling, Florida’s veterans are better cared for. Year after year he fought for the benefits that our veterans so rightfully earned during their service. With that in mind, he helped open the Oakland Park VA outpatient clinic more than two decades ago. When the building the clinic occupied began deteriorating, Bill worked to provide a new facility. Even though this effort took years, Bill kept a smile on his face and kept working to overcome every obstacle because that’s just how Bill Kling operated.

So in 2008, a new 96,000-square-foot clinic was opened in Sunrise, and fittingly on Bill’s birthday. I think it’s fair to say that without Bill Kling this wonderful center that serves thousands of our veterans each year might not exist. With that in mind, my good friend and colleague, Congressman Ted Deutch, and I and the rest of the delegation offer this legislation today which will rename the Broward outpatient clinic as the William “Bill” Kling VA Clinic. This is such a fitting way to remember and thank Bill Kling. With passage of this bill, every veteran who walks through the doors of the Broward VA Clinic will know the name of the man who did so much for so many.

Mr. Speaker. I urge my colleagues to support passage of this legislation so we may pay tribute to a great American, William “Bill” Kling.

Mr. MILLER of Florida. I am grateful to my good friend from Florida (Ms. Wasserman Schultz) for bringing this legislation to the floor and honoring such a fine gentleman. I also again want to thank the ranking member for helping us work so quickly to bring this legislation to the floor.

I would also note that, in closing, a preliminary cost estimate provided by CBO, H.R. 6443 represents only a minimal cost to the Federal Government.

With that, I reserve the balance of my time.

Mr. MICHAUD. Mr. Speaker. I now would yield 3 minutes to the gentleman from Florida (Mr. Deutch).

Mr. DEUTCH. I thank my friend from Maine.
HOUR OF MEETING ON TOMORROW

Mr. MILLER of Florida. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon tomorrow.

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

The point of no quorum is considered withdrawn.

Mr. FARENTHOLD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6379) to designate the facility of the United States Postal Service located at 6239 Savannah Highway in Ravenel, South Carolina, as the “Representative Curtis B. Inabinett, Sr. Post Office”.

The Clerk read the title of the bill.

The text of the bill is as follows:

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

SECTION 1. REPRESENTATIVE CURTIS B. INABINETT, SR. POST OFFICE

(a) DESIGNATION.—The facility of the United States Postal Service located at 6239 Savannah Highway in Ravenel, South Carolina, shall be known and designated as the “Representative Curtis B. Inabinett, Sr. Post Office”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “Representative Curtis B. Inabinett, Sr. Post Office”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. FARENTHOLD) and the gentlewoman from New York (Mrs. MALONEY) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

Mr. FARENTHOLD. Mr. Speaker, I yield myself such time as I may consume and ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous matter on H.R. 6379.

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

The point of no quorum is considered withdrawn.

SPECIAL RULE

Mr. FARENTHOLD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3869) to designate the facility of the United States Postal Service located at 600 East Capitol Avenue in Little Rock, Arkansas, as the “Sidney ‘Sid’ Sanders McMath Post Office Building”.

The Clerk read the title of the bill.

The text of the bill is as follows:

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

SECTION 1. SIDNEY ‘SID’ SANDERS MCMATH POST OFFICE BUILDING

(a) DESIGNATION.—The facility of the United States Postal Service located at 600 East Capitol Avenue in Little Rock, Arkansas, shall be known and designated as the “Sidney ‘Sid’ Sanders McMath Post Office Building”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “Sidney ‘Sid’ Sanders McMath Post Office Building”.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being present, the quorum is considered present.

The point of no quorum is considered withdrawn.

December 19, 2012
Mrs. MALONEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Mr. FARENTHOLD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Mr. FARENTHOLD. Mr. Speaker, I rise today in support of H.R. 3869. This bill would designate the facility of the United States Post Office located at 600 East Capitol Avenue in Little Rock, Arkansas, as the Sidney “Sid” Sanders McMath Post Office Building. The bill was introduced on February 1 and was reported from the Government Oversight and Reform Committee on February 7.

Mr. Speaker, Sid McMath was a prosecuting attorney, a decorated United States Marine officer, and the 34th Governor of the great State of Arkansas. As a Marine officer, he received the Legion of Merit Silver Star for his heroic leadership during World War II. As Governor, McMath championed several infrastructure improvements to benefit his State. This included the paving of primary roads and expanding rural electrification.

McMath unfortunately died in his home in Little Rock, Arkansas, on Saturday, October 4, 2003. He was given a full military funeral by the U.S. Marine Corps Honor Guard.

Mr. Speaker, Mr. McMath is a very worthy designee of this postal facility naming, and I urge all Members to join me in support of this bill.

With that, I reserve the balance of my time.

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

As a member of the House Committee on Oversight and Government Reform, I am pleased to join my colleagues in the consideration of H.R. 3869, to designate the facility of the U.S. Postal Service located at 600 East Capitol Avenue in Little Rock, Arkansas, as the “Sidney ‘Sid’ Sanders McMath Post Office Building.”

The bill before us was introduced by Representative Tim Griffin on February 1, 2012. In accordance with committee requirements, H.R. 3869 is co-sponsored by all members of the Arkansas delegation and was reported out of the committee by unanimous consent on June 27, 2012.

As a former two-term Governor for Arkansas, Sidney Sanders McMath started his career as an enlisted officer with the U.S. Marine Corps. Having fought in the battle for the Solomon Islands in World War II, Mr. McMath would earn the rank of lieutenant colonel for his courageous efforts in the war. When he retired from the U.S. Marine Corps in 1967, he was the 34th Governor of Arkansas.

A decorated war hero, McMath would return to his hometown of Hot Springs in time to be elected as a local prosecutor. Earning a reputation as a reformer, he worked tirelessly to rid the local government of corruption. His noble actions and hard work would carry him to victory in the 1948 election to become Governor of Arkansas.

Leading the way as a reformist in all manners, McMath fought for civil rights for African Americans and modernized the Arkansas transportation infrastructure.

His hard work and determination have cemented his legacy in Arkansas’s history. To commemorate Sidney “Sid” Sanders McMath, I ask that we pass the measure before us, and I reserve the balance of my time.

Mr. FARENTHOLD. Mr. Speaker, at this time, I would like to yield as much time as he may consume to the gentleman from Arkansas (Mr. Griffin).

Mr. Griffin of Arkansas. Mr. Speaker, I rise today in support of H.R. 3869. This bill would designate the facility of the United States Post Office located at 600 East Capitol Avenue in Little Rock, Arkansas, as the “Sid” Sanders McMath Post Office Building.

Sid McMath is one of Arkansas’s finest sons, and he dedicated his life to serving Arkansas and our country. He was the 34th Governor of Arkansas and served as a U.S. Marine in World War II. He received the Silver Star for his valor during the Battle of Piva Forks.

Sid McMath was born in Columbia County, Arkansas, on June 14, 1912. In high school, he was a skilled boxer and earned the State Golden Gloves title.

Mr. Speaker, Mr. McMath is a very worthy designee of this postal facility naming, and I urge all Members to join me in support of this bill.

With that, I reserve the balance of my time.

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

As a member of the House Committee on Oversight and Government Reform, I am pleased to join my colleagues in the consideration of H.R. 3869, to designate the facility of the U.S. Postal Service located at 600 East Capitol Avenue in Little Rock, Arkansas, as the “Sidney ‘Sid’ Sanders McMath Post Office Building.”

The bill before us was introduced by Representative Tim Griffin on February 1, 2012. In accordance with committee requirements, H.R. 3869 is co-sponsored by all members of the Arkansas delegation and was reported out of the committee by unanimous consent on June 27, 2012.

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A decorated war hero, McMath would return to his hometown of Hot Springs in time to be elected as a local prosecutor. Earning a reputation as a reformer, he worked tirelessly to rid the local government of corruption. His noble actions and hard work would carry him to victory in the 1948 election to become Governor of Arkansas.

Leading the way as a reformist in all manners, McMath fought for civil rights for African Americans and modernized the Arkansas transportation infrastructure.

His hard work and determination have cemented his legacy in Arkansas’s history. To commemorate Sidney “Sid” Sanders McMath, I ask that we pass the measure before us, and I reserve the balance of my time.

Mr. FARENTHOLD. Mr. Speaker, at this time, I would like to yield as much time as he may consume to the gentleman from Arkansas (Mr. Griffin).

Mr. Griffin of Arkansas. Mr. Speaker, I rise today in support of H.R. 3869. This bill would designate the facility of the United States Post Office located at 600 East Capitol Avenue in Little Rock, Arkansas, as the “Sid” Sanders McMath Post Office Building.

Sid McMath is one of Arkansas’s finest sons, and he dedicated his life to serving Arkansas and our country. He was the 34th Governor of Arkansas and served as a U.S. Marine in World War II. He received the Silver Star for his valor during the Battle of Piva Forks.

Sid McMath was born in Columbia County, Arkansas, on June 14, 1912. In high school, he was a skilled boxer and earned the State Golden Gloves title. He worked his way through college at the University of Arkansas by waiting tables, washing dishes, and fighting in exhibition boxing matches. After college, he served as a United States Marine during World War II where he distinguished himself in combat and earned the Silver Star and the Legion of Merit.

In 1948, Sid McMath was elected as the 34th Governor of Arkansas, serving two terms. As Governor, he was a staunch advocate for civil rights, fighting to uphold voting rights for all Americans and working to abolish the poll tax.

After serving as Governor, he continued his service to his Nation as a member of the Marine Corps Reserves, rising to the rank of major general. In 1967, he founded the Marine Corps Junior ROTC at Catholic High School for Boys in Little Rock. Many of the cadets known as “Sid’s Kids” have followed his example by serving our country.

Governor McMath passed away in 2003 at the age of 91 in Little Rock. His autobiography, “Promises Kept,” was posthumously awarded the Arkansas Historical Association’s highest accolade, the John G. Ragsdale Prize.

Today we honor Sid McMath’s dedication and service to his State and Nation by installing a permanent marker of his contribution to Arkansas and America. Here in this House, all Americans and Arkansans can admire, and I urge my colleagues to join me in supporting this bill to honor his legacy.

Mrs. MALONEY. Mr. Speaker, having no other speakers, I yield back the balance of my time.

Mr. FARENTHOLD. Mr. Speaker, I join with Representative Griffin in urging all of our Members to support this bill in the naming of the Sidney “Sid” Sanders McMath Post Office Building, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. FARENTHOLD) that the House suspend the rules and pass the bill, H.R. 3869.

The question was taken.

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

Mrs. MALONEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

ELIZABETH L. KINNUNEN POST OFFICE BUILDING

Mr. FARENTHOLD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3378) to designate the facility of the United States Postal Service located at 220 Elm Avenue in Munising, Michigan, as the “Elizabeth L. Kinnunen Post Office Building.”

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3378

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

SECTION 1. ELIZABETH L. KINNUNEN POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 220 Elm Avenue in Munising, Michigan, shall be known and designated as the “Elizabeth L. Kinnunen Post Office Building”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility of the United States Postal Service located at 220 Elm Avenue in Munising, Michigan, shall be deemed to be a reference to the “Elizabeth L. Kinnunen Post Office Building”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. FARENTHOLD) and the gentlewoman from New York (Mrs. MALONEY) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.
Mr. FARENTHOLD. Ms. Speaker, I ask unanimous consent that all Mem-
ers may have 5 legislative days within which to revise and extend their re-
marks and add extraneous material to the RECORD regarding H.R. 3378.

Mr. Speaker, I urge all Members to support the passage of H.R. 3378, and I yield back the balance of my time.

The SPEAKER pro tempore. There was no objection.

Mr. FARENTHOLD. Mr. Speaker, I yield myself as much time as I may con-
sume.

As a member of the Committee on Oversight and Government Reform, I am proud to pay colleagues the consideration of H.R. 3378, to designate the facility of the United States Postal Service located at 220 Elm Avenue in Munising, Michigan, as the Elizabeth L. Kinnunen Post Office Building.

The SPEAKER pro tempore. Is there objection to the request of the gen-
tleman from Texas?

There was no objection.

Mr. FARENTHOLD. Ms. Speaker, I yield myself as much time as I may con-
sume.

Mr. FARENTHOLD. I yield as much time as he may consume to my distin-
guished colleague from the State of Michigan (Mr. BENISHEK).

Mr. BENISHEK. Mr. Speaker, Mrs. Kinnunen is a very worthy designee of this postal facility naming, and I urge all Members to join me in the support of this bill. I reserve the balance of my time.

Mrs. MALONEY. Mr. Speaker, Mrs. Kinnunen is a very worthy designee of this postal facility naming, and I urge all Members to join me in the support of this bill. I reserve the balance of my time.

As a member of the Committee on Oversight and Government Reform, I am proud to pay colleagues the consideration of H.R. 3378, to designate the facility of the United States Postal Service located at 220 Elm Avenue in Munising, Michigan, as the Elizabeth L. Kinnunen Post Office Building.

The SPEAKER pro tempore. Pursuant to the request of the gentleman from Texas (Mr. FARENTHOLD), the House suspend the rules and pass the bill, H.R. 3378.

The question was taken. The SPEAKER pro tempore. Pursuant to the request of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. FARENTHOLD. Ms. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 3 of rule XX, further pro-
ceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

CECIL E. BOLT POST OFFICE

Mr. FARENTHOLD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4389) to designate the facility of the United States Postal Service located at 19 East Merced Street in Fowler, California, as the “Cecil E. Bolt Post Office”.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4389

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress as-
sembled.

SECTION 1. CECIL E. BOLT POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 19 East Merced Street in Fowler, California, shall be known and designated as the “Cecil E. Bolt Post Office”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “Cecil E. Bolt Post Of-

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. FARENTHOLD) and the gent-
tlewoman from New York (Mrs. MALONEY) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. FARENTHOLD. Ms. Speaker, I respectfully ask unanimous consent that all Members may have 5 legisla-
tive days in which to revise and extend their remarks and include extraneous material on the bill under consider-
ation.

The SPEAKER pro tempore. There is objection to the request of the gen-
tleman from Texas.

There was no objection.

Mr. FARENTHOLD. Mr. Speaker, I yield myself as much time as I may con-
sume.

H.R. 4389, introduced by the gen-
tleman from California (Mr. COSTA), would designate the facility of the United States Postal Service located at 19 East Merced Street in Fowler, Cali-
ifornia, as the Cecil E. Bolt Post Office.

This bill was introduced on April 18, and it was reported out favorably from the Committee on Oversight and Gov-
ernment Reform on June 27.

Mr. Speaker, Cecil Bolt was drafted into the Army just prior to the start of
World War II. He was assigned to the 75th Artillery Unit in the Aleutian Islands in Alaska. After the war, Mr. Bolt returned to Fowler, California, and was appointed postmaster in 1947. He was known for his friendly service, especially when delivering packages on Christmas Eve, which is something at this time of the year we can all appreciate. Sadly, Mr. Bolt passed away on February 9, 2007, but he is fondly remembered by many family members and friends.

Mr. Speaker, Mr. Bolt was a very worthy designee of this postal facility naming, and I urge all Members to join me in support of this bill.

I reserve the balance of my time.

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

As a member of the House Committee on Oversight and Government Reform, I am pleased to join my colleagues in the consideration of H.R. 4389, which was introduced by my good friend and colleague, the gentlelady from California (Ms. Maloney).

So in conclusion, Mr. Speaker, the city of Fowler and its county council and the overwhelming support of citizens of the city and students who wrote in postcards ask that we do this in his honor without reservation—recognizing the post office in the city of Fowler to be named after Postmaster Cecil E. Bolt in dedication to his family and the community of Fowler as well as the United States Postal Service.

Mr. FARENTHOLD. Having no other speakers at this time, I continue to reserve the balance of my time.

Mrs. MALONEY. Having no further speakers, I yield back the balance of my time.

Mr. FARENTHOLD. Mr. Speaker, I urge my colleagues to join me in supporting H.R. 4389, the Cecil E. Bolt Post Office Act. I urge all Members to join me in support of this bill.

I yield back the balance of my time.

Mr. FARENTHOLD. Mr. Speaker, I urge my colleagues to join me in supporting H.R. 4389, the Cecil E. Bolt Post Office Act. I urge all Members to join me in support of this bill.

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. FARENTHOLD) that the House suspend the rules and pass the bill (H.R. 6260) to designate the facility of the United States Postal Service located at 211 Hope Street in Mountain View, California, as the “Lieutenant Kenneth M. Ballard Memorial Post Office”.

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

Mr. Speaker, H.R. 6260, introduced by the gentlelady from California (Ms. ESHOO) would designate the facility of the United States Postal Service located at 211 Hope Street in Mountain View, California, as the “Lieutenant Kenneth M. Ballard Memorial Post Office.” This bill was introduced August 1 and reported favorably from the Committee on Oversight and Government Reform.

Lieutenant Ballard committed his entire adult life to serving his country. Upon graduating from Mountain View High School in 1995, Mr. Ballard enlisted in the Army. During his military career, he served in Germany, Bosnia, Montenegro, and Iraq. Sadly, Lieutenant Ballard was killed in 2004 while deployed in Iraq. I’m truly grateful for the brave and heroic service of Lieutenant Ballard and for all those who serve and defend our Nation every day.

Mr. Speaker, Lieutenant Ballard is a very worthy designee of this postal facility naming, and I urge all Members to join me in support of this bill.

I reserve the balance of my time.

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

Mr. Speaker, as a member of the House Committee on Oversight and Government Reform, I’m pleased to join my colleagues in support of H.R.
Mr. FAHRENTHOLD. Mr. Speaker, I thank my colleagues to enthusiastically support this effort, and I want to pay tribute to Lieutenant Ballard’s mother, Mrs. MALONEY, from New York, and I thank my colleague from Texas for his very kind and generous remarks about the designation of the Lieutenant Kenneth M. Ballard Memorial Post Office, in my district, as the Lieutenant Kenneth M. Ballard Memorial Post Office.

A Mountain View native, Ken Ballard joined the Army at the age of 18. He came from a distinguished family that have given a long line of military service to our country. He attended basic training at Fort Knox, Kentucky. He went on to bravely serve our Nation in Germany, Bosnia, Macedonia, and Iraq. On April 3, 2004, Lieutenant Ballard’s battalion, the 2nd Battalion, 37th Regiment, 1st Armored Division turned in their weapons and began preparing to return home. The very next day, violence broke out in Baghdad, and shortly thereafter, Lieutenant Ballard’s tour was unexpectedly extended for an additional 120 days.

Less than 2 months later, on May 20, 2004, after 9 years of service, Lieutenant Ballard was killed in Najaf, Iraq, by accidental discharge of the M-240 weapon on his vehicle. He was a recipient of the Purple Heart and three Bronze Stars, two with valor device.

Lieutenant Ballard was a true American hero, and his ultimate sacrifice deserves our formal recognition of gratitude, which is what we are doing here today. In paying tribute to him and his service, the House will not only honor his sacrifice, but also that of every brave American who dons a uniform for our Nation each and every day. So many have given their lives so that we may live ours freely, and each deserves our gratitude, our respect, and our remembrance.

I wish to thank the city council of Mountain View, California, for their support of this effort, and I want to pay tribute to Lieutenant Ballard’s mother, Karen Meredith, for her unswerving advocacy on behalf of her son that the truth would be documented and put forward, and of course her support in the renaming of the post office of his hometown after him.

So I urge my colleagues to vote for this legislation. I thank everyone on a bipartisan basis that has been involved in this.

Mr. FARENTHOLD. Mr. Speaker, I continue to reserve the balance of my time.

Mrs. MALONEY. Mr. Speaker, I join my colleague and compliment her on her very moving tribute, not only to her constituent but to all the men and women who serve our great Nation.

Mr. Speaker, I thank my colleagues on both sides of the aisle for their support of this renaming in honor of a true American hero. And noting that I have no additional items, I yield back the balance of my time.

Mr. FAHRENTHOLD. Mr. Speaker, I join the gentlelady from California and the gentlelady from New York in support of this legislation honoring Lieutenant Kenneth M. Ballard, naming the post office the Lieutenant Kenneth M. Ballard Memorial Post Office, and urge my colleagues to enthusiastically support H.R. 6260.

I yield back the balance of my time.

RELATING TO THE DEATH OF THE HONORABLE DANIEL K. INOUYE, A SENATOR FROM THE STATE OF HAWAII

Ms. HIRONO. Mr. Speaker, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That the House of Representatives —
(1) receives with profound sorrow the news of the death of the Honorable Daniel K. Inouye, a Senator from the State of Hawaii;
(2) authorizes the Speaker to appoint such Members as he may designate to serve with members of the Senate as a committee to represent the House in attendance at the funeral of the Senator;
(3) directs the Clerk to communicate this resolution to the Senate and transmit a copy to the family of the Senator; and
(4) when it adjourns today, does so as a further mark of respect to the memory of the Senator.

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

The point of no quorum is considered withdrawn.

Ms. HIRONO. Mr. Speaker, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 839

Resolved, That the House of Representatives —
(1) receives with profound sorrow the news of the death of the Honorable Daniel K. Inouye, a Senator from the State of Hawaii;
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The Clerk read the resolution, as follows:

H. Res. 839

Resolved, That the House of Representatives —
(1) receives with profound sorrow the news of the death of the Honorable Daniel K. Inouye, a Senator from the State of Hawaii;
When the day came that Congress granted a seat to the people of the Northern Mariana Islands, that flame roared to life. That inspiration that Daniel K. Inouye had lit in my heart, fed by the ideals that he had instilled in me those many years ago, the ideal that we’re all equals in this great country, as citizens and as individuals, and that if we have the courage to confront poverty, we can overcome prejudice, we can overcome terrible, terrible, physical injury and survive stronger than ever. We can survive and prevail if we believe in the inherent decency and goodness of the American people. As a soldier, Senator Daniel K. Inouye believed—if we are not afraid to dream, and so I dreamt, inspired by this man, aided by the opportunity he once gave to me. And tonight, Mr. Speaker, I stand here in the well of this hallowed Chamber to say thank you to Daniel K. Inouye.

I admit that dream did not always burn brightly. There were times when I did not tend the flame. But when the day came that Congress granted a seat to the people of the

In fact, when I think about it a moment, I think, Danny, God bless you. You’re in heaven. Hawaii is better off. Alaska is better off. But if we don’t change our ways, you would be terribly disappointed. You would not be happy the way things are happening in this country, including the United States Senate.

And so, Danny, I will tell you one thing. You have Alaskans—especially my wife, my children, and my grandchildren—that thank you for the efforts that you put forth for original people and bring them into the mainstream of life, with the help of Senator Ted Stevens.

So God bless you, Danny, Senator from Hawaii, and the third Senator for the State of Alaska.

Ms. HIRONO. Mr. Speaker, I yield such time as she may consume to my friend from California, Congresswoman Doris Matsui.

Ms. MATSUI. Mr. Speaker, I would like to thank my friend, the gentlelady from Hawaii, for organizing this time for all of us to honor Daniel Inouye.

It’s with heavy heart that I rise here today in support of this resolution honoring the late Senator Inouye. On December 17, Don Young.

Mr. YOUNG of Alaska. I thank the gentleman for yielding.

Aloha, Senator Inouye.

This beloved leader did so much for many Americans, for so many people of the Pacific, as we are hearing tonight. He touched the lives of so many individuals, including my own life. In 1986, Senator Inouye gave me the opportunity to work as a Fellow in his office here at the Capitol. Senator Inouye had established a program to bring young men and women from the Pacific Islands to Washington to learn about Congress and the United States Government. We came from American Samoa and from the Northern Mariana Islands, my home.

What an opportunity Senator Inouye gave me. The eye-opening experience to see Congress at work. What an education to watch up close this distinguished man of the Senate, by turns dignified, gracious, good humored, principled, quiet and when called to defend the forgotten, fierce, fierce and formidable. I was inspired.

Seeing what an elected official could be, what he could do to bring justice to this world, I dared to dream of one day doing the same. The Northern Mariana Islands did not even have a seat in Congress in 1986. That did not happen until 23 years later. But throughout those 23 years of the helicopter dream deep in my heart, the dream that Senator Daniel Inouye planted that some day I could represent my people as I had seen him represent the people of Hawaii and America.

I was admit that dream did not always burn brightly. There were times when I did not tend the flame. But when the day came that Congress granted a seat to the people of the
As the highest serving Asian American in our country’s history, Senator Inouye was a true inspiration to the Asian American community.

As a Member of Congress, my late husband, Bob Matsui, worked closely with Senator Inouye on the movement for Japanese American redress and reparations. Together with colleagues, they helped secure a formal government apology for innocent Japanese Americans who were victims of one of our country’s darkest moments. It will be impossible to find a stronger voice for our Nation’s veterans than Senator Inouye. He was instrumental in getting the Congressional Gold Medal awarded to several military units from World War II, units composed almost entirely of persons of Japanese ancestry who exhibited exceptional bravery on the battlefield while their own families were in internment camps here at home.

Earlier this year, I worked closely with Senator Inouye to ensure that the Congressional Gold Medal toured the country so everyone could have the opportunity to learn about the bravery and heroism of these veterans.

This is the type of man Senator Inouye was. He was a man who, up to the very end, worked tirelessly to bring recognition to those who deserve it the most.

Senator Inouye devoted his life to serving his country. He was an inspiration—a real role model—an example of what every public servant should strive to be.

My thoughts and prayers are with his many family, friends, colleagues, and constituents for their tremendous loss.

Earlier this year, I worked closely with Senator Inouye to ensure that the Congressional Gold Medal toured the country so everyone could have the opportunity to learn about the bravery and heroism of these veterans.

Even though he was labeled an enemy alien during World War II, he made the decision to enlist in the Japanese American “Go for Broke” 442nd regimental combat team. He fought bravely, even as thousands of Japanese Americans were unjustly placed in internment camps. When one terrible battle in Italy, he led an assault against a heavily defended ridge. Germans shot at him with machine guns, destroying his right arm. Despite that, he was still able to destroy the German bunkers that had taken the lives of his friends. He received the Medal of Honor and the Congressional Gold Medal, and for that alone he will always be remembered as a true American hero.

But Senator Inouye’s service to our country extends far beyond World War II. He was a trailblazer in politics when there were few Asian Americans. He rose through the ranks, becoming the chairman of the powerful Senate Appropriations Committee and the President, pro temp, of the Caucus, and became our highest-ranking Asian American politician. He broke barriers and paved the way for countless Asian American and Pacific Islanders in public service. In my role as chair of the Congressional Asian Pacific American Caucus, I truly valued his guidance as a founder and longtime executive board member of our caucus. He was a tireless advocate for both the people of Hawaii and the broader Asian American and Pacific Islander communities.

As a Member of the United States Senate, Senator Inouye served his country. He was an inspiration, a founder and longtime executive board member of our caucus. He was a tireless advocate for both the people of Hawaii and the broader Asian American and Pacific Islander communities.

All of us who had the honor to know and learn from him will dearly miss his leadership and the honor and integrity that he brought to the job. My heart goes out to his wife, Irene Inouye, his son, Daniel Ken Inouye, Jr., and the many family, friends, colleagues, and constituents for their tremendous loss.

So aloha, Senator Inouye. Thank you for your lifetime of service. While your passing has left us with a great void, we know that your legacy will continue the accomplishments you leave behind and in the generations you’ve inspired through your service to our country.

Ms. HIRONO. Mr. Speaker, I now yield such time as she may consume to my friend and colleague from Hawaii, Congresswoman HANABUSA.

Ms. HANABUSA. Thank you to my colleagues from Hawaii for doing this.

Mr. Speaker, I rise today in support of House Resolution 839, which relates to the death of the Honorable Daniel K. Inouye, Senator from the State of Hawaii. I know that as the most senior Member of the Senate, chair of the Appropriations Committee, President pro temp, and third in line to the succession to the presidency, but in his heart he was no different than that kid growing up in territorial Hawaii, not wearing shoes until he got to high school—by the way, not wearing shoes we called "hadashi" in Hawaii—who volunteered just out of high school to serve his country in war. I think that's why, when he ran for reelection, his bumper stickers didn't say Senator Inouye, or Daniel K. Inouye, it just said Dan.

I still remember his political poster with the picture of the 442nd, the war hero, recipient of the Medal of Honor, U.S. Senator, an iconic force in Hawaii’s history and politics, and he just fit right in. Us, the people of Hawaii, we can spot a phony a mile away, but we loved him because we knew he was the real thing. He was genuine.

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advise to show the true love for the people he served, but also that he was sharing these insights with me because he cared enough about me to pass on the lessons.

In 1850

He genuinely wanted me to do better. Quietly, with that great smile and that beautiful, resonant voice, he gave that gift of his experience and his wisdom. He was a man of such accomplishment and power who was also unbelievably generous of himself. I will never forget that gift from my friend, Dan Inouye. For the next few days, I lived, breathed, and talked to a war hero, a champion of Hawaii, a political icon. I hope, Mr. Speaker, you will join us in remembering a wonderful man and pass this resolution so that we may all say, “Aloha, Dan, mahalo, and thank you.”

Ms. HIRONO. I now yield such time as he may consume to my good friend from California, Congressman Mike Honda.

Mr. HONDA. Thank you, Madam Chair.

I, too, rise today with a heavy heart to honor and to remember Senator Dan Inouye.

On December 17, 2012, the State of Hawaii, our Nation, the Asian American and Pacific Islander community and all champions of social justice and change lost our polaris, our guiding light, our guiding star—Senator Daniel K. Inouye. I’m deeply saddened by the passing of the Senator, as he has been a hero to us all, his ohana.

From his service on the battlefields of World War II—we mentioned a Medal of Honor—to the Senate floor, in serv- ing the Aloha State in Congress since it achieved statehood in 1959 and rising to become the highest ranking Asian Pacific Islander in our Nation’s his- tory, his impact on our lives and our community is immeasurable and un-paralleled.

The Senator has had a deep sense and reflected a deep sense of dignity in spite of any kinds of situations that may surround him, a quiet calm of strength even in the battlefields to the Halls of Congress.

We know that during the time of Wa- tegate, he was slighted and insulted through a racial slur, but he did not ex- change one for another. He just re- flected his quiet strength and dignity by not moving at all. The rest of the country did for him. And as he went through the Watergate process, he showed that he could serve and deal with justice with an even hand. And with that, he showed that this country can deal with all kinds of problems that it faces.

As chairman of the Senate Appropriations Committee, Senator Inouye worked across the aisle to ensure that the needs of the people of Hawaii and the sovereign rights of native Hawaiians were priorities of this government.

During the seventies and eighties, Senator Inouye played a critical role in making sure that this country understood its behavior towards the Japanese Americans on the mainland and in Hawaii. There was an effort to secure an apology, a recognition of the mistreatment of our people, a forward with the idea of reparations, but it didn’t seem as if they were making much progress. He wisely said to leadership of this movement. Perhaps we need to do a study and a commission to place on the floor of the Members of this body to understand what it is that we are fighting for. And so came about the World War II Com- mission on Internment. And through the commission study and their gath- ering information across this country and listening to testimony, from people who were aged to the people who were younger, securing information validating the position of those who were seeking an apology from this govern- ment came the conclusion and the final decision for him to pass this bill, my bill, 422, to rescind Executive Or- ders 9022 and 9044, and also to make sure that this country understood the reasons for the incarceration and inter- nment of Japanese Americans in this country during 1942.

The conclusion of that commission reflected the wisdom of Senator Inouye. The conclusion of the commis- sion said the reason why internment happened to Americans of Japanese de- scent was because of war hysteria, ra- cial prejudice, and the failure—the failure—of political leadership. And to that, it’s been always a reminder for me when I listened to him and I watched him work that he would never, ever allow the lack of failure of polit- ical leadership in this country to ever fall—not on his watch.

Since 1959 when I graduated from high school, I reflected back now, today, of how young he was then and how he worked, and guided Alaska and this country through his life and his dedication to public serv- ice.

So, Senator Inouye proved to be a very devoted husband and a father. I extend my sincerest condolences to the entire Inouye family.

Senator Inouye’s passing may mark an end of an era, I would say, but I would declare and say that his work will continue to impact this country in terms of a continuous attention to ohana and to the rights of all people, including aboriginal folks.

He once stated in his fight to protect the Filipino World War II veterans, he said about them, he said that heroes should never be forgotten or ignored. And he always continued to make sure that those who serve this country were not to be forgotten or ignored.

So, we, as a grateful Nation, will never, ever forget the Senator from Ha- waii. And this is in the rest of the military service, and a servant through his service in the Halls of Congress.

So I say to him “Aloha, mahalo.”
I remember in early 1990 when I accompanied the Senator on a Congressional delegation he led on a Pacific tour that included my District. It was an honor and a privilege accompanying him on this tour because it showed me his deep understanding and care for all of the people in the Pacific. Just as he was a constant advocate and raised a Territory (Hawaii), he felt it was the right thing to do to help our Territories. This was just a small sample of the Senator’s leadership and diligence in recognizing the importance of helping our Territories and the Freeely Associated States.

As a former member of the 442nd 100th Battalion, I can only thank the Senator and his comrades for their service and ‘Go For Broke’ attitude which has laid the path for many of the Samoan sons and daughters to serve in our great military force. I am forever grateful for the Senator’s service to our nation and for his love and compassion for the people of American Samoa.

Let us pray that the Lord comfort those who have lost an amazing leader who has touched each and every one of our lives.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise in reflection and remembrance of the life of Senator Daniel Inouye.

I was deeply saddened to hear of the loss of Senator Daniel Inouye on Monday; his passing marks the end of an era for the people of Hawaii, for the United States Senate and Congress, and for the country. A public servant from start to finish, Daniel Inouye has left a shining, indelible mark on history that will inspire Americans for generations to come.

His story is simply incredible. Daniel was a medical volunteer during the Pearl Harbor attacks in 1941. Even though the U.S. Army banned people of Japanese descent from enlisting, and even though Executive Order 9066 authorized the internment of roughly 110,000 Japanese Americans, Daniel Inouye found it within himself to be an American patriot.

Soon after the ban on enlistment was lifted, he abandoned his Pre-Med studies at the University of Hawaii and enlisted in the U.S. Army in 1943. He was a war hero in the truest sense of the word, earning a Medal of Honor for his actions on the battlefields of World War II before his state was even admitted to the union.

Daniel Inouye was a Lieutenant and Platoon Leader on the battlefield in Tuscany, Italy in November 1944. Nearly losing consciousness from blood loss, he heroically charged a 3rd machine gun nest by German machine gun fire, he refused medical treatment and still managed to find the courage to destroy 2 machine gun nests. Neery losing consciousness from blood loss, he heroically charged a 3rd machine gun nest before being severely wounded by a German grenade. Somehow, even after these grave injuries, Daniel Inouye still found a way to toss a grenade that destroyed the 3rd bunker.

He remained a proud member of the military until his honorable discharge as a Captain in 1947. He was Hawaii’s first Representative in the House, a source of great pride to all Members, past and present.

As Hawaii’s first Congressman and, subsequently, as a nine-term Senator, Daniel Inouye embodied the spirit of ‘aloha’ in his work. Serving as Chairman of the Appropriations Committee, he worked to strengthen our national security and help veterans access the benefits they’ve earned.

A motion to reconsider was laid on the table.

RECOGNIZING DEPARTING MEMBERS OF THE MASSACHUSETTS DELEGATION

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

Mr. MARKEY. Mr. Speaker, I rise this evening to honor two great Members of the Massachusetts delegation who are departing. The first, JOHN OLIVER.

JOHN OLIVER is a public service powerhouse, a transportation titan inside of this institution. He has a Ph.D. in economics. After being hired by the National Association of State Universities and Land Grant Colleges, he became a scientist who became a statesman, and we were honored to have him in our delegation and in this Chamber. He was an avid outdoorsman, but he was ahead of his time in bringing attention to this Chamber for the consideration of the impacts of climate change, the need to protect our natural environment, the need to raise science as it affected the planet.

He arrived in Congress in 1991. His service on the Appropriations Committee helped rebuild our country’s infrastructure and resulted in critical investments in transportation. At the same time, he was always an incredible advocate for his constituents, for their industries, and for the way of life of western Massachusetts.

He was a very special Member of this institution. He began his career in the Massachusetts State Legislature. He immediately set the highest standard for his service to the Commonwealth. He has represented the last portion of his life to serving the public, to serving ordinary citizens; and he is going to be sorely missed. He made a huge difference in the lives of the people of Massachusetts and our country. And I just want to say that from the entire delegation, and from the entire Congress, he is definitely going to be someone who is irreplaceable in this institution.

At this point, I would like to reserve the balance of my time and to recognize the gentleman from western Massachusetts (Mr. NEAL).

Mr. NEAL. Mr. Speaker, I want to thank Mr. MARKEY for allowing me to participate in this Special Order tonight and to speak of two valued Members of the Massachusetts congressional delegation and to speak of two Members who have had a profound influence on not just the politics of Massachusetts, but the important policies of Massachusetts.

Some years ago, George W. Bush, President Bush, said to me at a St. Patrick’s day luncheon with some humor, Hey, Rich, how am I doing in Massachusetts? And I said, Mr. President; I don’t think you’re doing that well; and some laughter. He said to me in a very candid observation, I want to tell you something. I always liked running against you guys from Massachusetts and tangling with you guys from Massachusetts, he said, because I always felt I was matching up against the best in America.

I thought that was pretty interesting for a conservative President to talk about the Massachusetts congressional delegation. And I think that the two members who are departing from this delegation are part of the high skill of two very good legislators. That’s a skill that is not today held in the regard that it once was, the skill of the really good legislator, individuals who painstakingly know where the commas have to go, know when paragraphs have to end, and to make sure that sentences don’t run on so that the intention of the legislation is honored. We need a legislator on the final product, but many people dislike having to chew the process that gets us there.

In the case of Congressman FRANK, he always had this reputation for being the great and universal outsider in politics, but his success came from the fact that he mastered the skill of the insider in this institution. He knew when enough was enough and it was the best deal you were going to get. After he made full advocacy for the plan that he offered and desired, he showed his willingness to vote, or in his committee, he wanted to put the face of bipartisanship on the actual bill.
So Republican legislators in this institution, members of the Banking Committee would always say to me, Geez, BARNEY FRANK is one capable guy, because he was looking for the compromise as the path forward. You could talk to him about the complications and he could talk to him about the Federal Reserve Board, and you could talk to him about world issues; but at the same time, he unfailingly made it home to march in all of those parades, to attend functions for people who had been with him in elected office for four decades, to make those phone calls that you have to make. And he understood, once again, that in this institution the opinions of America and the emotions of America play out. Sometimes you get a good deal, and other days you don’t quite get the deal that you wanted.

Before anybody in public life was advocating for gay rights, BARNEY FRANK was in the forefront. BARNEY FRANK was the leader among women, and he was a great scholar, student, and participant in the civil rights struggles of our times.

Both these legislators are, interestingly enough, in my mind, principled individuals, members of the New Deal who believed that government plays a positive role in the lives of the American family. Not because government draws a conclusion on where we end up necessarily in life, but they both believe in the idea that government ensured that everybody could get to the starting line for the race.

In the case of JOHN OLVER, Ray LaHood said to me one night at dinner—and Ray has been a fast friend. For those of us who are interested in transportation in western Massachusetts and indeed central Massachusetts, Ray LaHood said to me, You know, JOHN OLVER is one smart guy. He said, The meetings in his office can go on for 3 hours, but I’ve never told you, he really understands transportation theory and he understands transportation implementation.

A couple of the great things that we were able to participate in—because in western Massachusetts we always use the argument that people don’t pay enough attention to our part of the State—but it was the small things like extending broadband access into the hill towns of western Massachusetts, improving transportation from New Haven to Hartford, to Springfield, and on to Vermont. And in the case of JOHN OLVER, he was very helpful to me when I asked him in the transportation legislation to make sure that my congressional district and constituency were able to secure the funding that we desired. That’s an important part of the legislator’s life.

I also think that what was interesting about JOHN and BARNEY, they’re believers. In a time when the public often says that they voted once and did not vote again, that they voted once and embraced superficial positions only to seek and curry the favor of the public, one of the two important things about these two guys is they were happy to tell you they disagreed with you. In fact, as the two of them got older, they were enthusiastic about telling you they disagreed with you. Oftentimes, when you walk into a room where the audience might be the one that only wants you to say, oh yes, they would say, these two would go into the room and say what they thought was on their minds, conclusions that they had drawn after long service in this institution and in the Massachusetts Legislature.

I also will tell you, based upon the point that I raised at the beginning of my comments, that we need to return in this institution to the skill of the legislator. It’s the same skill that the jeweler looks at a diamond with. It’s the same ambition that takes people to Pulitzer Prizes. It’s the athlete in the gym who spends his time preparing for the Olympics. It’s the skill because it’s often outside of the glare of the public, and when those in the public do see it, they’re uncomfortable with it. It’s the give and take of legislative life that made these two very good to work with.

So it was an honor to serve with them, and I hope that we haven’t heard the last of either JOHN OLVER or BARNEY FRANK. They’ve been very important to this institution and to America.

Mr. MARKEY. I thank the gentleman so much.

I would now like to recognize the gentleman from Massachusetts, Mike CAPUANO.

Mr. CAPUANO. I thank the gentleman for yielding.

I generally don’t do a whole lot of work on this stuff, but I’ve known these two gentlemen a long time. I met them both in 1976 when I was in law school and had the good fortune of getting a work study job at the statehouse. They were both there already. They were both already well recognized and influential at the statehouse; and I will say to the distinguished gentleman who met them, I started learning from both of them.

I want to be very clear. I want to echo everything RICHARD NEAL said. I hold public service up in high regard, and I know that everybody in the Massachusetts delegation does as well. These two gentlemen not only have served in Congress; they’ve served at the State level, and they were both educators. They didn’t do this because that’s what they could do. One has a Ph.D. from MIT. The other has a law degree from Harvard. Etti has a medical degree. They could have done anything he wanted to do and been well compensated in doing it, and they could have had much more comfortable lives in never having read their names in the newspapers as bad people on different occasions. The fact is that they gave of themselves right from the beginning as young men. They didn’t go out and make $1 million and then come in.

I think it’s an amazing thing because, for those of us who have followed a similar path, the first several years of doing public service, no matter what you’re doing, are not lucrative—they’re usually a difficult struggle—and then to stick to it for as long as they did. Between the two of them, if you add up not just the years they served in elective office—because elective office is only one way to give back to the public—but if you add to that the years they served as staff members or teachers and if you add that together, combined, we’re talking 100 years, guys.

I’m sorry, between the two of you, it’s 100 years of public service to the Commonwealth of Massachusetts. That’s something that’s amazing. As I said, I started learning from them both at the statehouse. It didn’t start right away, nor did I move to Congress. JOHN was still there. BARNEY had moved to Congress. I kept learning from them. I’ll be honest, in my job at the statehouse, I went on to become a full-time employee. You know it, but most people listening don’t know it.

In Massachusetts, most of the committees are joint committees—house and senate. I was on a joint committee that barrelled, but everybody knew that I worked for the house. JOHN happened to be the senate chairman of the committee I worked for, and since Massachusetts is such an overwhelmingly Democratic State, my job was, really, to do everything I could to stick it to JOHN OLVER on behalf of the house and get everything we wanted and not what the senate wanted. It was kind of funny because, now that I’m in Congress, it’s amazing in that those fights were really involving more than just the outcome of family fights. They were nothing compared to the fights we have here that are based on deep philosophical differences of opinion.

Even then, I loved working with JOHN because, as RICHIE said, I remember once we were at 2% and we traveled in the State, arguing against the limitations of local rights. JOHN went on for about 20, 30 minutes at some hearing about the evils of this particular proposition. Everybody was kind of getting tired and moving on.

JOHN broke and said, I’m awfully sorry that I’m kind of running on about this issue, but you have to understand that I’m that professor. I think in 50-minute blocks.

Then he went right back in and did the other 20 minutes. I don’t know if he convinced anybody, but he made me laugh the whole time because he knew when he was on his legs, and he knew the subject better.

When I got to Congress, my first assignment, per one of my many friends
that really became incredibly easy for me. I was able to cut a step back on the details of a lot of the major housing policy because Barney was such a champion, and I was able to focus on some of the holes that I saw in some of the policies that maybe some of the other Members of this Congress didn’t see.

That’s true about many, many things—of the financial services bill. Barney just carried that bill like you can’t believe. It allowed me the opportunity to not worry about the big stuff because Barney was going to take care of it. I got to focus on some of the smaller details that we got engaged in. I learned so much from him as a member of the Financial Services Committee.

I hope I can be one-tenth as successful as you have been, Barney, in bringing good ideas but in not forgetting who and what we are and who and what we believe in.

Then I got on the Transportation Committee. JOHN, by that time, was already the cardinal of the Transportation Subcommittee and Appropriations. It’s true. I thought I knew a fair amount about transportation. I’m kind of one of those guys who thinks, Don’t tell me about my district. Nobody knows my district better than I do. I know the needs. I work with them. That’s one of the reasons I’m such a vocal and public proponent of earmarks, because no one knows my congressional district better than I do except John Olver when it came to transportation matters.

I’ve got to tell you, JOHN, it made me angry a couple of times when you came up and you told me things about my district’s transportation needs. You were right and I hadn’t realized. I was like, Oh, geez. He got me again.

I can’t tell you how many times I’ve worked with him to try to improve transportation policy for my district but, in turn, for the Commonwealth and, in turn, for the country. So I just want to take tonight to talk about both of them for their service on behalf of the general public, but also on a personal matter.

Both of you have been guiding lights for me. I have learned a lot from both of you—different approaches, similar philosophies, different personalities, different attitudes. I’m a little different than both of you on some things, but I’m alike on some things as well. I will tell you that, as a lifelong resident of Massachusetts, I am proud that you served at a high level, and I’m proud that I’ve had the opportunity to work with you before Congress and in Congress; and I will tell you that I am proud to call you both colleagues and friends. Thank you very much.

Mr. MARKEY. I thank the gentleman for his comments, and I turn to recognize the gentleman from Massachusetts (Mr. KEATING).

Mr. KEATING. I thank my colleague for yielding.

I had the privilege of serving with these two gentlemen, not only in Congress but in the Massachusetts Legislature. I remember being elected and serving at the age of 24, and my seat was next to Barney Frank in the Massachusetts seat in the legislature at the time. Now, at that time, we had 240 legislators. Very few people had legislative aides. Truly, you were on your own: you were your own speechwriter; you were your own researcher; you did your own negotiations. So to have Barney Frank behind me in the give and take of everything there were issues on the floor and when we were talking was amazing. I can’t even tell you what I learned about being a lawmaker and a legislator, of pushing deals together and negotiating.

We also worked in the legislative study group at the time, and I learned an important lesson that is, sadly, not utilized at the State or Federal level these days, that of how to work in coalitions effectively, because a lot of us were real progressives, and the legislature at the time wasn’t particularly noted for that. I learned from people like Barney that, if you work together, they’ll support your vote sometime, and we could work together as a group and be effective. I learned at that stage that you can be effective at any level of the legislature if you become skilled and if you become tenacious. He inherited this.

I had the good fortune of also getting to know his mother, Elsie. Now, she was very active with the Mass Association of Older Americans, and she was terrific. She was passionate, knowledgeable, effective, and I can see where he got a lot of his skills.

Mr. KEATING. Mr. MARKEY.

But one of the things that impressed me also was the fact that in his time working as the chief executive for the late mayor Kevin White in Boston, he had the opportunity to really be there at the executive level. And I could see that reflect in his legislation, and I could see it today because he knew from the legislative side how important it was to do things to empower people on the executive side and how they could work in tandem. I know he took from that experience the fact that there’s strength in numbers. When you’re in that position in a big city and you’re doing things you have to do, you’re not always taking the most popular stands, but you’re taking tough stands against different groups. And he had no sacred cows and he was willing to speak up when necessary.

I think people in this Chamber know as well that when he took the floor then, just like when he takes the floor now, you don’t want to be the other person on the other side of that debating. But even in the din of a noisy House, something that’s similar to both branches, when he would get up, everyone would get quiet. They wanted to hear him. They were really interested in the intellectual and the humorous sides of the debate that they were about to see.

During that time as well, we would have our votes up on the board. I can tell you this: at a time when you were in the distinct minority on the issue of gender rights, discrimination, discrimination against some sexual orientation, on issues of basic fairness and progressive, those lights were always on the right side, whether in the majority, the winning side or the losing side. Times have changed things. Decades have changed how the public feels about many of these positions, and now new, more popular, time they weren’t, but he was resolute.

You know, I also look back at some of the differences during that period of time. Back then Barney would have no time to shine his shoes. Or he would have holes in his shoes. You know, his suit looked like it hadn’t seen the cleaners—ever. But I remember his campaign slogans at the time. They said: Neatness isn’t everything, vote for Barney Frank.

And I’ve seen an amazing transformation now that I’m going to have the privilege, as he has had, to represent the city of New Bedford, of Barney around in Joseph Abboud suits, tailor-made. American-made, by the way, and I’ve seen that transformation as well.

But I’ve got some big shoes to fill down there. He is beloved in that area. As much as he is dealing with the intricacies of something like Dodd-Frank, many of the other things he’s done representing city issues, he is by far the most popular elected official that the fishermen in the New Bedford area have ever seen. His loyalty to them is probably only eclipsed by their loyalty to him. He knows so much about fish that I don’t know if I’ll ever catch up or ever have the opportunity, but it’s amazing how complex that issue is as well.

But I will say this. Of all the actions he’s taken during his time in public life, I might dare to say what I think one of his most proudest actions would be, not just what I would think, working with fishing or Dodd-Frank, but I think it was really his marriage to Jim. He has told me how important that was to do while he was a Member of Congress, again showing leadership by action on an issue. And I was just so happy to be at that wedding and to see that union, that marriage, and I was very pleased to see the happiness and the love that was there at that time. My only regret is that his mother wasn’t there to see it as well because she would have been so proud.

One thing you’ll never say about Barney Frank or John Olver, I don’t
think there was ever a TV ad, an attack ad, that had one of those weather vanes issues. You know, where you changed your position on this and you changed your position on something else, on an important issue. They were both resolute. And I had the opportunity, both with JOHN briefly in the Senate in Massachusetts. Interestingly enough, when he was chairman of taxation in the Senate, I was his successor as chairman of taxation in the Massachusetts Senate. When I had that position, I started going through the research reports and the research documents, and I knew that they just weren’t done by researchers, that they had his thumb prints and his intellectual abilities all over them. I must tell you, if I started going back through those things a few decades ago, I probably wouldn’t be through them now.

I remember on the floor of the House when JOHN would be carrying a bill to the floor, how people didn’t really question anything he had to say. But it’s interesting enough, when you go for questions, I seldom saw people go up to JOHN with questions on that legislation because all of us didn’t want to know that much about whatever he was talking about. But JOHN had that same sense, strong sense of fairness, a protector of civil rights, a protector of equality, and one of the leaders of our time in understanding about the importance of the environment and the way we treat it.

He was a champion for western Massachusetts, not just with the infrastructure that’s there, but when you thought of our colleges out there and the kind of infrastructure that gives people the opportunity for a good life and to advance in life, JOHN OLVER’s fingerprints were all over that. He took that same attention to detail he had in the Massachusetts legislature and used it in Appropriations to great effect.

So thank you, JOHN. I wish them both well. They deserve it, and they will continue to be productive, helping our State and helping the people in our State in other capacities.

Mr. MARKEY. I thank the gentleman, and I now yield to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. I thank Mr. MARKEY for recognizing me at this point in time for the Special Order. You know, we did a little research. We found a stand up here, because I know JOHN for recognizing me at this point in time for the Special Order because you have both served the Commonwealth of Massachusetts and the United States. And across a long period of time, ably, and in a way that nobody should forget and everybody should want to talk about and recount. There’s a lot of years between the two of you.

Back when JOHN OLVER was a senator in the State of Massachusetts, as a young student at the time, I had the responsibility of janitorial services and cleaning up that State house. And I can remember going into his office. He was always busy, always had people in there, still working late into the night. But we were going around emptying barrels and vacuuming rugs, and he was always generous and kind to us at that point in time, but I noted how busy he was getting detail, and that never changed.

When I later had the opportunity to come here to the House of Representatives and be a colleague of JOHN’s, just as others have recounted before me, he is meticulous in his detail, knowledgeable about every subject matter upon which he spoke or upon which he acted, and he added so much. It would be unfair, after over 20 years, to say that JOHN OLVER had a specialty in just one area because like every Member, you have to know a lot about a lot of different subjects and work very well with your staff to make sure that you have all of the information that you need.

And JOHN was a leader and knowledgeable in a number of different areas. What he did for his part of the State will not be forgotten anytime soon by people there. He designated an actual heritage area for his region, and so much more, but we will remember him for the work he did, particularly with appropriations on transportation matters.

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And my district will remember JOHN for the work he did because, as RICHIE noted, and BILL before me, he often times knew exactly what your district needed and knew how to help you get it. And so I can go to various parts of my district now, JOHN, and see projects that are there because of your help, because of your knowledge of what went well and what didn’t, and you were in making sure that they were funded.

Most recently was the city of Amesbury, which opened up a transportation center, which also houses its veterans office and its Council on Aging. And I mentioned to those folks there that you had a little bit of trouble in doing things like the Dodd-Frank bill, fishing bills and other things of that nature, so they all come over and wander into my office.

But the fact of the matter is that BARNEY always was intensely involved with the matters that he was dealing with here. It reminded me of something else he said on the floor one time. He said that, when he was talking about one of our beloved former colleagues, Joe Moakley, he said that—what was that, when he was talking about Joe was, I think, also true about him. He said Joe Moakley was a great stereotype breaker. And BARNEY, you’ve been a great stereotype breaker to many in so many different areas it’s countless on that.

But you said:

One of the things that we suffer from in this country is the assumption that if we are A, we cannot be B; if we are X, we cannot be Y.

You said Joe Moakley showed us that that could be and what it could be, and you have done the same.

BARNEY’s been about one of the most fierce debaters down here. Used to be before I got to Congress, whenever I saw something going on in the House, I would always be anxious if BARNEY was up there, and I would watch other colleagues who might be in a colloquy with him sort of wince because they knew they had misplayed or spoken out of line or out of turn they were going to get a comeuppance on that that they deserved, but done in a way that always had either good biting sarcasm or wit to drive it home on that basis.

You’ve been one of the most intense Members, and I say that in a good way, when you believe on the issues that were there, but always pragmatic enough to know the art of the deal. And RICHIE spoke to that, RICHIE NEAL, when he discussed things on the floor here.

It’s important in this legislative body to not be so ideologically extreme that you cannot, at some point, make a compromise, not on your principles, but on other matters so that we can get the business of this House done. BARNEY FRANK and JOHN OLVER always had that in mind, always knew how to treat their colleagues with respect, and always knew how to drive to a bargain. And I think these values, make sure that they weren’t compromising their principles, but make sure that the business of this country
and the things that were important in their district and their State got done. Both of you deserve a great deal of credit, and we can only hope that this House finds its way back to those days, when the majority of this body finds all of that necessary and possible to do.

On a personal note, as Bill mentioned, Patrice and I were thrilled when Barney and Jim got married; another way of showing that you can be a leader at times. I just recently saw a program on Cheryl Wright, a country western singer; and if anybody got a chance to see it, she went through how difficult it was for her to come out—not knowing what the reaction of your own family or your friends or their colleagues or anybody in public is going to think about that—and take the risk to do it. And I'm certain one thing that this body and this country will always remember.

Whether it was our fishermen, the gay, lesbian and transgender community, so many Massachusetts residents are grateful Barney Frank for all that he did, as they are going to remember John Olver on that. We're going to miss both of you fellows down here.

And John, we wish you and Rose only the best for your future. I know you're going to keep busy in so many ways that you can.

And Barney, you and Jim are going to be busy, but not too busy. I hope, to come and share some dinners with Patrice and me.

The one nice part about that is Barney was never bashful about telling Patrice she could make what she made last time, that was just fine, but he and Jim weren't going to be doing the cooking.

So good luck to both of you, and thank you for letting us share your comradeship and be colleagues of yours. Thanks for all that you've done for the country and the Commonwealth and your districts.

Ms. MARKEY. We thank the gentleman from Salem.

I recognize the gentlewoman from Lowell, Ms. Tsongas.

Ms. TSONGAS. Thank you, Mr. MarKEY.

It's great to be here, although a sad moment as well because we are losing—not truly losing, but no longer serving on a daily basis with—two remarkable colleagues with whom it has been my privilege to serve for 5 years. They are distinguished legislators, as we're hearing, but they're also great friends.

Barney Frank has been a family friend for many years. In fact, my sister-in-law, Thaleia Tsongas Schlesinger, was Barney's press secretary in his first congressional term. And I was so proud to receive his support when I first got the seat 5 years ago. He commented at the time that he was responsible for defeating the last woman who had served from Massachusetts, and he wanted to help elect the next woman who was seeking to serve for Massachusetts. It had been 25 years.

And Barney, as we've heard, really has been doing extraordinarily bright and always witty, as a State legislator as well. In here we see it and have heard about it over and over again.

Soon after getting here 5 years ago, maybe a year into it, you know, we struggled with the collapse of Wall Street. And I remember thinking that we were so fortunate to have Barney Frank in a place where his expertise, his commitment to learning, brought such great value to what we sought to do in order to stop the free fall, while improving the systems and the American economy. And it really was a moment where one was reminded that as much as we talk about term limits and the need to be reinvigorated and bring new people in, there is tremendous value in people who have been here a while, who have mastered the material and who know quickly how to respond in an emergency, which that moment most certainly was. And it's something I take with me, that we need to have, but we were fortunate to have Barney Frank in the position as chairman of Financial Services, as he was at that moment.

And we've heard and will never forget the tremendous work he has done on civil rights and gender equality. I often think that, as we come to Washington and we seek to make a difference, we're really like a little feather in a stream. We can make a little difference here and there, but Barney Frank has improved the lives of millions of Americans across this country with his work on gender equality.

And, again, I will never forget, as the Employment Nondiscrimination Act passed this House for the first time, did not go anywhere in the Senate. But, again, a remarkable testament to Barney's commitment and extraordinary personal courage as he has fought for these issues for so many years.

And I have to congratulate him on falling in love with and marrying a woman who had served from Massachusetts, and how much they appreciate his incredible work. And I have also come to appreciate all that he has done: transportation and infrastructure projects; new
quality, affordable housing; protection of open space; daycare centers; support for colleges and universities. And I can go on and on and on.

As Niki Tsongas pointed out, his intellect is unequivaled. Sometimes it’s a little off the mark. I’m not going to ask John Olver a question because I don’t want to know that much. Nonetheless, there is nobody who knows more detail about every single project in every single community in his district.

John’s a quiet man, but he’s a determined man. He’s someone with deep, strong convictions and someone who has a spine of steel. He cares about people halfway down the block and he cares about people halfway around the world. I had the unique experience of engaging in civil disobedience with John not once but twice, protesting the gnocide in Darfur. And we shared time in a cell together on two different occasions. A lot of people wouldn’t expect John’s a quiet man, but he’s a determined man. He’s someone with deep, strong convictions and someone who has a spine of steel. He cares about people halfway down the block and he cares about people halfway around the world. I had the unique experience of engaging in civil disobedience with John not once but twice, protesting the gnocide in Darfur. And we shared time in a cell together on two different occasions. A lot of people wouldn’t expect John Olver to be in that type of protest. But he was there. He was there because he thought it was important. And he thought it was important that the world know that people are watching what was happening in Darfur and in this country.

I value his friendship very much. I’m going to be his new Congressman, so I expect I will hear from him on a regular basis.

As for Barney, I will miss him, like everyone else, very, very much. When I was an aide to Joe Moakley in the early 1980s, no matter who Joe Moakley was meeting with, he had the TV on, watching the proceedings on CSPAN. But when Barney came to the floor, he’d tell everybody to be quiet, shut up, and listen. This is going to be good. And he would increase the volume and everybody would sit there and watch Barney Frank in action.

There is no one I enjoy and there is no one whom I like more than Barney. Some of my colleagues enjoy seeing debate on the floor than Barney Frank. And I would say that there is probably no one the Republicans fear more during debate than Barney Frank. He has the ability to be able to make the most important points but also maintain a sense of humor. It has been one of the reasons why he’s been so effective.

But Barney is not only, in my opinion, a great Member of Congress. He’s also a very, very good man. Look at the causes that he has championed. We’re talking about his behavior of LGBT rights, civil rights, human rights, affordable housing, a voice for working families, railing in the excesses of these financial institutions on Wall Street. But for me, what I have admired about him is that he has been a strong and unequal voice on behalf of poor people in this country. I regret very much that so much of what goes on here in Washington neglects paying attention to the very least among us.

And Barney has been out there, even though it’s unfashionable, talking about the need for affordable housing for people who are poor, making sure that people have enough eat, making sure that people get what they need so they can have ladders of opportunity to succeed. I’m going to miss his voice on those issues in particular. Because, to me, they’re so important. I happen to believe if government stands for anything, it ought to stand for the most vulnerable in this country.

So, Barney, thank you. One other thing. My mother wants you to run for Senate. She told you that at the airport. She wanted me to tell you that again. But I will close by saying that it is with great affection and love and friendship and so much respect that I stand here to pay tribute to two people who I think are giants in this institution: John Olver and Barney Frank.

I thank the dean for yielding me the time.

Mr. Markey. I thank the gentleman.

I yield such time as she may consume to the leader of the Democratic Party, the gentlelady from San Francisco, Ms. Pelosi.

Ms. Pelosi. I thank the gentleman for yielding.

Tonight, we come to the floor to pay tribute to two people—Barney Frank and John Olver—who, in many ways, could not be more different. They are the same in this respect: they have made important marks on the Congress of the United States. What is special about them is that they are so different. But in their shared values, in their commitment to understanding the issues and their ability to persuade our colleagues to join them in a vote, they share that talent, especially those values representing Massachusetts in the Congress.

I had the privilege of serving with John Olver on the Appropriations Committee. So I saw firsthand and very close up his extraordinary mastery of the facts and the substance before us and his political astuteness to find a way to get the job done. As chairman and ranking member of an important subcommittee of Appropriations, Transportation, better known as THUD, he’s a cardinal on that committee. That’s what they call them. So as a cardinal, he commanded a great deal of respect from our colleagues, though that came easy to us because, as I say, we knew him well, his values and his judgment.

I want to say one thing in particular, and that is he always had an interest in promoting or empowering women, whether it was in the Congress or in the country or in the world. There were some early conversations I had with him about human rights violations against women—against anyone—but his concern was deep and knowledgeable. In Congress, he was supportive of advancing women into positions of power here. I can speak of that firsthand. And also for women in the country. His wife is an academic, as he is. Having served in this Congress all this time, you can still be considered that—an intellectual. Again, he always knew of what he spoke. He brought great passion, judgment, and deliberateness. He was very deliberate in getting a job done.
with the high cost of housing and knowing that we had to meet the needs of people who could not afford that high cost. So that respect for people's need to have the dignity of a home, no matter what their economic situation was, was, again, his commitment, as was housing, affordability of it, the stock of it, the housing opportunities for people with HIV and AIDS, all of those kinds of issues. As you can imagine, he had the full view of it all in a way to get the job done.

Discrimination—everybody has talked about it this evening, but it's a very transformative thing to see Barney talk about discrimination, how it affected him, could have affected him in his life, and how he didn't want that risk to be taken by other young people who might have had some questions about their sexuality and the rest.

I remember when we were doing the hate crime legislation which was part of the crimes bill. It was really a very important bill that some people would have to take a political risk to vote for in their districts. When Barney came to the Caucus and spoke about it, he said, I'm an ex-committee chairman of the Financial Services Committee. Important leaders of the financial community beat a path to my door. They want to hear what I think on subjects and tell me what they think. But I wasn't always the chairman of the Financial Services Committee. I was once a 16-year-old boy who had questions. I identify with those little boys now, those young people now, and that's why this was important. It was following the Matthew Shepard murder and all that that implied.

But for him to have the generosity of spirit to share his innermost thoughts about his own life and how that instructed him to act, it was almost a moral imperative for him to act. He had a special responsibility, because of his own personal experience, to act. And Members just responded to him. He spoke to them in a very personal way. They responded to him in a very personal way, and we passed something very, very important for our country and discrimination.

I remember the first time we passed the amendment to repeal Don't Ask, Don't Tell. Oh, my gosh, it was so exciting. So I went up to Barney after the vote and I said, Barney, you're making history today.

He said, Yes, because we repealed Don't Ask, Don't Tell.

I said, No.

Because we did this amendment on the Defense authorization bill?

I said, No, not because of that. That's history, yes, but we're making history because today you're going to vote for your first Defense authorization bill which has funding for the war in Iraq and Afghanistan.

So, in any event, knowing that we had a greater good, a separate issue to deal with and people were waiting to see how Congress would act, he of course made history by not only voting for an amendment to repeal Don't Ask, Don't Tell, but for the Defense authorization bill. Many like-minded and thinking and voting people who follow Barney's lead followed him down that path so that a bill would pass.

But it just goes over and over again. It's the consumer, protecting the taxpayer, protecting the consumer; the bill, Dodd-Frank, of such magnitude and scope, important implications for, again, protecting Main Street. He was masterful, not just because he was protecting the consumer, but because he understood the balance that was necessary in the legislation. That was really a mark of his leadership all along. He always respected the views of all stakeholders and any initiative that was put forward.

I see by the walking around of the dean of the Massachusetts delegation that time may be short, so I will reduce my remarks. But I did want to make sure people knew what an important force he was in providing affordable housing in our country, ending discrimination in every possible way—

I just named two in the fight against HIV and AIDS, in protecting the consumer and the taxpayer, and Dodd-Frank.

I know that any of us who were at his wedding and any of us who danced with him at his wedding know that that was a special privilege indeed not shared by many, but a compliment indeed. He will be very missed. He will be missed for his intellect. He will be missed for his parliamentary prowess. He was a master of parliamentary procedure and, I think, revelled in playing that role on the floor of the House.

Again, always values based, loved his district, proud of the State of Massachusetts, and, really, a national figure that will go down in history as one of the greats to have ever served in the House of Representatives.

Flamboyant—he's given me fashion advice, which is interesting getting fashion advice from Barney Frank.

But I valued that. If he took the trouble or had the thought to make the point that I should give away a particular article of clothing because—not known for his sartorial splendor, nonetheless, if he made a point about it, he knew that there was some truth to whatever he was expounding.

So with that, I'm honored to join the Massachusetts delegation to sing the praises of two great leaders as they're different in terms of style, but significant, both of them, in their contributions to our country. Congress to our country. Congress to our country.

I yield myself such time as may remain in the hour. Since my time is about to expire, I would ask if it were possible for the gentleman from Indiana to be able to yield 5 minutes to me as the opening part of his Special Order.

Mr. BURTON of Indiana. Madam Speaker, the gentleman, the old man, or the dean, as they call him, of the Massachusetts delegation, has asked if we would give him some of our 1-hour time, and I would like to ask unanimous consent that we give him—how much time do you need? Five minutes? An additional 5 minutes.

The SPEAKER pro tempore (Ms. HAYGOOD). The gentleman's request cannot be entertained. The gentleman has 1 minute remaining. Then the gentleman from Indiana will be recognized, at which point he could yield time.

The Chair recognizes the gentleman from Massachusetts.

Mr. MARKEY of Massachusetts. If Barney Frank were down here, none of this would have happened in terms of the understanding of the parliamentary procedure. He was up there trying to grab the imaginary microphone so he could clarify the parliamentary situation.

I will conclude this part just by saying, again, that John Olver has been for us just an invaluable colleague. He taught all of us so much about our own districts. The other Members have mentioned it, but when he sat down with us talking about transportation, he explained our own districts to us in terms of what was possible and what was needed.

On climate change, I've talked to him over 20 years about the issue. He was on this issue in the early 1990s and probably understood it even before then. He is that smart. He is that visionary in terms of the issues that are central not just to Massachusetts but to our planet. And it has been my great honor to have served with you, John, and to have called you my friend and my colleague over all of these years. We all thank you so much for what you have done for us and done for the country.

Thank you. Thank you so much.

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

MY FAREWELL MESSAGE

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

Mr. BURTON of Indiana. Madam Speaker, I yield 5 minutes to my colleague from Massachusetts.

Mr. MARKEY. I thank the gentleman very much.

Now, on Barney Frank, Barney Frank is at the same time the smartest Member and the wittiest Member of
the United States Congress. That is quite a double to be able to pull off. He has a nuclear power plant for a brain. There is absolutely nothing that he cannot recall when he needs it here in this legislature process.

Now, as a political leader, he is usually right, but too soon for many people to be able to accept. That is how far ahead he was on so many of the issues which we worked on here in the House of Representatives. His political philosophy is, if you want to negotiate, he wanted to talk about. He would love to negotiate with you. He knows that he will out-negotiate you. But if you want political war, he enjoys that, too, because he does not see it as a sprint but as a marathon heading towards that day when the truth will ultimately prevail.

When he was in the State legislature, when I served with him, when we had monumental battles on whether or not to reinstitute the death penalty in Massachusetts, whether or not we were going to go back and make the Legislature of Massachusetts, it was BARNEY Frank who led the efforts to sustain the veto that would make sure that our State would still be the leader in progressive causes.

Here in Congress, the debate on NATO burden sharing, the way BARNEY Frank would frame it for people is, we helped these people, it’s now late into the last century and into this century, and we can’t any longer take from the poor people of this country in order to, in fact, pay for the defense of Europe. It was time for Europe to pick up their own fair share of the burden. The same thing was true with fighting for fishermen. The same thing was true with issue after issue out here on the House floor.

Dodd-Frank, which was debated right here on the House floor, the same place where Abe Lincoln was trying to get the votes to abolish slavery, same seat back then that the leaders of both sides of the aisle on both sides of the aisle knew that there was greatness in our delegation and that it was an honor, JOHN and BARNEY, to have been able to serve with you for all of these years. Thank you all so much.

Mr. BURTON of Indiana. Madam Speaker, let me just follow up on what was just said and say that BARNEY Frank and I have had a lot of different seats, but we have also found times when we could work together. In fact, we even cosponsored a bill one time.

So BARNEY and your colleague, I wish you both the very best, and hopefully we will run into each other along the road in the future.

Madam Speaker, let me just make a couple of comments to my two colleagues who are going to follow me on this Special Order. They have told me if I’m going to hit me in the head with a ball bat, so I’m not going to talk too long tonight. But I do want to say a couple of things.

First of all, let me start off by saying that Daniel Inouye, Senator Inouye, I never met, but I read in the paper many years ago the exploits of Daniel Inouye when he was in the military. A Japanese young man whose family was put in a camp during World War II, and he had served in the military. He became an outstanding member of the military. In Italy there were exploits that he performed that won him the Congressional Medal of Honor. And you don’t get that unless you are really an extraordinary human being.
doing something else, but maybe they'll get a chance to hear what I'm saying tonight. But whether we're Democrats or Republicans, liberals or conservatives, we ought to think about the other guy and the other gal who's working so hard to get their points across, and who may be going through tragedies that we don't even understand or can't even imagine. We need to think about walking in their shoes just a little bit before we're so critical. I think one thing I hope you will have said to 30 years, and I can remember the first day I walked up the steps of the Capitol with my family and the television camera was following me. I thought, man, this is going to last forever. In my thought my kids would be with me forever, and my wife would be with me forever. She passed away about 11 years ago. Fortunately, I have another wonderful wife. But you go through all these tragedies, and it goes by so fast and you just don't realize it. And you don't take the time to smell the roses until you're just a little bit older and have missed so much.

If I were saying something to my colleagues tonight, I would say, Do your very best and explain yourself the very best that you can, but realize that the other guy who has a different point of view than you really believes most of the time in what he's doing, and we ought to realize that and respect it and don't criticize him too much until you've had a chance to walk in his shoes.

According to General Patton in the movie “Patton,” he said, All glory is fleeting. It's true, I see these young guys come in who are like me and these young ladies come in, and they're going to whip the world; they're going to change this world overnight. I try to talk to them in an elderly, fatherly way, and I would say, I'd say, Mr. Speaker. Have you ever been around the Capital and looked at all the statues? And they'll say, I've looked at a few of them. I'll say, Have you ever seen some of pictures around here? They'll look and they'll say, Oh, yeah, we've seen them. I'll say, Do you know who they are? And they'll say, Well, no. I'll say, Well, they were Speakers of the House and Vice Presidents and Presidents of the United States, and you don't know who they are. And they'll say, That's right, say, Remember this. You think you're going to be remembered. You're going to do your best, but you're just going to be a footnote in history, one line in a history book. So don't take yourself so seriously. Do the best you can, and fight for the things in which you believe, and stick by your principles. But don't go around thinking that you float on air and that you're something special because you're just another Congressman. We've had about 12,000 Congressmen and Senators in our history, and you're going to be one of them. It's an honor to be able to be numbered among those; but remember, there were Cæsars who ruled the world, and you don't even know who they are. So be a little more realistic when you start thinking about how important you might be because, really, all glory is fleeting.

I want to read to you something here, a couple of lines with me for just a minute. The first poem is called “A Bag of Tools”:

Isn't it strange how princes and kings, and clowns that caper in sawdust rings, and common people, like you and me, are builders for eternity? Each is given a bag of tools; a shapeless mass; a book of rules. And each must fly, flown, a stumbling block or a steppingstone.

I hope my colleagues will all try to make their lives a steppingstone.

I want to talk about a guy that served not in this Chamber, but another Chamber. He was a House Member. I'll tell you a little bit about him, and it's in a poem. It says:

A squallid village set in wintry mud. A hub-deep ox-cart slowly groans and squeaks. A horseman halts and halts. He shifts his cud and speaks:

Well, did you hear? Tom Lincoln's wife today.

The devil's luck for folk as poor as they. Poor Tom! Poor Nance! Poor young one! Born without a chance!

A baby in that God-forsaken den, That worse than cattle-pen! Well, what are they but cattle? Cattle? Tut! A critter is beeve, hide and tallow, but... Who'd swap one for the critters of that hut? Who needs much of a change? White trash! Small fry! Whose only instinct is to multiply!

And perhaps in some sad heart a mighty wave of tears you've stirred, to think about the words that you're saying to them and the kind of attitude that you're creating in your colleagues and their families by the things you're saying. Fight for the things you believe in, but remember, there's another human being over there who can be helped or hurt just by what you're saying on the floor of the House of Representatives or in the United States Senate.

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

WHAT CAN YOU SAY?

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Nebraska (Mr. FORTENBERRY) is recognized for 40 minutes as the designee of the majority leader.

Mr. FORTENBERRY. Thank you, Madam Speaker.

Before my colleague DAN BURTON leaves the Chamber, I just want to say thank you. Thank you for your thoughtful reflections here.

I should tell the Speaker, as well as everyone who might be watching, that we were teasing you a moment ago because you said you were only going to speak for 10 minutes, and I said, DAN BURTON, you've never spoken for 10 minutes in your life. You're going to go a lot longer than that.
You held it to about 10, and your words were not only precise but deeply thoughtful and meaningful, and I think they’re an outstanding tribute to you in leaving this body. I want to thank you for your personal friendship to me and for your words of admonition to the rest of us. There was a little bit kinder, a little bit gentler.

I think it’s important for people to know—and you alluded to it—that, over a decade ago, your own wife died. The caregiver for your wife, as she had cancer, was Samia, who became your friend and who became a friend of your family’s, and your own children encouraged you to, perhaps, pursue a relationship with her, and now she is your lovely wife. It has been a pleasure to see you so happy in these last years of public service, but we really appreciate your dedication and passion to serving this Nation. So thank you so much.

Madam Speaker, I would like to turn to another topic now. I sat in my office last night, looking at the pictures of the precious little children who were killed in Connecticut last Friday. What can you say? My heart breaks for them and their parents and for the people of Newtown, and for the pictures of the little Caroline Previdi, one of the 6-year-old children who died. I’m sure she was a happy child, full of life’s potential just like my own little Caroline, who just turned 7 a few days ago. What can you say? It’s unthinkable that a person would kill innocent little children with such savagery and violence. These children’s Christmas presents are still under the tree. Their moms and dads are still looking at them.

In this town where we pride ourselves on rhetorical flourish, precision of thought, and volume of words, what can you say? What can you do other than stand in solidarity, in spirit, with the grieving families, and perhaps—just perhaps—hug those you love a little bit better.

Now the Sandy Hook Elementary School tragedy is sparking a national debate about how and why this happened and about how it might have been prevented. That debate is understandable and needs to happen. In the coming weeks, Congress will be called on to react. Questions have already arisen about guns and school safety and emergency preparedness. But these concerns and debates may bypass altogether the deeper, more difficult issues involved, like what we grappled with after the tragic shootings of the young people at Columbine High School and on the Virginia Tech campus.

What we must do is be honest. Yes, there were guns involved. Yes, there are issues of school safety. Yes, there was a collapse of mental health intervention. But I have not heard a significant discussion of the broader cultural context in which this and other tragedies have happened.

All of these tragedies happened against a backdrop of a culture that increasingly devalues and degrades human life. Graphic acts of violence and inhumanity pervade popular culture, entertainment, and other venues that vie for our attention. In flipping through the channels recently, I saw on a “Law and Order” show, ironically, a man shot in an elevator and the blood splashing on his attorney. Seconds later, we move on to the next scene or to the next commercial without consequence.

We are supposedly entertained by this, and of course the producer gets the profit, but who really pays? Society grows increasingly numb to the increasing levels of wanton brutality, cruelty, and indignity, all celebrated for profit. Perhaps most of us can shake it off or just turn it off, but what happens when a person of limited stability sees these images over and over again? We preach tolerance for one another, but we fill our culture with grotesque and inhuman depictions and expect that there will not be consequences.

Madam Speaker, I am sure there are any number of Ph.D.’s out there who will somehow refute that there is a correlation between this aggressive assault—these images constantly before us—and the recurring violence that is all around us. Instead, we want simple answers and quick fixes, and then we’ll just move on.

I suggest that we look inward to regain a deeper understanding of what it means to be in community. In a common bond with neighbors, where persons are not in isolation, where check mechanisms are so ordinary that persons are not simply roaming around, disconnected from communities of concern, family life, mental health treatment, or swift enforcement action, whatever is needed. A single and simple policy response from Washington cannot fix this. We all want to have a more caring and supportive society, but our nation of family, civic, and our Nation’s community life lends itself to isolation, anger and, for some, even despair.

Let’s be clear: this tragedy is the result of a deeply disturbed person who committed unspeakable crimes. That is where the blame rests. But perhaps an outcome deserving of these children who died is that we all take some responsibility for the degradation of culture—that we think about, the way we conduct ourselves—and perhaps strive for that which is noble, for that which is good, and for that which is just.

Madam Speaker, I yield back the balance of my time.

MY DAYS IN CONGRESS

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 5, 2011, the gentleman from Maryland (Mr. BARTLETT) is recognized for 32 minutes to the designee of the majority leader.

Mr. BARTLETT. Thank you, Madam Speaker.

I would like to echo the concerns of my colleague. We are changed, we are affected by what we see, by what we hear, by what we listen to, by what we watch. You cannot swim in a sea of violence and not be affected by it. I know we have a Constitution and an amendment that protects the freedom of speech, but you don’t have a right to do what is wrong, and it is wrong that our entertainment media is placing before, particularly our impressionable young people, these unending scenes of violence in these video games.

You know the unbridled expression of when one right infringes on another, we limit that right. You do have a right of freedom of speech; but still, you can’t yell “fire, fire” in a crowded theater if there is no fire because people could get hurt if you do get out. That same philosophy, I think, would permit us to limit the kinds of entertainment and violence that pervade our society.

I know there are many factors as to what caused this tragedy, but certainly this could be one of them, particularly to people who don’t have all of the faculties that the average of us have for contending with changes in our environment.

I would like also to refer back to comments that my good friend DAN BURTON made that so little is known about us here. We kind of appear here, Madam Speaker, almost as if we were the products of spontaneous generation and there we are in front of this microphone and a million, a million and a half people out there watching us. Just who are we? So I thought I would spend just a moment doing what I probably should have done 20 years ago and kind of introduce myself.

I was born in 1926. If you are doing some quick math, yes, that means I’m in my 87th year. Our family hardly knew that there was a Great Depression when we were just as poor before the Depression as we were during the Depression.

I was the first member of my immediate family to graduate from college. I wanted to be a medical missionary, and so I was studying theology and I was taking science courses so that I could go to medical school. And I had a really, really good science teacher, and I took all of the courses he offered and earned more so than he expected from college. I not only had a degree, a major in the Bible and a minor in homiletics—that’s a degree in theology—I also had a major in biology and a minor in chemistry. And I had decided not to go to medical school, and I wanted to go into the ministry; but I was 21 years old and I looked 17 and I wasn’t married, and you don’t have a big, immediate, bright future in the missionary looking 17 and not being married and so they advised me to continue myself until I got older and got married.

And so I went to graduate school, and I got a master’s and a doctorate and...
committed myself to being a very serious basic researcher. I taught medical school for 4 years. I worked at the National Institutes of Health. I went to a lot of professional scientific meetings. I have about 50 papers in the basic scientific literature. I was a basic researcher, and I shepherded the MRAPs and its development—$47 billion. It saved a lot of lives in the most asymmetric war in the history of the world.

And then I had a kind of a strange twist to my career when I went as a basic researcher to the School of Aviation Medicine at Pensacola, Florida. They had some problems that I thought I could solve. I was a farm boy. I live on a farm now; I’ve always lived on a farm. You kind of learn to make do. I thought I could fix some of the problems they had. That resulted in the awards of 19 military patents as a result of fixing some of those problems that they had.

That started a career of working 20 years for the military. I should mention that I returned to my basic first love and that was teaching, and I taught for another 20 years. Also, my wife and I ran a home construction business. Congressman BEN CARDIN said ROScoe was green before it was cool to be green. I was building solar houses back in the late seventies and early eighties and selling them for, I remember, a lot of money.

Then I was retired for 5 years, and I ran for Congress. I tell you, there’s nothing I have done that has given me the fulfillment and the satisfaction as serving the constituents of the 6th Congressional District of Maryland. For 20 consecutive elections, 10 primaries and 10 general elections, they returned me to the Congress. I want to thank my constituents very much for that vote of confidence. That was really largely due to the fact that I had such an incredible staff that did a really good job of making me look good in spite of all of my limitations and frailties.

Most of my commitment in the Congress was in the Armed Services Committee. You can only have one chairmanship here. And for the last dozen years or so, those chairmanships have been in Armed Services. I shared leadership of one of those subcommittees, the one that has responsibility for the Navy and the Marine Corps, with my good friend Gene Taylor from Mississippi. I was his chair for 4 years and then he was my chair when I changed leadership here in the Congress for 2 years. It was limited on the other side of the aisle, so I had to leave that subcommittee.

But while I was there, Gene and I changed the course of our Navy for the future. In the future, all of our major surface combatants are going to be nuclear. We also had responsibility for the Marine Corps, as I mentioned, and the IEDs and MRAPs; and I was honored to work with my friend, Gene Taylor, and the other armed services, and to shepherd it and its development—$47 billion. It saved a lot of lives in the most asymmetric war in the history of the world.

I thought I might spend just a few minutes talking about those things. I probably got more calls from the White House, to talk about a talk that I have given here probably four or five times, I called it “What Made America Great.” What I was trying to do was to go back and look at our history, to refute two big lies that are out there in our land. One of those is that our Founding Fathers were deists and they wanted to set up a country that was void of religion.

If you look at our history books, of course, that isn’t true. What I did in that talk was simply go back to our Constitution and look at their statements. I went back to our early Congress and looked at what they did, like buying 20,000 copies of the Bible to give out to our early constituencies; like sending, paying for missionaries to go to the American Indians for 100 years. Our Congress did that.

And then I looked at our Supreme Court. Until they made that big decision about three-fourths through the history of our young country, they were devoutly supportive of religion. A case came to the Supreme Court about using the Bible in schools, and they said: Why shouldn’t you use the Bible in our schools? Where else can you find so clear a definition of what is right and what is wrong?

And then I went to our schools and the “McGuffey Reader.” Some of our schools went back to that because we were graduating kids from college who couldn’t read their own diploma. And so in desperation, they looked at, gee, what did work when our kids graduated from school and could read. The “McGuffey Reader” was one of those. He makes no apology. He quoted more often from the Bible than any other source on our floor.

One of our Founding Fathers was Benjamin Franklin, and some others, like Thomas Jefferson, were said to be deists. Now, what is a deist? A deist is someone who believes there is a God. They believe He created it, but He also set in motion some laws, and don’t bother praying to Him because your destiny is going to be determined by how you relate to those laws.

I’m going to give a quote, not an exact quote, but pretty close to what Benjamin Franklin said: “Let you Franklin decide if you think he was a deist or not. It was in Philadelphia. The Constitutional Convention was deadlocked. They might not get a Constitution. Benjamin Franklin, I believe, was the oldest member of that delegation, probably the most respected Governor of Pennsylvania."

And he rose to speak, and this is what he said:

“I’m an old man. I’ve lived a long time. And the longer I live the more certain I am that God controls in the affairs of men. If a sparrow cannot fall to the ground without His notice, can a nation rise without His aid?”

And then he went on to say:

“I move that, henceforth, we begin each of our meetings with prayer.”

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“I move that, henceforth, we begin each of our meetings with prayer.”

That started a precedent. I know that the 10 Commandments are coming down from the walls of the courthouse, and I know the nativity scene is disappearing from the public square. You still see it here, “In God We Trust.” And we begin each of our meetings here with prayer, and they do the same thing in the Senate on the other side of the aisle.

We’ve probably got more responses in our office to that talk, what made America great, and it’s easy to refute those two great lies. Our Founding Fathers were Christians. They wanted to set up a Christian nation, and that’s what our history shows. You see those two great lies. Our Founding Fathers were Christians. They wanted to set up a Christian nation, and that’s what our history shows.

And so they said something very simple and very straightforward, that they make no law respecting an establishment of religion. The state cannot establish a religion; otherwise, leave men free to worship as they please.

I have no idea how that’s gotten wrapped into this idea that you can’t be religious, that government has to be totally separated from religion.

By the way, that clause is in the Constitution. The separation of church and state, it’s in the Constitution of the USSR. It’s not in our Constitution.

Well, the second thing I came here to the floor to talk about when the debate was raging was the ethical embryonic stem cell procurement. Remember when George Bush came to office, there was a lot of research in stem cells, and we’d been using adult stem cells, but experts in the area—and I’m probably the only Member of Congress who has had a degree in advanced embryology, and two tyrannies: the tyranny of the church and the tyranny of the crown. If you think about it, they all came from countries that had a king or an emperor, and so there was the tyranny of the crown.

If you also think about it, there was a state church. In England, it was the Episcopal Church; on the continent, it was the Roman Church. And those churches could and did oppress other religions, so they came here and they didn’t want that to happen in their country.

And so they said something very simple and very straightforward, that they make no law respecting an establishment of religion. The state cannot establish a religion; otherwise, leave men free to worship as they please.

I have no idea how that’s gotten wrapped into this idea that you can’t be religious, that government has to be totally separated from religion.
adult stem cells simply because they’re totipotent; they will develop into any-thing and everything the body needed. An adult stem cell that’s already kind of differentiated, you’re somewhat limited in what you can do with it.

But when you talk about stem cells, they were destroying the embryo. Now, every year there’s something like 40,000 embryos that are just discarded because the owners don’t want them anymore and they won’t pay for keeping them. They’re frozen in liquid nitrogen and they’re discarded.

And the argument was you can take one of these discarded embryos, it’s going to be discarded anyhow, and you can crush it and you can get the stem cells from it. But before you do that, you look at it under the microscope, and there you see it, living tissue. Gee, that might be the next Albert Einstein.

When you’re talking about them collectively, 40,000, it’s easy just to say they’re going to be discarded; when you’re talking about what you can do with one under your microscope, a unique human being if you just give it the chance to be im- planted and to grow in the womb.

But I knew that we could get cells from these early embryos and not hurt the embryo, and I’m sure that I know that! How was I so sure of that? Well, you can take half the cells from an early em- bryo and it goes on to develop a perfectly good child, infant. How do I know that? Because the other half of those cells will develop to produce another perfectly good twin.

In every case of twins that you see, identical twins that you see, half of the cells were taken from the embryo, and the other half went on—the Chairman of the President’s Commission on Ethical Embryonic Stem Cells was an identical twin, and I asked him if he felt any less of a person because he was only half a person, because he’s only half the embryonic cell. It’s a perfectly silly question, of course. But then he said, Gee, that’s a silly question, isn’t it?

And I said, But that’s what people are saying; if you are going to take a cell or two from an early embryo, somehow it’s going to be less of a per- son when it develops.

I worked 5 years, nearly 6 years with the White House, with the Council of Catholic Bishops, with the right-to-life community, and we developed a bill that was unanimously passed by the Senate, and it failed on a technicality in the House. It came up on suspension. It got way more than half the votes, but not two-thirds of the vote.

So Bush gave it the effect of law be- cause he supported it by making it an executive order. And the first executive order of this administration, the hand had hardly come off the Bible when our new President reversed that executive order. Had it become law—

And people asked me what was the greatest disappointment of my 20 years, and that was that my bill passed unanimously by the Senate couldn’t have become law because it would still be because you would have to overcome a veto, and we would not have two-thirds of the votes to do that.

Well, a third thing that I came here to the floor to talk about was electro- magnetic pulse. I had no idea when I first learned about this, but I called my friend Tom Clancy, who knew that he had written a book where this was a scenario in his book, and he does really good research. So I asked him about EMP. He said, If you read my book, you know all that I know about it. Let me introduce you to the smartest man hired by the U.S. Government.

That’s a tall order because we hire a lot of people, but in his view, was a Dr. Lowell Wood from Lawrence Livermore. And this was pre-cell phone days. Remember the papers?

I paged Lowell Wood. He was sup- posed to be in California, Lawrence Livermore. Went up to the satellite and down, and he was within Wash- ington and he got it, and within an hour he was sitting in my office and we had no idea what would happen. It pro-duced an electromagnetic pulse that caused a lot of disturbances in Hawaii, which was about 800 miles away.

The Soviets had a lot more experi- ence than we. They developed, designed—we designed but never built them—an enhanced EMP weapon, a single, large nuclear—oh, I shouldn’t say that because it doesn’t have to be a large bomb because it could be a rel- atively small bomb that is EMP-en- hanced.

A single appropriate bomb detonated 300 miles high over Nebraska or Iowa would blanket our whole country, and if the EMP radon was robust enough, it would destroy our micro- electronics. The grid would be down for a year or more, and your car wouldn’t run. And there have been a couple of books written on that subject. One I would recommend that’s an easy read and a very well-researched book—and I commend Newt Gingrich, he brought the author to my office, and he men- tioned this on the campaign trail.

Thank you, Newt.

This is Bill Forstchen’s book called “One Second After.”

I came to my office one day and there was a big book on my desk and there was a handwritten note in it. It was from a Dr. Lowrie. He was retired, a Ph.D. electrical engineer in his hos- pital room recovering from cancer surgery, and he was surfing the television and he happened on C-SPAN and I was giving one of the half dozen talks that I’ve given on EMP, and he listened to it and he got interested and did a lot of re- search and wrote a book, about 700 pages.

I didn’t think I could read a novel that long. It was so captivating. I read it, and it’s called “The Satan Legacy.” The Satan was a big SS–18. It was one of the Soviet missiles with 10 nuclear warheads. And the story had one of them missing when they transferred from the Ukraine to Russia.

Now we know that several other things could also bring down the grid. One of those is cyber. This is a whole new warfare that we’ve been in, and we hardly knew about it, but there was an EMP attack.

And something that will bring down the grid—this is not a—this is never a when—and that’s a giant solar storm. The only question is when will the next one come. And if we are not prepared for it—and we are not now—and if we do not prepare for it, it will bring down the grid.

And McClelland, the top person in that part of FERC, sat in my office and said that the grid would be down for a year and a half to 2 years.

That’s a very long time to hold your breath. And there’s another thing that could bring down the grid, and that is a terrorist attack. If you know what the important substations were and you know which insulators to take out, it wouldn’t take more than a dozen or so people with a .22 rifle.

Now why, when the grid goes down, can’t you bring it back up? That’s be- cause when—and that’s a—if there’s going to be surges of electricity that blow the major transformers. They simply won’t melt down. We have a few spares, but a very inadequate number of spares. We don’t make them in our country. You just order them. There’s none available to order, by the way. You order one and they will build it for you. And it takes a year, year-and-a- half to 2 years to build one. And we don’t build them in our country.

So I’m pleased that my efforts—

This is a conversation on the floor talk- ing about EMP—have resulted in a rec- ognition that this is something we really need to deal with.

There’s a fourth thing that I came to the floor to talk about, and I will spend the last few minutes of our time here together this evening talking about that, and that is energy. I have been to the floor, I think, 52 times; and most of those times I came here, I talked for a full hour. I was talking about not just energy generically, but a specific type of energy, and that is electricity. Because when you’re talking about en- ergy, we really do have to separate liq- uid fuels from the other major carrier
of energy. It’s not energy. It’s the way you carry energy. That’s electricity.

We shouldn’t have any deficit of electricity with more nuclear power plants. Yes, they are safe. We’ve never lost a person operating them. With more wind machines, with more solar, with more micro-hydro, with more true geothermal, we need another word for these heat pumps that are looking not at the zero cold and trying to heat that up. It do make it cold to heat your house up in the wintertime or trying to heat up hot air to make your house cooler in the summertime.

If you’re looking at 56 degrees here, that’s a whole lot more efficient. We call that geothermal. We’ve got to get another word for that, because true geothermal is tapping into the molten core of the Earth. That, for all practical purposes, is infinite and will be there for a very, very long time. With these sources, that was just ridiculous and seemingly ridiculous. He said, Notwithstanding the fact that we produced kind of a bell curve. Sometimes that is the exploitation of that field produced kind of a bell curve. Sometimes that is the result of some other resources.

One of the first people to recognize that—let us say for several weeks, for several months, for several years, for several decades, and then he became an icon—his name was M. King Hubbert. He gave what I think will be recognized as the most important speech of the last century. I believe that speech was the 8th of May in 1956. And he gave that speech in San Antonio, Texas. He was an oil geologist. He gave it to a group of oil people.

As you look back in your history books, you will find that at that time we were losing oil, we were producing more. We were losing oil. We were using less oil than anybody else. And we sold more oil and exported more oil than any other country in the world. And M. King Hubbert told us, those are going to be the dark red here down with the oil fields that we’re now pumping. And notice this goes to 2035. Up here, by the way, they were going to peak at 112 million barrels a day. Now we’re stuck at 84 million barrels for 5 years. They have it going up to 112. Two years later, reality is setting in. Now it goes up to only 96. And they go out 5 years further to 2035. Notice the precipitous drop-off in the fields that we’re now pumping.

Now, we have some irrational exuberance, as Alan Greenspan would define it, in our country about our ability to get some additional gas and oil out of things like the Marcellus shales and the fields out in the West by horizontal drilling and fracking, and these are represented in these two curves here. I think that one can say, in analyzing history, with considerable confidence that these two wedges here will not occur. By the way it’s 600,000. It sounds like a lot, doesn’t it? 600,000 barrels.

We use 84 million barrels a day. In 11 or 12 days, we—the world—use a billion barrels of oil. So if we’re getting 600,000 from the Bakken oil fields out in the West, that’s almost literally a drop in the bucket, isn’t it?

I’d just like to close, this last chance probably that I have to come and chat with you, and they’ve honored me with this huge honor to represent 660,000 people in the First District of Maryland, to come here to the Congress to talk to maybe a million, a million and a half people listening to us out there. Thank you, constituents, for this honor. Thank you for listening.

I yield back the balance of my time.
who lost their lives in an utterly senseless and horrific act of violence.

The people of the Virgin Islands, like the rest of our Nation—and indeed the world—mourn the loss of the 27 people gunned down in Newtown, Connecticut, last Friday. Our thoughts and prayers are with their families and the entire town and they will continue to be for a very long time. Our hearts especially go out to them throughout what we know will be an extremely difficult Christmas season.

The President and many others have reminded us that we have been here far too many times even in just this year. As he said at the ecumenical service a few evenings ago, it’s time to act. It’s not enough to sympathize with the families who lost loved ones. We have to take action to protect our children and to protect all our citizens. To that extent, I’ve signed on to the Large Capacity Ammunition Feeding Device Act, sponsored by Congresswomen McCarthy, McCollum, and others, to prohibit the transfer or import of large-capacity ammunition feeding devices manufactured before the date of enactment, as well as four or five other bills sponsored by Congresswomen Maloney, Perlmutter, and others, to improve background checks, to slow the trafficking of guns, and to keep them out of the hands of individuals who should not have them; as well as the PROMISE Act, which would have the authority to keep the guns away from the streets of our cities and towns.

I’m joined this evening by Congresswoman Yvette Clarke of Brooklyn, New York, who has long been an advocate for ending the gun violence in our communities and providing the kinds of assistance, both in intervention and prevention, that we need so many communities across this country. She has been a leader on so many issues, and I’d like to yield her such time as she might consume.

Ms. CLARKE of New York. I thank my colleague for yielding.

Madam Speaker, I’ve joined my colleague, Dr. DONNA CHRISTENSEN, Representative of the Virgin Islands, here tonight in remembrance of the 20 first-grade children and six educators who were mercilessly gunned down last Friday at the Sandy Hook Elementary School, innocent victims of senseless gun violence.

To the families, educators, and the community of Newtown, Connecticut, on behalf of the people of the 11th Congresional District of Brooklyn, New York, I wish to express my most profound and deepest condolences.

I believe, like so many across this Nation, that the families of these victims, the families of children everywhere in our communities in the United States, have some very important questions for Members of Congress. I also believe that as their representatives we have an obligation to provide them with answers.

Question: Why? Why have we allowed our communities around this Nation, from a supermarket in Tucson, Arizona, to a movie theater in Aurora, Colorado, to a shopping mall in Oregon, to an elementary school in Newtown, Connecticut, to the streets of Brooklyn, New York, why have we been so reluctant in protecting them? Why have we left them unprotected, vulnerable to gun violence, and the terror that such actions inflict?

Who will speak for the people whose lives were cut short, struck down, maimed and traumatized for life? When will we realize these incidents are no longer an option, that we have the ability to prevent gun violence and an obligation to do everything in our power to make gun violence a thing of the past? The answer to these questions will define the next generation of Members of Congress. Our answers will determine the future of our civil society.

Americans have the right to demand answers from this Congress. We have the authority to keep the guns away from the streets of our cities and towns. We have the authority to enact the ISE Act, which is a prevention bill, to ban the manufacture and trafficking across our Nation, reduce enforcement to stem the tide of gun incidents, who dodge the bullets in our communities, is immeasurable.

We have the authority to focus our efforts on penalties for gun trafficking and unlawful sales of firearms. We have the authority to prevent the retail sale of assault weapons and high-capacity magazines or clips that are designed for military combat use. We have the ability to register handguns and microstamping to trace ownership and origin. We have the authority; we only need to have the courage to act.

The Newtown tragedy has highlighted a vexing issue that we as Americans must address. It is imperative that we set aside our differences in the 113th Congress to pass legislation that will increase accountability among gun vendors and owners, support local law enforcement to stem the tide of gun trafficking across our Nation, reduce the number of illegal guns on our streets, and remove access to high-powered militarized weapons and ammunition which have no place in our communities.

Madam Speaker, this is not a Republican problem; it is not a Democrat problem. This is an American problem, and this is a problem we must have the courage to address.

I want to thank my colleague of yielding. As I drove up to the Capitol for this Special Order tonight, I realized what half-mast over the Capitol, an indication of the deep grief and sorrow that our Nation faces at this time. I think to my own community, where I’ve attended far too many funerals of families that have been devastated by the heinous act of gun violence.

I think about a former colleague of mine. As a member of the New York City Council, I unfortunately count myself among the victims who witnessed my own city council colleague being gunned down before us. And so, what we need to understand is that while these incidents may seem remote from many families, the implications of what can happen in our communities extend beyond what we may hear in the news but affect tens of thousands who may not have been the immediate or intended target of gun violence but have been a witness, have been family members, community members, that have a love and a care for the lost one who were taken senselessly and needlessly. Let us muster up the courage to act. I yield back.

Mrs. CHRISTENSEN. Thank you, Congresswoman CLARKE, for joining us. Again, thank you for your leadership, and thank you for those words that you have uttered on behalf of our communities and the community of Newtown and children and our citizens across this country.

Flags are flying at half-mast across this country. I know whenever I would drive home at home last week, I would see them, our thoughts and our hearts went out to the people of Newtown because we knew that that was why they were that way. Like my colleague, I recall going to funerals with my children, something that I never had to do, funerals of their friends.

In his column just a few days ago, Nicholas Kristof quoted David Hemenway, a public health specialist at Harvard, who reported that children 5 to 14 in America are 13 times more likely to be murdered with guns as children in other industrialized countries. And that ought to be a call of action to all of us. He wrote, and I agree:

Let’s treat firearms rationally as the center of a public health crisis, a public health crisis that claims one life every 20 minutes.

If only for the sake of our children, we have to act and really need to begin with renewing the ban on assault weapons.

The homicide rate in the United States is 6.9 points higher than rates in 22 other populous, high-income countries combined. This gives me great pause when I think that the homicide rate in our neighboring Puerto Rico is more than four times higher than that of the U.S., and the Virgin Islands’ rate is even higher than that compared to the United States overall. The last reported in Puerto Rico was 36.2 per 100,000, and the Virgin Islands is closer to 60. We, Puerto Rico, and the Virgin Islands are the most heavily armed for more Federal help. And we can begin by passing the assault ban next year and the other related bills.
The United States has the highest rate of gun ownership in the world, an average of 88 per 100 people. I understand that the next highest is Yemen, somewhere around 56 per 100 people. But the rate of gun ownership doesn’t always directly relate to the number of homicides. I think that with gun ownership somewhere around 100 per 100,000 in the United Kingdom, Mexico, though, averaged about 5,980 annual homicides, still half of ours, by firearm during that same period. Colombia was higher.

So while we must do what is required to reduce guns in our community, assault weapons in particular in this country, there’s much more work that has to be done.

As Attorney General Holder said earlier this week, and I’m quoting him here:

As a nation, I think we have to ask ourselves some hard questions. We need to discuss who we are as a nation, talk about the freedoms that we have, the rights that we have, and how those might be used in a responsible way.

I recently wrote to my fellow Virgin Islanders, as we looked at ours being one of the highest homicide rates in the Nation. I also think we need to go further in examining what we have been doing or what we have not been doing in our territory and across our Nation that has created an atmosphere where gun violence has resulted in a frightening and totally unacceptable level, and where in many districts, gun violence has turned, in my district, has turned against law enforcement. Six officers have been injured by gunfire this year in the Virgin Islands, and one, Calvin Georges, died as a result of his injuries. And communities across this country are experiencing the same thing.

I know that many feel that guns are needed for their and their families’ protection. Recent police reports show that keeping a firearm in the home increases the risk of homicide by a factor of three. And on the whole, guns are more likely to raise the risk of injury than confer protection.

The killings in Newtown, Aurora, and other places are horrific mass killings by disturbed people, and we need to find a way to prevent them from getting access to any kind of firearm. But gun violence is happening every week in neighborhoods across our country and these, too, demand our attention, including gang-related gun violence. Gang violence is a growing epidemic across this country. Congress has to work toward passing and funding legislation like Violence Involving Guns Act, which helps communities facing the greatest youth gang and crime challenges to develop a comprehensive response to youth violence through a coordinated prevention and intervention response.

To go back to where we are in the United States compared to other countries, data compiled by the United Nations’ Office on Drugs and Crime confirm that Americans are living with greater risk of gun-related death than are residents of other developed countries. From 2007 to 2009, the U.S. averaged 10,987 homicides per year by firearm compared with an average of 182 in Germany, 75 in Spain and 47 in the United Kingdom. Mexico, though, averaged about 5,980 annual homicides, still half of ours, by firearm during that same period. Colombia was higher.

Roseanna Ander, executive director of the University of Chicago Crime Lab, has said that the U.S. is an outlier in lethal violence among developed countries. Other countries have similar rates of rape and battery, Ander said, but because so much American violence includes guns, the rate of death is so much higher.

The steady gun violence leaves especially young blacks and Latino men particularly vulnerable and more likely to die in a shooting. Federal data shows. In each year from 2006 to 2010, homicide was the leading cause of death for African American males ages 15 to 24, more than the next nine causes of death combined, according to data from the Centers for Disease Control and Prevention.

Persistent gun violence is part of a complex cycle born of poverty and residential segregation, as is poor health and substandard education, which all are related to the poverty and the persistent gun violence, challenges that the Nation has yet to truly face and address.

That’s what Sampson said, and I agree. And he also said:

Guns are readily available. Gun violence thrives, in part, because exposure to violence makes children more likely to engage in violence themselves. It makes them have difficulty learning and, therefore, climbing the economic ladder.

So we can make a big difference. But to make that difference, we have to have the will and the political will. We have to be able to stand up to the NRA, which has gone silent in the face of this tragedy, and other organizations that have blocked us from doing what we know in our hearts is the right thing to do.

It is our responsibility, as Congresswoman Clarke said, to do what we must to protect our children and to protect our other citizens. President Obama has set up a task force which will be headed by Vice President Joe Biden. He is calling on us to ban military-style assault weapons, to ensure that background checks are there for all gun purchases, and to make access to mental health services at least as easy as it is to access guns.

With that, Madam Speaker, I would love to yield to our Congressman from Louisiana. I’m sure that he will add a lot to this discussion.

I talked about the fact that African-American and Latino males have high rates of death due to gun violence, and one report that goes back to 2004 rates Louisiana as number two.

So I’ll yield such time as he may consume to the gentleman from Louisiana, Cedric Richmond.

Mr. RICHMOND. I thank the gentlelady from the Virgin Islands for yielding and commend her on her passion as a physician and someone who has taken an oath to preserve life and to make sure that people can live out their years in a meaningful way and die of natural causes.

I will just say that I’m from Louisiana, which our motto is we are the sportsman’s paradise. We like to fish and we like to hunt. We like to have a rifle, a pistol and we like to have a gun.

The difference is that the guns we use and the guns that sportsmen use are rifles, and you don’t need high-capacity magazines in order to hunt deer, to hunt dove, to hunt ducks, to hunt rabbits. You just need to do that.

I rise tonight in support of my colleagues because, especially in our urban cities, we are losing far too many of our children, our fathers, our mothers, our sisters, and our brothers to gun violence. And every once in a while we’ll have an event that will shake the confidence of our country and make us take a step back and rationally look at our gun laws in this country and say, Wait, we’ve done far too much. We’ve expanded the Second Amendment too far. The Founders of the Constitution, when the Second Amendment was crafted, had no idea that we would have AK-47s with clips that can hold 50 rounds.

I can just tell you about an incident in La Place, Louisiana, about 6 months ago where a gentleman was denied benefits at an office and decided he was going to his car and he was going to go back inside. One of those Good Samaritans, an older lady, called the police and said there was a man armoring up in his car. State police and our sheriffs responded to it and found the man in his car. When they found him, he had more ammunition in his trunk than State police and our sheriffs put together. He had an AK-47, another rifle, and so much ammunition.

But the scary part to that story, and why this Good Samaritan was so key, is when they arrested him, they went to his apartment and he had a suicide note there in his trailer. He had every intention of making sure that he could go in there and kill as many people as he could, even if it meant him dying. When the thugs and the criminals have more guns and more ammunition than our first responders, then we have a problem.

In urban cities, when our kids have better access to guns than textbooks, then we’re a country that went wrong.
We're not talking about every American's basic right to bear arms, because that is sacred, it’s in our Constitution, and I believe in it. But when we start talking about assault weapons with high-capacity magazines, we’re talking about assault weapons mass destruction.

If you look at Newtown, if you look at Aurora and you look around our country at the incidents that have happened, these are not incidents where one or two people lose their life. If we tally the number of people in the United States that die because of gun violence, if another country entered our soil and did that to us, we would declare war and we would go out and find those people responsible. But here in the United States, we have taken the Second Amendment to protect things that are just indefensible.

I will join with my colleagues, and I will say, when I was in the Louisiana State Legislature, I authored, every year I was there, an assault weapons ban. A link to close the gun show loophole, to have a gun registry. I'm not suggesting here today that we do everything I did in the State legislature, because some things went very far, but what I am challenging America to do is to challenge the NRA, the liberal gun control lobby, whatever you want to call them. We should all come together in the name of the citizens of the United States that we’ve lost and have an adult conversation about can we be better than we can.

We don't need clips that allow people to take out a whole neighborhood. We don't need guns that you can shoot through police vests and through the police car door and through their shield and hit their body sold in our sporting good stores in this country.

At some point, we have to come together. We can't just come together and pray and mourn. People are tired of mourning, and people are not fed up, but people have given up on prayer. When you see incidents when you have to bury your children—when you drop a child off at school you expect to go there that afternoon and pick them up and talk about what they learned today and do they need help with their homework, you never imagine that you’re going to go there and find your child deceased with multiple gunshot wounds because of assault rifles with high-capacity clips.

We are the United States of America, always in the search of a more perfect Union. We can do better, we have to do better.

I will close with my own little paraphrase from a song, and it’s to the Members of Congress. We had an incident that shall be on this earlier in our term in which our colleague was a victim of gun violence.

We should be careful of what we do, because the life we save may be our own.

Mrs. CHRISTENSEN. Thank you, Congressman RICHMOND.

The three of us have been here on behalf of the Congressional Black Caucus to add our voices to those across our Nation who are mourning the loss of those who were killed last week in Newtown.

The gentleman said more access to guns than schoolbooks. It’s really true. There’s more access to guns in most communities than there are books and computers for many children; more access to guns than to decent housing; more access to guns than a decent job; more access to guns than quality health care, especially mental health care.

So, colleagues on both sides of the aisle, we need to act, and we need to act in the name of those beautiful first graders and all of those across this country who have been lost to gun violence over the years. I hope that we will take that kind of action.

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

WISDOM THROUGH PRAYER

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 5, 2011, the Chair recognizes the gentleman from Texas (Mr. GOHMER) for 30 minutes.

Mr. GOHMER. Madam Speaker, first I think it’s important to let the people of Connecticut who have suffered so and lost loved ones know that they will continue to be in our thoughts and prayers. It is such a difficult time, and they need our support.

It is a difficult time. I think so often when we look for wisdom in different places, I believe what Proverbs said, Solomon should have known:

The fear of the Lord is the beginning of wisdom.

In the early days of our country, people sought wisdom through prayer. The Constitutional Convention, when they could not reach an agreement after nearly 5 weeks, 80-year-old Ben Franklin stood up and the contentiousness stopped.

Someone wrote that George Washington looked like he had a very much relieved look on his face, 80-year-old Ben Franklin was overweight, suffering not only from gout but from arthritis, had a cane, had to have help getting up and down sometimes; but his mind was still brilliant. That’s when he pointed why he had not thought of the Continental Congress humbly applying to the Father of lights to illuminate our understanding. We have his whole recorded speech because he recorded it. He wrote it in his own handwriting. Madison was taking notes, but we have Ben Franklin’s speech, and it has provided such solace to me.

He pointed out to his friends that there were times when every one of them could remember back during the Revolution when they asked God for specific things and God answered their prayers. That was all part of the Constitutional Convention, and he said these words:

Our prayers, sir, were heard, and they were graciously answered. If a sparrow cannot fall to the ground without His notice, is it possible an empire could rise without His aid? We have been assured, sir, by the sacred writings that, unless the Lord build the house, they labor in vain that build it.

Then he went on. He said:

I also firmly believe, without His concurring and guiding hand, we shall not succeed. The only logical conclusion is that such an enterprise as this will not succeed, as the builders of Babel: We shall be confounded by our local partial interests, and, we ourselves, shall become a hybrid down through the ages.

Then he went on to make a motion that just as they had during the Revolution with the Continental Congress that this Constitutional Convention Congress should begin every day with prayer.

So he made the motion and there was great discussion; but unlike the Revolutionary days, they didn’t have money. This was a Constitutional Convention that had just convened. These people came together to write a Constitution. They didn’t do as a body. They had no chaplain. They couldn’t afford to hire a chaplain, and they figured only with an independent chaplain that they could agree on could they have somebody come in and hold the Sunday services that had during the Revolution. So that was put off until such time as they could hire a chaplain, which happened as soon as we became a Nation and the Constitution was ratified.

So here we are and we’re saying we don’t have money to hire a chaplain, but one thing we can do: Here we are at the end of June 1787. We’re about to celebrate our country’s birthday again, our anniversary; so why don’t we just agree to all go to church together—listen to the same pastor, hear the same sermon, worship God all together as a Constitution Convention? They all went to the Presbyterian Church, and the pastor apparently did an excellent job because, when they came back, there was a new spirit. They had their disagreements, but there was a spirit of cooperation.

I heard some of the comments of my friends earlier across the aisle, and I know their hearts. I know DONNA CHRISTENSEN has been extremely gracious to me, personally. Good people. Good people with the best of intentions. I think that was CHUBBY. I was visiting with him on Sunday morning of his ideas to have a commission come together and not just jump quickly to some politically correct solution. Let’s do the right thing by America, not a knee-jerk, which like the assault weapon ban did nothing. In fact, Columbine occurred during the middle of the so-called “assault weapon ban.” Every gun is an assault weapon.

Through the machetes in Rwanda—the worst genocide that we know of in human history, 800,000 or so with machetes? Of course, we know during World War II that the genocide wasn’t just 800,000,
that it was millions—6 million Jews. They were killed by all kinds of means. So we need to be smart about the way we deal with this issue of mass murders and violence in our society, and everything should be on the table.

As to remember the loved ones of those who were victims of the tragedy at Newtown, Connecticut, things go on here in this town. This body tomorrow, we’ve been alerted, will vote on what’s being called “Plan B,” to try to reach an agreement with the President. From my experience as an attorney, I’ve negotiated small deals, multimillion-dollar deals. I was a district judge, a chief justice, a certified mediator. I don’t know if there is anybody else in the congressional body who has been through the training and process of becoming an international arbitrator. I have a lot of experience in negotiating from all sides when you see Speaker Boehner, what anybody I’m aware of and our conference really wanted him to do initially.

He said, Okay. We will come up with $800 billion of revenue, Mr. President, because that’s where you had gotten up to. $800 billion is what we were demanding before, so we’ll cut to the chase. We’ll just quit negotiating, and we’ll give you what you want—$800 billion in new revenue.

The President responded by saying, No, no, no, no. Now I’m at $1.6 trillion. Now that you’re at $800 billion, I’m at $1.6 trillion of new revenue wanting.

What most people who really look at our government realize is that it really isn’t a tax problem, that it’s a spending problem. When we went from the Speaker Pelosi-Harry Reid budget of 2008 that ended on September 30 of 2008, I heard no one that year complain that the Federal Government is not spending enough money. We were spending more money than we had then. Yet in January of ’09, after President Obama comes in and the Speaker is Pelosi and the majority leader in the Senate, Reid, we had gotten up spending about $1.6 trillion more than we had coming in. We had 2.3 or so trillion dollars coming in in Federal revenue, and we were spending about $1.6 trillion more than that?

That’s one of the reasons 2 weeks ago I couldn’t believe that we were voting to eliminate the use of the word “lunatic,” because it seems to me only a lunatic body would come up with the idea of, gee, we’re in financial trouble; let’s spend more than $1 trillion more than we have coming in. That’s financially irresponsible.

As my friend Randy Neugebauer pointed out again this week: A vote over to you that you respect and admire and believe in regular order. What does that mean to you and how much institutional value do you place on placing regular order at the center of House procedures and House reforms?

Minority Leader Boehner: Yes, I do, absolutely. The House is the body closest to the people. That’s by design. We’re the crucible, the testing ground for new ideas and new policies, and the institutions of the House that have grown up over the years of trial and error are the best way to test those ideas and policies. We don’t need five Members sitting behind a closed door writing a bill like they did with the stimulus or Obamacare. It’s nuts.

National Journal: If you are Speaker, will you ever bring a bill to the floor that hasn’t been true to the 3-day rule?

Minority Leader Boehner: No.

National Journal: That’s it? Just no?

Minority Leader Boehner: Right. I can see a scenario like right after 9/11 when we would have to act immediately in a true national emergency. I guess, maybe, but this is a serious commitment. I know it’s going to be a pain in the neck, but we’re going to do it.

National Journal: Enough about procedure. How worried are you about facing a government shutdown from a President Obama over cutting spending as much as the pledge to America promises?

Minority Leader Boehner: Look, major, our goal is to cut the size of government, not to shut it down. If we take the majority, the President is going to have to realize that he can’t keep ignoring the American people. They’re out there looking at what the President and Pelosi and Harry Reid are doing, and they’re shouting “stop” at the top of their lungs. We’re going to listen to them, and the President better, too.

National Journal: Deputy Whip Eric Cantor has virtually ruled out a government shutdown. Do you rule it out as a negotiating tactic or as a possible outcome of a budget disagreement?

Minority Leader Boehner: I’ve said the same thing as Eric. Our goal is to make government smaller, not to shut it down. Jen Hensarling has a bill that would prevent a government shutdown in the event of a budget standoff. We’re going to stay focused on doing what the American people want, and what they want is less spending.

National Journal: Do you anticipate a resolution of the Bush tax-cut issue or a lengthy congressional issue of the lane due to you girding your Members to deal with both issues as soon as the 111th Congress convenes?

Minority Leader Boehner: Hell, I don’t think we need to wait until after the election. Let’s come back right now and stop this tax hike and cut spending. That’s what we put in the pledge that we want to do right now.

National Journal: A reaffirmation of the highway bill is due in the next Congress. Will you, as the GOP leadership, support any increase in the Federal gasoline tax to finance additional road, bridge or highway construction?

Minority Leader Boehner: I’ve never supported a tax increase of any kind.
The Speaker pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair. Accordingly (at 9 o’clock and 52 minutes p.m.), the House stood in recess.

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

Mr. sessions, from the Committee on Rules, submitted a privileged report (Rept. No. 112-708) on the resolution (H. Res. 840) providing for consideration of the conference report to accompany the bill (H.R. 4310) to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.J. RES. 66, APPROVING RENEWAL OF IMPORT RESTRICTIONS AGAINST BURMA, AND PROVIDING FOR CONSIDERATION OF H.R. 6684, SPENDING REDUCTION ACT OF 2012

Mr. sessions, from the Committee on Rules, submitted a privileged report (Rept. No. 112-708) on the resolution (H. Res. 841) providing for consideration of the Senate amendment to the joint resolution (H.J. Res. 66) approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and providing for consideration of the bill (H.R. 6684) to provide for spending reduction, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. mica (at the request of Mr. CANTOR) for today after 5 p.m. on account of attending a funeral.

ENROLLED BILL SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 3783. An act to provide for a comprehensive strategy to counter Iran’s growing hostile presence and activity in the Western Hemisphere, and for other purposes.

SENATE ENROLLED BILL SIGNED

The Speaker announced his signature to an enrolled bill of the Senate of the following title:


BILLS PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House, reported that on December 19, 2012, she presented to the President of the United States, for his approval, the following bills:

H.R. 6116. To amend the Revised Organic Act of the Virgin Islands to provide for direct review by the United States Supreme Court of decisions of the Virgin Islands Supreme Court, and for other purposes.

H.R. 4310. To amend the Revised Organic Act of the Virgin Islands to provide for direct review by the United States Supreme Court of decisions of the Virgin Islands Supreme Court, and for other purposes.

H.R. 6684. An act to provide for a comprehensive strategy to counter Iran’s growing hostile presence and activity in the Western Hemisphere, and for other purposes.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 10 o’clock and 21 minutes p.m.), under its previous order and pursuant to House Resolution 839, the House adjourned until tomorrow, Thursday, December 20, 2012, at noon, as a further mark of respect to the memory of the late Honorable Daniel K. Inouye.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker’s table and referred as follows:

8836. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission’s final rule — Creation of a FM Radio Service; Amendment of Service and Eligibility Rules for FM Broadcast Translator Stations (MB Docket No.: 99-25; MB Docket No. 07-172; RM 11338) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8837. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-147, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8838. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-147, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

ADJOURNMENT
8839. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTXC 12-151, pursuant to the reporting requirements of Section 232 of the Arms Export Control Act; to the Committee on Foreign Affairs.

8840. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a proposed removal from the United States Munitions List of two gyroscopes and one accelerometer, pursuant to Section 232 of the Arms Export Control Act; to the Committee on Foreign Affairs.

8841. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department’s final rule — Special Local Regulations; Palm Beach World Championship, Atlantic Ocean; Jupiter, FL (Docket No.: USCg-2012-0712) (RIN: 1625-A0A8) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8850. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department’s final rule — Safety Zones; Bridge Demolition Project; Indiana Harbor Canal, East Chicago, Indiana (Docket No.: USCG-2012-0625) (RIN: 1625-A0A0) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8853. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department’s final rule — Safety Zones; Atlantic Intracoastal Waterway; Emerald Isle, NC (Docket No.: USCg-2012-0812) (RIN: 1625-A0A8) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8854. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department’s final rule — Safety Zone; Bridge Demolition Project; Indiana Harbor Canal, East Chicago, Indiana (Docket No.: USCg-2012-0904) (RIN: 1625-A0A0) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8855. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department’s final rule — Safety Zone; Cruise Ships, Santa Barbara Harbor, Santa Barbara, California (Docket Number: USCg-2011-0906) (RIN: 1625-A0A7) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8856. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department’s final rule — Safety Zone; Cruise Ships, San Pedro, CA (Docket No.: USCg-2011-0907) (RIN: 1625-A0A7) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8857. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department’s final rule — Safety Zone; Atlantic Intracoastal Waterway; Oak Island (Docket Number: USCg-2012-0811) (RIN: 1625-A0A0) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8858. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department’s final rule — Safety Zone; Atlantic Intracoastal Waterway; Oak Island (Docket Number: USCg-2012-0811) (RIN: 1625-A0A0) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8859. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department’s final rule — Safety Zone; Atlantic Intracoastal Waterway; Oak Island (Docket Number: USCg-2012-0811) (RIN: 1625-A0A0) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8860. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department’s final rule — Safety Zones; Bridge Demolition Project; Indiana Harbor Canal, East Chicago, Indiana (Docket No.: USCG-2012-0625) (RIN: 1625-A0A0) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8861. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department’s final rule — Bridge Demolition Project; Indiana Harbor Canal, East Chicago, Indiana (Docket No.: USCG-2012-0904) (RIN: 1625-A0A0) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8862. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department’s final rule — Bridge Demolition Project; Indiana Harbor Canal, East Chicago, Indiana (Docket No.: USCG-2012-0904) (RIN: 1625-A0A0) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8863. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department’s final rule — Special Local Regulations; Palm Beach World Championship, Atlantic Ocean; Jupiter, FL (Docket No.: USCg-2012-0712) (RIN: 1625-A0A8) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8864. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department’s final rule — Special Local Regulations; Palm Beach World Championship, Atlantic Ocean; Jupiter, FL (Docket No.: USCg-2012-0712) (RIN: 1625-A0A8) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

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8867. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department’s final rule — Special Local Regulations; Palm Beach World Championship, Atlantic Ocean; Jupiter, FL (Docket No.: USCg-2012-0712) (RIN: 1625-A0A8) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8868. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department’s final rule — Special Local Regulations; Palm Beach World Championship, Atlantic Ocean; Jupiter, FL (Docket No.: USCg-2012-0712) (RIN: 1625-A0A8) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8869. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department’s final rule — Special Local Regulations; Palm Beach World Championship, Atlantic Ocean; Jupiter, FL (Docket No.: USCg-2012-0712) (RIN: 1625-A0A8) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8870. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department’s final rule — Special Local Regulations; Palm Beach World Championship, Atlantic Ocean; Jupiter, FL (Docket No.: USCg-2012-0712) (RIN: 1625-A0A8) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8871. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department’s final rule — Special Local Regulations; Palm Beach World Championship, Atlantic Ocean; Jupiter, FL (Docket No.: USCg-2012-0712) (RIN: 1625-A0A8) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8872. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department’s final rule — Special Local Regulations; Palm Beach World Championship, Atlantic Ocean; Jupiter, FL (Docket No.: USCg-2012-0712) (RIN: 1625-A0A8) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8873. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department’s final rule — Special Local Regulations; Palm Beach World Championship, Atlantic Ocean; Jupiter, FL (Docket No.: USCg-2012-0712) (RIN: 1625-A0A8) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8874. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department’s final rule — Special Local Regulations; Palm Beach World Championship, Atlantic Ocean; Jupiter, FL (Docket No.: USCg-2012-0712) (RIN: 1625-A0A8) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8875. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department’s final rule — Special Local Regulations; Palm Beach World Championship, Atlantic Ocean; Jupiter, FL (Docket No.: USCg-2012-0712) (RIN: 1625-A0A8) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.
with responsible reductions in direct and other spending, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on the Budget, Agriculture, Energy and Commerce, Financial Services, the Judiciary, Oversight and Government Reform, House Administration, and Rules, 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 Ms. MATSUI:

H.R. 6688. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of the South Sacramento County Agriculture and Habitat Lands Water Recycling Project in Sacramento County, California; to the Committee on Natural Resources.

By Mr. OLSON:


By Ms. HIRONO (for herself, Ms. HANABUSA, Mr. DICKS, Mr. YOUNG of Alaska, Mr. DONELLY of Indiana, Mr. MCDERMOTT, Ms. JACKSON LEE of Texas, Mr. PRICE of North Carolina, Mr. HONDA, Mr. SABLAN, Ms. CHU, Mr. PALK-O-MAYO-RAGA, Ms. MATSUI, Mr. MURPHY of Connecticut, Mr. PERLMUTTER, Ms. MCCLUNG, Mr. CHANDLER, Mr. COURTNEY, Ms. ESHOO, Mr. ELLISON, Mr. NADLER, Mr. FAHR, Mr. RAHALL, Mr. RANGEL, Mr. FRANK of Massachusetts, Mrs. NAPOLITANO, Ms. WOOLSEY, Mr. BOSWELL, Mrs. CAPPS, Mrs. LOWRY, Mr. MARKLEY, Mr. HOYER, Mr. HEINRICH, Mr. GEORGE MILLER of California, Ms. LORETTA SANCHEZ of California, Ms. CLARKE of New York, and Mr. GARAMENDI):

H. Res. 837. A resolution relating to the death of the Honorable Daniel K. Inouye, a Senator from the State of Hawaii; to the Committee on House Administration.

By Mr. SMITH of New Jersey:

H. Res. 838. A resolution expressing the sense of the House of Representatives that the Secretary of State should seek to amend Article 22 of the Statute of the International Court of Justice to move the seat of the Court from the Netherlands; to the Committee on Foreign Affairs.

By Mr. HIRONO:

H. Res. 839. A resolution relating to the death of the Honorable Daniel K. Inouye, a Senator from the State of Hawaii; considered and agreed to.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are sub-
mitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. PASCRELL:

H.R. 6683. Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. CANTOR:

H.R. 6684. Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1, Article I, Section 9, Clause 7 of the United States Constitution.

By Mr. ENGEL:

H.R. 6685. Congress has the power to enact this legislation pursuant to the following:

The bill is enacted pursuant to the power granted to Congress under the following provisions of the United States Constitution:

Article I, Section 1; Article I, Section 8, Clause 1; Article I, Section 9, Clause 3; and Article I, Section 8, Clause 18.

By Ms. ESHOO:

H.R. 6686. Congress has the power to enact this legislation pursuant to the following:

The U.S. Constitution, Article I, Section 8, the General Welfare Clause.

By Mr. GERLACH:

H.R. 6687. Congress has the power to enact this legislation pursuant to the following:

The Congress enacts this bill pursuant to Clause 1 of Section 8 of Article 1 of the United States Constitution.

By Mr. JORDAN:

H.R. 6688. Congress has the power to enact this legislation pursuant to the following:

The Constitution (specifically Article I, Section 1, Clause 1) grants Congress the power to lay and collect taxes, duties, imposts, and excises under certain conditions. Congress has previously utilized this grant of authority—broadened by the 16th Amendment to include taxation on income—and therefore existing law in this area would not be expanded by this bill. The legislation continues current tax policy in some cases (requiring no additional expansion of power) or limits and repeals current utilization of power by the Congress (also requiring no additional expansion of power) or would more closely align the federal government with the letter and spirit of the Constitution in the ways stated above.

By Ms. MATSUI:

H.R. 6689. Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 263: Mr. EDWARDS. H.R. 493: Mr. TERRY. H.R. 1063: Ms. EDDIE BERNICE JOHNSON of Texas. H.R. 1426: Ms. SCHWARTZ. H.R. 1802: Mr. CALVET. H.R. 1867: Ms. BUTTERFIELD. H.R. 2256: Mr. SHERMAN and Ms. LORETTA SANCHEZ of California. H.R. 2721: Mr. MCGOVERN. H.R. 2775: Ms. BROWN of Florida. H.R. 2969: Mr. VAN HOLLEN. H.R. 3267: Mr. VAN HOLLEN. H.R. 3768: Mr. MICHAUD. H.R. 4077: Mr. STIVERS. H.R. 4103: Mr. SHERMAN. H.R. 4122: Mr. COHEN and Mr. PRICE of North Carolina. H.R. 4385: Mrs. BACHMANN. H.R. 6398: Mr. MARCHANT. H.R. 6439: Mr. GRIFFIN of Arkansas. H.R. 6446: Mr. STIVERS and Mr. TIBSHRI. H.R. 6511: Mr. AUSTIN SCOTT of Georgia. H.R. 6655: Mr. RANDEL, Mr. PASCRELL, Ms. BASS of California, Mr. LARSON of Connecticut, Mr. BELO, Mr. NEAL, Mr. MARCHANT, Mr. TIBSHRI, and Mr. FRAMPTON.

H. Con. Res. 143: Mr. MILLER of Florida, Ms. JACKSON LEE of Texas, Mr. HINCHHEY, and Mr. PALAZZO.

H. Res. 734: Mr. CONVEX. H. Res. 824: Mr. GERLACH and Mr. HARRIS. H. Res. 834: Mr. CANSSECO, Mrs. LOWRY, Mr. GERLACH, Mr. McCaul, Mr. WAXMAN, Ms. CASTOR of Florida, Mr. ISRAEL, Mr. GENE GREEN of Texas, Mr. PETERS, Mr. SCHWEIKERT, Mr. STIVERS, Mr. RUD, Mr. PORTY, Mr. FINCHER, Mr. DIAZ-BALART, Mrs. MYRICK, Mr. CASSIDY, Ms. BURRILL, Mr. FRANKS of Arizona, Ms. CHU, Mr. BACA, Mr. JOHNSON of Ohio, Mr. PEARCE, Mr. WOACK, Mr. OLSON, Mrs. MCCARTHY of New York, Mr. MARKET, Mr. COSTA, Mr. DOLD, and Mr. PAULSEN.
The Senate met at 9:30 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

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

Let us pray.

O God of love, may Your presence fill our lawmakers with Your wisdom and power. May Your wisdom lead them away from the pitfalls of delayed obedience so that they will seek to promptly do Your will. Lord, make them a source of strength. Direct their actions; motivate their hearts, as they seek to begin this day with an unrestrained commitment to You. God, give them supernatural power, wisdom, and guidance, for You know them, their needs, their motives, their hopes, and their fears.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. LEAHY).

The legislative clerk read the following letter:

U.S. SENATE.

President pro tempore.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

PRESIDENT PRO TEMPORE.


To the Senate:

I hereby appoint the Honorable KIRSTEN E. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Madam President, following leader remarks, the Senate will be in a period of morning business for 1 hour; the Republicans will control the first half, the majority the second half.

Following morning business, we will resume consideration of the supplemental appropriations bill. I mentioned last night we are going to have to move forward on this bill. I have been told the Republicans want to have a substitute, and we look forward to whatever that might be. We can set up a series of votes to satisfy those people who want to change this bill in some manner.

I would note that in the Northeast—other States but principally New York and New Jersey—there are about 700,000 people who have lost their homes. Tens of thousands of those homes have been destroyed, and other people are still living in very difficult situations.

When we had the devastation in the Gulf, we got the aid to those States very quickly. The population of those States—Louisiana, Mississippi, Alabama—is very sparse compared to New York and New Jersey. We have to make a decision on this very important legislation before we leave this week, and we are going to do that. I hope everyone would cooperate, but we have to do this. It is very unfair to the millions of people who are suffering as a result of this devastation.

We have had some devastating wildfires in the West. They are terribly damaging to the environment and on occasion there is lost life and often there are property losses. But relatively speaking, compared to the millions of people involved in this storm, we have to get our priorities right. It is unfair to those people who are suffering. It is not only individual people, but it is also businesses. I hope we can finalize this matter in the next day or two.

TRIBUTES TO DEPARTING SENATORS

Mr. REID. Madam President, it is often said a man is only as good as his word. In this new world we live in, the same applies to women. This is a world we live in where men and women, as much as we can, are treated equally. A good man is a person who has their word that is good. A good woman is a person who has their word that is good. I believe that is true.

If that fact is true, then Mr. KENT CONRAD, the Senior Senator from North Dakota, is a good man, indeed.

When he was running for the Senate the first time, he promised the people of North Dakota he would not run for reelection if the Nation’s budget deficit was higher at the end of his term than at the beginning of it.

We came to the Senate together. I can remember 27 years ago in the LBJ Room where I first met Kent Conrad—we were running for the Senate—this studious man, very intense. I can still remember that. We have been friends now for all those many years. But think what he did. He could have been reelected so easily and he probably could have figured out some way around it. It was my intention to reduce the debt, but we weren’t able to do it.
But he didn’t follow that path. He said: I am not running for reelection, and he didn’t. It is amazing what he did. He takes the national debt personally. He takes it very seriously. Kent announced he wouldn’t seek reelection. I was shocked. Kent, how could you do that? He said: I gave my word. But fate, as we know—and we are feeling it today with these flowers here behind me—fate is rarely anticipated. After his first term was set to expire and he had announced he wasn't running for reelection Quentin Burdick, with whom I had the pleasure of serving, died, and so he ran for his seat and was elected. So he has held both Senate seats in North Dakota. He ran in that special election to replace Senator Burdick and won. The Senate, the people of North Dakota, and every American who cares about controlling the Federal debt have benefited from his faithful service.

Even when we have done something dealing with the debt in the last 26 years, Kent Conrad has been at the forefront. ObamaCare, he was on top of that. He was one of the Gang of 6, it was called at the time, and took months and months. He came up of course with the magnificent idea, he and Judd Gregg—two people who know the finances of this country as well as any other two men in the world—they were going to do something about it, and they introduced legislation. It was patterned after the base closing commissions. They would do their work—the Commission—come back to the Senate, no filibusters, no amendments. That was Kent Conrad and Judd Gregg’s idea. As we know, the problem was the Republicans who supported the legislation, cosponsored it, wouldn’t let us get it on the floor; six or seven of them voted against that. The Bowles-Simpson Commission: the Obama-Boehner talks, two rounds of those; Biden-Cantor, he was involved in every one of those; the Gang of 6, the Gang of 8. Even though he wasn’t personally one of the three people on the supercommittee, Chairperson Murray was leaning on him all the time for information.

He has been terrific. As chairman of the Budget Committee, no one could do more than he did. I can remember he managed the bills we had on getting budgets. He was here, my seat was there and he’d help me to help him. Why? Because he didn’t have time to deal with procedure. He was dealing with substance. I still joke with him about this. He was so intense; we could see that mind of his working. So he was happy I was here working with him to get the budgets through closing them. He has been a powerful voice against runaway deficits but always being totally reasonable, recognizing that we are in a time of economic slowdown and who has to do something about the debt. But he also believes that during any of these periods of time, we need stimulation of the economy; they go together.

As I have indicated, no one cares more about addressing the national debt than Senator Conrad. But he also understands the balance between fiscal responsibility and funding our national priorities.

Kent Conrad has been bipartisan. Sometimes some criticize him for being so bipartisan. He has never been afraid to reach across the aisle to keep our country on a responsible path. He is a person who is not an ideologue. I wouldn’t be the first person to endorse Obama. Obama was a Senator who gave indication he wanted to run for President. I think Senator Conrad was the first to endorse him. We know Senator Obama wasn’t selling very well in North Dakota, but that didn’t stop Kent Conrad. He thought he was the best person to be President of the United States.

The proposal I mentioned with Senators Conrad and Gregg was a blueprint for what the Bowles-Simpson Commission then came up with. As I have indicated, every bipartisan deficit reduction since then—and some partisan efforts—anytime there was involvement we was there.

Although we have yet to reach a solution or a conclusion to the very serious fiscal challenges this country faces, I credit Kent Conrad for the progress we have made to this point. He will continue to be a voice for reason and moderation even in his retirement. See, Kent always has had a brilliant mind for numbers. He is a step above an accountant’s mind. I truly like accountants. My daughter-in-law is an accountant and she has a step above that. He is of the mathematician’s caliber; he is so very smart.

After graduating from college, he worked for the North Dakota State Tax Commission. The person who ran that tax commission was Byron Dorgan, who later joined him in the Senate. In 1980, Kent succeeded Byron as the commissioner of taxes in North Dakota. They are the best of friends. He served as tax commissioner for 6 years.

He is a fifth-generation North Dakotan, born in Bismarck. Kent Conrad was raised by his grandparents. When he was 5 years old, his parents were killed by a drunk driver and so he was raised by his wonderful grandparents and he has told me so many times about how good they were to him.

He was always interested in politics. At his retirement party, he talked about baseball. He was going to stop criticizing people who spend money on animals. He went out in the street every day I see him with Dakota because she loved Olivia like he loves Dakota. He and his lovely wife Lucy have spent lots of money on that little dog. They love that dog. He calls him Little Guy; that Little Guy.

I am going to miss Kent a lot. He is my friend, my pal. I wish him and his family well. He has a lovely family. His wife Lucy was the long-time chief of staff for Byron Dorgan—two Senators, one Senator's wife is the chief of staff for his colleague. She went out in the private sector fairly recently and has done a great job. She has been involved in Major League Baseball. She and Kent love baseball. Kent always talks about his talks to Pete Angelos, the owner of the Baltimore Orioles; that he is looking forward to his retirement because Angelos promised him a tryout. He is going to try to play professional baseball. He loves baseball. They go to spring training when they can. I hope they will still have a presence in Washington. I think so much of both of them. They are wonderful people.

They have two children, a daughter who wrote a book about politics, and one grandson. Kent always boasts about how smart his daughter is. I went to the book signing. I am sure she is smart because she has such a brilliant father.

Kent was both Kent’s friendship and leadership. While he will be missed in the Senate, he should rest assured that his legacy will remain long after he leaves.
RECOGNITION OF THE MINORITY LEADER

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

PREVENTING FURTHER ECONOMIC DAMAGE

Mr. McCONNELL. Madam President, there is still time to prevent further damage to the economy and to stop the automatic tax hike on every American that’s scheduled to go into effect at the beginning of the New Year. The President has a real opportunity, the second in 2 years, to do something significant about our debt crisis and jumpstart our economy. He has a real opportunity to show he can govern. He is letting that opportunity slip away.

Senate Democrats and the White House now say that a “balanced approach” is one that can pass both the House and Senate. But we know that neither the Democrat bill in the Senate, nor the President’s plan for more than a trillion dollars in tax hikes meets their own test of “balance.”

Speaker BOEHNER, like me, would like to prevent a tax hike on everyone. But the President’s plan, to act, the House will soon vote on legislation to prevent a tax hike on anyone making less than a million dollars a year—rather than letting taxes go up on every American taxpayer; in other words, a plan that 52 of our Democrat colleagues here in the Senate already voted to support. It is a plan that would ensure far more American families and small businesses are protected from tax hikes than anything our Democrat friends have proposed.

Democrats will have an opportunity to offer and vote on changes if they no longer agree with their previous positions. But what they cannot do is sit on their hands and let taxes go up on every American taxpayer. Senate Democrats have wasted precious time all year with show votes designed to fail. That has left us with little time to do the real work that needs to be done. But there is still enough time for us to finish all of our work before this weekend, if we are all willing to stay late and work hard. For the sake of the people who sent us here, it can and should be done.

TRIBUTES TO DEPARTING SENATORS

JIM DEMINT

Madame President, I would like to speak this morning in tribute to an unexpected addition to the list of retirees on the Republican side of the Senate. Senator Jim DeMint of South Carolina.

They say success has many fathers, but it is hard to think of anyone who has done more than Jim DeMint to raise the public’s awareness on spending and the threat that big government poses to our liberties.

Jim has been a powerful voice for conservatism during his time in the House and the Senate. I have no doubt he will be extremely effective in his new post over at the Heritage Foundation. I wish him every success. Because the truth is, the Nation simply cannot continue on its current path, and if Jim is not a man who has left the Senate from his new perch on Massachusetts Avenue, then it will clearly have been worth it.

And so while Jim’s voice will be missed here in the Senate, we are glad to see he will be putting his considerable talents to good use by helping to arm his former colleagues and many others with the arguments they will need to make the case for constitutional reforms that lie in the years ahead.

As a young boy, Jim developed a knack for sales by necessity. His mom ran a ballroom dancing school out of their home as a way to keep food on the table for her four children, and part of Jim’s job was to recruit the students. He says he still runs into people who attended the DeMint Academy of Dance and Decorum. “Our home sometimes seemed like boot camp,” Jim once said, because to survive as a single parent his mom enlisted all four kids for daily duties starting at 6 a.m.

It was “the closest I would come to basic training.” Interestingly, part of Jim’s responsibilities involved filling in for folks who did not have a dance partner.

When Jim wasn’t busy in the ballroom, he was working his two paper routes or bagging groceries at the grocery store. On weekends, he fed his love of music and would drum as a band called “Salt and Pepper.” He was best known for his vocals on the song “Wipe-out” and the song’s distinctive opening cackle. Jim says he could have been a rock star, if it weren’t for the fact that he had no voice of natural talent. So as an adult, he stuck with sales, and it was from there that he launched his political career.

It has not been easy. Jim has always worked hard to ensure that Debbie and the kids remained at the center of his life. I know how much he admires Debbie for keeping her focus on their kids over the years. There’s been a strong partnership almost since the day they first met all the way back in the seventh grade.

Jim was not always all that political. In fact, those who know him best say that one of the most surprising things about his career is how such a shy and gentle man could have become such a take-no-prisoners firebrand.

As a young marketing executive, he recalls thinking that he had a wife, kids and a business—and that was basically his universe. He did not even know who his congressman was. To this day, one of the things Jim enjoys doing most is working on his lawn back in Greenville. And while he has gotten his share of awards in Washington over the years, I don’t think any of them compared to the bond association gave him a few years back for “best lawn.” He is really proud of that one.

Jim’s interest in politics came about when the government started to intrude more and more into his business, and when he started to notice how it unwittingly harmed others. “The more I learned about how things operated,” Jim once said, “the more I understood how problems in things such as broken homes, crime, and school dropout were a direct result of well-intended but misdirected government policies.”

So he got involved.

In 1992, Bob Inglis walked into his office and asked for his help in running a race in South Carolina’s 4th District. Jim took the job and for the first time began to think about running for political office himself. When Inglis retired, Jim decided to run as his replacement. He was 47 years old, he had never run for anything in his life, and Debbie thought he was crazy. But the voters liked what he was selling, and so did his colleagues in the House. They voted him President of their freshman class in 1999.

Six years later, Jim was elected to the Senate. And he has been a leader here as well, working to cut Federal spending and reform how we spend taxpayers’ dollars. A conservative stalwart, Jim leaves with a stellar 98.77 lifetime rating from the American Conservative Union. And, crucially, he has made a difference. One member of the press corps once referred to Jim as the paternal saint of lost causes in the Senate.

And, frankly, I don’t think we will be abolishing the tax code anytime soon, as Jim has suggested, but that’s to miss the point. Great causes almost always start out with a constituency of one, and Jim has never been afraid to take up important and unpopular causes early, and let the polls and punditry take care of themselves.

After becoming what he called a “re-covering earmarker,” he succeeded in convincing others to give up the practice. As a member of the Foreign Relations Committee, he was also instrumental in resolving a serious problem in Honduras a few years ago after the Obama Administration misconstrued the legal ouster of a president with a political coup. Jim enlisted Miguel Estrada to figure out what was really going on down there, and I was happy to help him travel to Honduras to investigate in person. Jim soon reported back that it was nothing but a coup. The story eventually had a happy ending: the Honduran people held a new election and inaugurated a new president and the Obama administration grudgingly backed down. But none of this would have happened without the leadership of Senator Jim DeMint. “The senator kept the administration honest,” Estrada later said. “He was invaluable.”

Senator Jim DeMint and I share a profound commitment to freedom and he has written eloquently on its importance for our Nation. “Good government,” he has written, “is a result of freedom debated.” He has called the
right to free speech the “most treasured benefit of living in a free and democratic nation.” And he has certainly exercised that right to the fullest both here in the Senate and across the country.

Throughout his political career, JIM has always been guided by an unwavering commitment to freedom, and I know it is that same commitment to defend and enlarge our freedom that led him into this next chapter in his life. It is this passion to defend freedom, for Americans here at home and for our allies around the world, that has struck a chord with so many Americans and helped make JIM a national figure—not to mention a best-selling author.

In addition to the fact that he and his staff have helped address more than 30,000 constituent inquiries during his time here in the Senate, it is also why JIM has remained so popular with his constituents back home, and it is why his colleagues here in the Senate are so sad to see him go.

JIM leaves with a legacy. He has been a real champion for limited government and constitutional conservatism on the national stage. But what has always guided him most over the years is the conviction that most decisions are best made at the local level. And whether it is his work with veterans, in promoting adoption, or in reforming education, that is what he has always stressed.

I wish him Godspeed as he works over at the Heritage Foundation. I have great respect for him. I think most people who really know him have great respect for him. I always respect people who really know what they believe, and JIM DeMint has exemplified that as well as anybody I know.

TANF
Mr. HATCH. Madam President, I rise today to speak about important issues facing us as we work to reauthorize the Temporary Assistance for Needy Families Program, the TANF Program. Poverty has risen to a crisis level in our country. In 2011 there were 16.1 unf avoidable million children in families with incomes below the poverty level.

The pernicious effects of poverty have implications for children’s health, education, and well-being. Research has demonstrated that there are significant associations between poverty and problems with children’s health, cognitive development, behavior, emotional well-being, and school achievement. These problems are exacerbated for families wherever the annual income is less than half of the poverty level. In 2011 there were over 7 million children in the United States living in extreme poverty.

Poverty is also a risk factor for child abuse and neglect. Data assembled by the Center for Law and Social Policy reveals that poverty is the single best predictor of child maltreatment. Children living in families with annual incomes below $15,000 were 22 times more likely to be neglected than those living in families with annual incomes of $30,000 or more.

According to a report from the Children’s Defense Fund, “Children of color continue to suffer disproportionately from poverty.” The Children’s Defense Fund cites data showing that more than one in three African-American children and more than one in three Hispanic children were poor in 2011, compared to a 1-in-8 ratio among White non-Hispanic children.

These families face huge challenges navigating the bare necessities of daily life. Fresh healthy food can be rare. Unsafe housing contributes to chronic child health issues such as asthma. Transportation to and from work, the grocery store, and the doctor can be infrequent and unreliable.

Programs funded through TANF—the Temporary Assistance for Needy Families Program—provide cash assistance and work-related activities for up to 5 years. However, wusus of TANF in many of these States has shifted from working with job-ready adults to a funding stream largely dedicated to funding purposes disconnected to job readiness.

For many years I have expressed concern that nationwide over 50 percent of able-bodied adults receiving cash assistance are reported to engage in zero hours of work-related activity. Additionally, I have raised concerns that most States are not able to meet the Federal work-participation rate. This work-participation rate requires that a State engage half of its cash assistance caseload in specified work-related activities for a certain number of hours each week.

If you ask the average middle-class American how many able-bodied adults receiving welfare should be engaged in work or work-related activities, my guess is the answer would be all of them. It should be shocking to the American people that most States are not able to engage half of their welfare caseloads in such activities.

Furthermore, I have raised concerns that there is a considerable amount of TANF spending on child welfare programs that goes unaccounted for and is not coordinated with possibly duplicative spending administered by State child welfare agencies.

Authority for TANF expired at the end of 2010. Unfortunately, although this is a matter of serious concern, the Obama administration has never proposed a 5-year reauthorization of the TANF Program. Instead, on July 12, 2012, the Department of Health and Human Services released a document, which they inaccurately described as an “Information Memorandum,” to the States claiming on behalf of the Obama administration unprecedented waiver authority over TANF work rules.

This action provoked a swift and strong condemnation from members of the legislative branch and rightly so.
Many Members of Congress believe the welfare waiver document constitutes an excessive and unwarranted overreach on the part of the executive branch. The Government Accountability Office agreed with us and has determined that the July 12, 2012, document, as approved by the Administrative Procedures Act and as such should have been submitted to Congress for review.

Since the welfare waiver is considered a rule, it is subject to a joint resolution of disapproval under the Congressional Review Act. The Senate Parliamentarian agrees with the GAO, and she has advised that for purposes of the CRA, that is, the Congressional Review Act, this rule should be considered to have been received by Congress on September 10, 2012, even though the administration failed to submit it as required by law.

The CRA provides the Senate with a procedure for expedited consideration and a vote on a resolution of disapproval during a certain window of time so long as at least 30 Senators have signed a discharge petition to bring the resolution to the floor. I have introduced such a resolution, S.J. Res. 50, which provides for congressional disapproval of the rule submitted by the Department of Health and Human Services relating to the authority to waive Federal welfare work requirements under section 407 of the Social Security Act. Having introduced it within the required timeframe under the CRA and having obtained enough signatures on a discharge petition, it is within my rights as a Senator to call for a vote on my resolution prior to the Senate’s adjournment this year.

Now, I am not naive, nor am I overly idealistic. I am well aware that the vote on S.J. Res. 50 would likely fall along party lines, and this is disappointing. It is clear that the administration has in granting itself this waiver authority is to undermine a work-first approach to getting welfare recipients or clients off the rolls. This has been the desire of many critics of Clinton-era welfare reform since they were enacted.

The administration has not been forthcoming at all about what they want to substitute for a work-first approach. In the past, absent strong Federal performance standards, States have tended to pay lip service to work while continuing welfare business as usual. Examples include such activities as fostering an attachment to work by providing support, such as education and training, that has the greatest degree of success in getting clients off of welfare.

The reason I am so vehemently opposed to the administration’s scheme to undermine the welfare work requirements is that I believe it will hinder, not help, the effort to get adults off welfare and into the workforce. Put simply, allowing activities that are not work per se will not get people off welfare.

The administration and their apologists have not even tried to make a policy case for their non-work-first approach. Instead, apologists of the administration generally attempt to obfuscate and distract from the fact that the Obama administration granted themselves waiver authority to bypass the legislative branch with the goal of weakening welfare reform and reducing program requirements.

Let’s take a look at some of their arguments. Right out of the gates, supporters of the administration’s policy argue that members of the legislative branch asserting their rights in the face of executive overreach were simply trying to give the Romney-Ryan campaign an issue.

Well, in case anyone hasn’t heard, the country recently held an election, and President Obama was reelected. There is no simple fact that the Romney-Ryan campaign so that distraction falls away.

Apologists of the executive overreach have also tried to muddy the issue by suggesting that the administration is giving the States what they asked for. For example—and I take this a little personally—in an effort to create a false justification for their power grab, the Obama administration has repeatedly misrepresented the views of the States to the press. When asked by the administration what they wanted in a TANF reauthorization, some States indicated the desire for more flexibility, but there was never any indication that the States wanted the administration to go around Congress to provide this flexibility.

According to the Government Accountability Office, between 2000 and 2009—during the Clinton, Bush, and even the Obama administration—HHS consistently told States that they had no waiver authority under TANF. So States naturally and rightly assumed that any requests for waivers would have to go through Congress. This is evidenced by the fact that in the 6 months since HHS granted itself authority to waive welfare work requirements, not a single State has applied for one of these waivers. In other words, any argument that the need for State flexibility is so urgent that the administration had to bypass Congress to give it falls by the wayside.

Once again, we see a distraction crumble under the weight of the facts. Another distraction raised by supporters of the administration is comments from a former House Ways and Means staffer to the press indicating that he thought additional flexibility for States might not be a bad idea. Of course, this same staffer also said that unilaterally establishing these waivers without consulting Congress was not the way to go. If that is the best expert opinion supporters of the administration can come up with to support this policy, they have clearly failed to make their case.

Once we cut through all of these distractions the administration and its allies have tried to throw in our path, we are left again with the matter. The Obama administration is trying to bypass Congress and enact policies that are not provided for under current law. Whether or not one agrees with the administration’s change in policy, that simple fact remains and we ought to stand up for the prerogatives of the legislative branch. That is why we have three separate branches of government, so that we have some checks and some balances in our society.

As a Member of the Senate, I simply cannot stand by and watch the administration undermine the relevance of the legislative branch. I cannot stand by and see Members of the House of Representatives who have worked for years to develop expertise on welfare policy turned into potted plants.

But there is more than one way to stand up for the U.S. Congress. The country has been through an exhaustive and highly partisan election. Some call it a status quo election. The country has elected a Democrat to the White House and sent back a divided Congress. No one side can claim a mandate, in my opinion, and I think in the opinion of most people. What the American people want is for Democrats and Republicans and the President to work together to get things done for the American people, and get things done right for the people. One of the things we need to get done is a comprehensive overhaul and reauthorization of TANF. Welfare-work requirements need to be updated and strengthened, certain loopholes need to be closed, and there needs increased transparency and accountability relative to TANF spending on child welfare programs and services.

In order to begin bringing all sides together, particularly after such an acrimonious political period, someone must make the first move. Therefore, as an act of good faith, in order to facilitate a collegial bipartisan working
relationship on TANF. I am putting my colleagues on notice that earlier today I sent President Obama a letter informing him that I will not insist on a vote on my resolution of disapproval during this session of Congress. In the spirit of compromise and bipartisanship, I have asked President Obama to respond to my action by instructing Health and Human Services Secretary Kathleen Sebelius to withdraw the welfare waiver rule and submit a 5-year TANF reauthorization plan to the Congress. If there are aspects of the welfare waiver rule the administration wishes us to consider, I hope they will include them in their proposal so they can be debated and negotiated here in Congress. I have written to the President and told him I am committed to working with his administration as well as Chairman CAMP and Chairman BAUCUS to enact comprehensive and meaningful welfare reauthorization early on in the 113th Congress. I made this offer to President Obama with good will and in good faith. However, if the President rebuffs my overture, the Congressional Review Act will afford me this opportunity for another vote on a resolution of disapproval next year. This is because the Senate meets in legislative session every day until January 3—including Christmas Eve, Christmas Day, New Year’s Eve, New Year’s Day, and all weekends—there will not be 60 session days between the date the welfare waiver rule is divorced to have been submitted to the Senate and the convening of the 113th Congress. Since the 112th Congress will end before the full 60-session-day period has elapsed, the Congressional Review Act provides for another 60-day period to act on a disapproval resolution regarding this rule in 2013. I hope it doesn’t come to that. Therefore, if President Obama does not withdraw the welfare waiver rule, submit a 5-year TANF reauthorization plan and then work with Congress to enact meaningful, comprehensive welfare reform that strengthens work requirements and provides for improved accountability of TANF spending, I will be right back here in a few months exercising my right to demand a vote on a new resolution of disapproval under the Congressional Review Act.

I sincerely hope it does not come to that. As my colleagues know, I have a long history of bipartisanship on welfare, among many other things. I was a key player during the 1996 consideration of welfare reform that was passed by a Republican Congress and signed by a Democratic President. In 2002, Senator Breaux and I worked with Republicans and Democrats to draft the so-called “tripartisan” agreement on welfare reauthorization. I stand willing to work again on a bipartisan basis on this important issue at this most critical time.

As Members of Congress, I believe we have a moral obligation to do what we can to help those facing staggering challenges and deep and persistent poverty. We can begin to meet this moral obligation by strengthening and improving the TANF Programs for the working poor, the middle class, and children in the child welfare system.

In America today we have women who take their children with them rummaging through trash cans, hoping to find discarded soda cans so they can sell them back to stores. In America today we have families who every month must make painful decisions about whether to pay for medical care or whether to pay to heat their home or put gas in their car. Many single moms have no good choices when it comes to providing childcare for their children while they attempt to find work. I can think of no group of Americans more deserving of having the Senate’s time and attention directed toward crafting policies designed to help improve their lives.

If my colleagues look over my past 36 years, I have been there for these Americans. It was in 1996 crafting the TANF. I was there on a number of child welfare programs. I was there on the Child Care and Development Block Grant. I was there on the Americans With Disabilities Act, and countless other bills. These bills I worked on have helped to make a difference.

But I am concerned that increasingly, we are becoming a welfare society. A lot of people aren’t going to work, and every time, every quarter, we find more and more people who won’t even look for a job anymore. That is not the way to run a great country. That is not the way to help people to be self-sufficient, it is not the way to help people to be self-reliant, and it is not the way to keep a country great.

This is an important issue. I believe everybody in the Senate ought to stand up for the rights of the Congress. And I believe the President can show great good will here if he would do what I have suggested, which I think my Democratic colleagues would appreciate as well, and that is send up the 5-year reauthorization of TANF and of course withdraw that particular approach toward waivers that literally should not ever be granted without congressional consent. I think the President would come a long way by doing that and it would mean a lot to me personally. Let’s hope we can get the President to consider these remarks this day because they have been delivered in good faith, hoping we will find solutions to the problems and, above all, hoping we can help our people.

Madam President, I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

Mr. WHITEHOUSE. Madam President, in every corner of the globe—from pole to pole, and from the top of our atmosphere to the depths of our oceans—we see evidence of the fundamental changes that are taking place across our Earth.

In 2012, North America experienced a number of unusually severe events and passed several ominous milestones. These episodes have driven a shift in climate—a realization, really, among Americans. As we head home for the holidays this year, each of us is likely to find back in our home States that more and more people are convinced that climate change is happening, and that it is deadly serious.

It was in March that a University of Texas poll asked respondents if they thought climate change was occurring. Madam President, 83 percent of Democrats said yes; 60 percent of Independents said yes; 45 percent of Republicans said yes. As 2012 went on, things did not slow down much for the lower 48 States.

April 2012 would become the third warmest April on record. I came to the floor in April to speak about another milestone surpassed that month. For the first time—for the first time—one of NOAA’s remote monitoring sites—this one in the Arctic—recorded a concentration of 400 parts per million of carbon dioxide in the Earth’s atmosphere, crushing records that go back 8,000 centuries. For 8,000 centuries mankind has inhabited a planet with an atmosphere with carbon concentration being 170 and 300 parts per million. We have broken out of that. For the
first time, in April, we hit 400 parts per million. By May, it was no surprise that spring 2012 was a full 2 degrees Fahrenheit warmer than the next warmest spring in recorded history. May was the second warmest May ever.

June was only the eighth warmest June, but it officially marked the end of the warmest 12-month period the United States of America has ever experienced. Across the lower 48, July was not only the warmest July on record, it was the all-time warmest month in America in recorded history. According to the U.S. Drought Monitor, 62.9 percent of the contiguous U.S. was experiencing moderate to exceptional drought as a result of this being the all-time warmest month.

As the mercury climbed in July, so did agreement among Americans on the crisis of climate change. That University of Texas poll was taken again, and the percentage of Democrats convinced of global climate change had risen to 67 percent in July, up from 53 percent in April. Among Independents, the percentage went from 60 percent up to 72 percent. And Republican believers in climate change became a majority. They went from 45 percent to 53 percent.

By August we had experienced the third hottest summer in the history of the continental United States. In the West, 3.6 million acres were ablaze with wildfires—nearly twice the August average, and the most in the 12-year period of record. August also brought bad news from the North. The University of Colorado’s National Snow and Ice Data Center and NASA announced that Arctic sea ice had declined by 25 to 30 percent of the continental United States. In the West, 3.6 million acres were ablaze with wildfires—nearly twice the August average, and the most in the 12-year period of record.

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The public is ready for us to take action, but we are not. We are, as I have said in a previous speech, sleepwalking. As Congress sleepwalks, Americans actually are taking action on their own. In coordination with the National Communication 350.org, for example, students at more than 150 colleges and universities across the country are pressuring those institutions to sell off the portions of their endowment portfolios that are invested in fossil fuel companies. These students are instigating their schools to weigh the real cost of climate change against the drive for greater financial returns and divest from the polluters.

This type of divestment campaign was employed effectively in the 1980s to pull investment from South Africa during apartheid. With American college

est calendar year on record for the contiguous United States. December would have to be one full degree Fahrenheit colder than the coldest December on record to prevent that from happening and make up for the exceptionally hot first eight months of the year.

The overwhelming majority of scientific research indicates that these observed changes in the Earth’s atmosphere are the direct result of human activity; namely, the emission of carbon dioxide from the burning of fossil fuels.

Just last week, Dr. James Powell, former Reagan and George H.W. Bush appointee to the National Science Board, released a new review of the scientific literature, in which he searched for articles that express rejection of human-caused global warming or propose an alternate explanation. He looked at 13,950 peer-reviewed climate articles from 2006 to 2012, peer-reviewed climate articles. Madam President, 24—24—either rejected global warming trends or denied the human contribution to warming.

I am not even sure if viewers looking at C-SPAN can see it, but on this circle pie graph I have in the Chamber, this little red line depicts the 24 articles out of the 14,000. It is a tiny fringe.

The science is clear, and more and more Americans accept that the science is clear behind climate change. An AP poll out just last week found that 78 percent of Americans accept the reality of climate change.

In the first year of this administration, the United States of America has ever experienced the second costliest. The hurricane on record, claiming more than 100 lives, and the second costliest. The hurricane on record, claiming more than 100 lives, and the second costliest. The hurricane on record, claiming more than 100 lives, and the second costliest. The hurricane on record, claiming more than 100 lives, and the second costliest. The hurricane on record, claiming more than 100 lives, and the second costliest. The hurricane on record, claiming more than 100 lives, and the second costliest. The hurricane on record, claiming more than 100 lives, and the second costliest.
and university endowments estimated to total more than $400 billion, this movement by students deserves significant attention.

In the Senate, the key legislation such as the Water Resources Development Act must reflect the reality that our climate and our country are changing, that we need to prepare for these changes. We should take direct legislative action to mitigate climate change. We should defend the administration’s carbon pollution standards which will require new and existing powerplants to clean up their smokestacks.

The United States must support the Department of Defense, the world’s single largest consumer of oil, as a leader in energy efficiency and alternative fuel development for our national security sake. We must extend the production tax credit as our colleagues, Senator Mark Udall of Colorado, has so often and so eloquently pressed us to do. The American Wind Energy Association is pushing for a 6-year extension of the production tax credit to grow a vibrant wind power industry in America.

A greener economy provides a cleaner and safer future for Americans. More Americans already work in the green industries than in the fossil fuels industry. A Brookings Institution report found the clean economy employs 2.7 million workers. That is manufacturing and exports, not just those that support a strong middle class. But in Congress, we are sleepwalking through history. We are sleepwalking through history, and we must wake up; awaken to our duties, awaken to our responsibilities, awaken to the plain facts that lay all around us if only we would open our eyes and see them.

The public has every reason to want to grab us and give us a good shake. We are sleepwalking through this era, lulled as we sleepwalk by the narcotics of corporate money, corporate money out of the pockets of polluters and their allies. We are lulled by the narcotics of manufactured doubt planted in a campaign of disinformation by those same polluters and allies. But history is calling us loudly and clearly. History is shouting through our ears. We are oblivious, sleepwalking along.

The people across the country and around the world are counting on us. They are imploring us. We have responsibilities to them. Yet in Congress, we ignore the facts. We ignore our duties. We sleepwalk on. It is irresponsible and it is wrong.

I yield the floor.

REMEMBERING DANIEL K. INOUYE

Mr. BAUCUS. Madam President, I would like to say a few words about our close, beloved friend, colleague, Danny Inouye. Danny served to the shock of anyone in this body I respected and loved more than Danny Inouye. His broad smile, his desire to work with you, help you, his interest in finding common ground, his decency, his honesty, his forthrightness, and his dedication to service is unsurpassed.

Someone pointed out to me that when Dan was first chairman of the Senate Appropriations Committee, he passed all of the measures through his committee virtually unanimously. We should stop and think about that for just a second. This place is now so polarized, it is so difficult to get measures passed. Committee chairman, worked with his members so virtually every bill in his first year was passed unanimously. There was one that was 29 to 1.

If only we would stop and reflect on that a bit, it would help us to work better together. Dan also worked very closely with Ted Stevens. One time Ted was chairman of the Appropriations Committee, another time the ranking minority leader. Dan was a marksman. He was a sharpshooter. He could not sleep. He was counting the soldiers he shot and killed, and that had a huge, profound effect on him.

Years later, the Senate was debating the Iraq war resolution. Senator Byrd walked up to Senator Inouye. Senator Byrd, as we will recall, was very much opposed to the United States entering the war in Iraq. For the Senate floor and very eloquently explained why it was the wrong thing to do—the United States should not send troops over to Iraq.

Well, Senator Byrd walked over to Danny and said: Danny, I have to ask you if you can support this resolution. I know you cannot because, my gosh, you are a war hero and given your military service.

Danny right away said: Oh, no, I will vote with you because it is the right thing to do. It is wrong for the United States to send troops over to Iraq.

Danny said it was largely because of that experience, when that soldier reached in his pocket and showed him photographs of his family, that it just changed him. It changed Danny and made Danny realize the importance of not going to war unless it is absolutely, totally necessary, and going to Iraq was not necessary.

I was so impressed with Danny in so many different ways. When I was first here, Danny was assigned to defend Harrison Williams who was charged with ABSCAM violations. I remember,
right over here on the side over here. Danny set up; that was his responsibility as a lawyer on the floor to defend Senator Williams. I was stunned at Danny’s presentation. It was so good. It was so thoughtful. He spoke with such authority. Sure, he was a lawyer doing what he was supposed to do, but as I said, it was stunning. He was an amazing man. It may be kind of a small thing. It may not be something that is repeated terribly often on the floor of the Senate, but I was stunned at how he did it. Other than that, I have also dealt with him personally on matters dealing with the Appropriations Committee and sometimes on matters dealing with Montana.

I was really honored; we have this tradition around here called the secret Santa where we give presents secretly to one of our colleagues. I drew Danny Inouye’s name. I was Danny’s secret Santa. I thought: My gosh, what am I going to do to sufficiently honor Danny.

I thought a little bit. Years ago there was something in Montana called the Devil’s Brigade. During World War II the U.S. military joined with Canadians and set up secret training for rangers to go into the mountains and valleys, and so forth to go over to Europe and help fight the war.

It is interesting, this is a precursor to all of special operations: Navy SEALs and Rangers and all of the special operations sprung from this secret joint U.S.-Canadian effort in Montana. It was called the Devil’s Brigade. They went over in their first big operation to scale a cliff that was outside Rome, a hill held by the Germans. The Romans thought no way in the world they would someone come up the cliff, so we will not defend the cliff.

Sure enough, the Devil’s Brigade climbed that cliff at night. They beat the Germans up on the top. I thought this was the great gift for Danny since World War II and Italy meant so much for him.

But, regretfully, when I went to the little ceremony, Danny was not there and I could not give him my Secret Santa gift—but it is a small thing. As I walked over here, the secretary in my office said: Senator, you should see this. A letter came in today, just today, this morning. It is from Danny, and it was wishing me happy birthday. My birthday is 4 days away, Pearl Harbor, and it just gratuitemented me. This was something thoughtful Danny did. He did it himself. It wasn’t an office letter. It was something he wrote himself.

I will just finish. There were a lot of things about Danny, but the one thing I think that is so appropriate, again, Dan was such a statesman. He was beloved, obviously a hero, and all the things we like to talk about.

I would like to read a little excerpt from a book. It is a preface Dan wrote. Dan wrote his own personal history. It is a “Journey to Washington” by Senator Danny Inouye.

There is a preface, written by Senator Mike Mansfield, at the beginning of the book, and I would like to read this preface. It summarizes Danny.

The life of Danny Inouye has carried him from the streets of Honolulu into war, into law and politics, and, now, into the Senate of the United States as the first American Senator of Japanese ancestry. Dan Inouye’s life is a personal triumph, a triumph of a man’s courage and determination. But his triumph is, in the end, the triumph of America. The recognition which has come to Dan Inouye, like others before him, reveals the resilient capacity of this nation for replenishment, with energy and wisdom drawn from the many wellsprings of the human race. The story of Daniel Ken Inouye, an American, is, in truth, an enduring chapter in the story of America.

So, Danny, aloha.

The ACTING PRESIDENT pro tempore, The Senator from Maryland, MA. MIKULSKI. Madam President, I ask unanimous consent to speak as in morning business.

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

MA. MIKULSKI. I would like to compliment the Senator from Montana on his deeply moving and so personal reminiscences. It was both touching and manly. Thank you very much. It was inspirational.

Sandy hurricane

Madam President, I come to the floor—and I am so glad the Senator from New York is the Presiding Officer—because here we are, the Chamber is vacant. It looks like the Senate is not moving. The Presiding Officer is a Senator from New York, along with Senator SCHUMER. I am a Senator from Maryland, and we have been hit by a hurricane. We have been hit by Hurricane Sandy.

I come to the floor to say, as we reflect on the life of Senator Danny Inouye, we should also reflect on his work, which is to move appropriations bills in a timely way—and particularly when that appropriations bill deals with the supplemental appropriations to meet the compelling human needs of our communities and our people when they have suffered a natural disaster.

The clock is ticking. We have businesses that need to restart. We have homes that need to be rebuilt. In my own state of Maryland, we have seen double whammies. As the hurricane came forth on our coastal areas along the beloved Chesapeake Bay and the Atlantic Ocean, we were hit by the hurricane. Then up in western Maryland, Garrett County, called the Switzerland of Maryland, we were hit by a blizzard—a blizzard.

Where are we now? It has been days. The TV cameras have left, but the compelling human need has not.

What is the Senate facing? Inertia. What do we have here? Inertia. What do we have there? Inertia. I am very tired that more gets said than gets done. This is the time to act. My constituents truly need help, and we have been here.

I am going to congratulate Senator MURRAY and Senator LANDRIEU, who chair the subcommittees in Appropriations on FEMA and THUD because it will be FEMA money and community development block grant money that will help these communities. Now we are going to need the Corps of Engineers, who have deep roots in public investments that will protect private property. It has been 2 months since Sandy, 2 months. Surely, we can act.
The President has made a request. Yes, it is a hefty $50 billion. But look at who was hit, a big city that is one of the heartbeats of America, New York, and a little community such as Crisfield. But no matter whether someone in New York City or in Crisfield, MD, they deserve the help from their government.

I say to my colleagues, let us think of the people we were sent to represent. We weren’t sent to represent a bottom line: we were sent to represent people. I would hope we would put into place, that we would pass the President’s request. We have great policies that were arrived at—and if you truly want to honor Senator Inouye, let us honor his own code of conduct, a gentle way, a consensus builder, a bipartisan builder, and a worker to move this bill.

Senator Inouye chaired the full Committee on Appropriations these last couple years. His own staff shared a story with me, and it is relevant today. So those who say let us make sure we defend America, let us also make sure we put the money in the Federal budget on how it defines America.

The way we define America is when one community is hit, all communities are hit. If New York is hit, Crisfield or Ocean City, all communities have been hit. We need to act like the United States of America because the disaster the Chair and I faced 2 months ago could be somebody else’s disaster tomorrow. And the real disaster should not be in the Senate because we failed to act.

I call my colleagues to the floor, and I call them forth to pass these appropriations and to move forward. Working on both sides of the aisle to have a safer country from either a defense or a disaster perspective, and I also look forward to moving this bill in a way that we will define our country, that we are a country that helps, neighbor helping neighbor.

I yield the floor.

Mr. LEAHY. Madam President, I wish to praise the senior Senator from Maryland. I was out here listening to what she said but not just the words. She believes them. It is a passion. She cares.

She and I have served on the Appropriations Committee for about 100 or 200 years, I think. She was a child when we went there, but we have served there together. We both have lost one of our dearest friends, Senator Inouye.

But over and over in that committee, I have heard her stand and say: People are involved. These are human beings, and we ought to stand up for them.

I have heard her stand and say: People of our dearest friends, Senator Inouye.

Whether the disaster has been in California, on the east coast or in Southern States or in the west, we come together, and that is what we are trying to do. I would defy any Senator who has worried about coming together to help these people to go to one of the homes. Go to one of the homes on Long Island. Go to one of the homes that has been devastated. Go to one of the businesses where we have a couple who spent their whole life building up their business, hoping to have something to leave to their children, and now they are looking at rubble. Come on. These are real people. This is the United States of America.

I suggest the absence of a quorum. The Acting President pro tempore. The clerk will call the roll.

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

The Acting President pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The Acting President pro tempore. Morning business is closed.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT

The Acting President pro tempore. Under the previous order, the Senate will resume consideration of H.R. 1, which the clerk will report by title.

The Assistant legislative clerk read the amendment as follows:

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

Pending:
Leahy (for Inouye) amendment No. 3338, in the nature of a substitute.
Leahy (for Inouye) amendment No. 3339 (to amendment No. 3338), of a perfecting nature.
Merkley amendment No. 3367 (to amendment No. 3338), to extend certain amendments to the Department of Labor, Health and Human Services, and Education; and Related Agencies Appropriations Act, 2011, to support the Alaska Native Service Corps.
McCaskill amendment No. 3355 (to amendment No. 3339), to strike funding for the Emergency Forest Restoration Program.
Tester amendment No. 3350 (to amendment No. 3339), to provide additional funds for wild land fire management.
Cook amendment No. 3361 (to amendment No. 3339), to provide additional funds for wild land fire management.
Coburn/McCain amendment No. 3371 (to amendment No. 3339), to ensure that Federal disaster assistance is available for the most severe disasters.

Mr. LEAHY. Madam President, I see the distinguished senior Senator from New Mexico on the Senate floor, and I yield to him.

The Acting President pro tempore. The Senator from New Mexico.

Mr. BINGAMAN. Madam President, I thank my colleague Senator LEAHY.

Madam President, what is the pending business before the Senate now? Is it an amendment to this amendment?

The Acting President pro tempore. Amendment No. 3371 is the pending business.

AMENDMENT NO. 3344

Mr. BINGAMAN. Madam President, I ask unanimous consent that the amendment to this amendment be set aside and that I be permitted to call up Amendment No. 3344 and ask for its immediate consideration.

The Acting President pro tempore. Without objection, it is so ordered.

The clerk will report the amendment.

The Assistant legislative clerk read the amendment as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself, Mr. WEBB, and Mr. WYDEN, proposes an amendment numbered 3344.

The Acting President pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(I propose: To provide for the approval of an agreement between the United States and the Republic of Palau in response to Super Typhoon Bopha.)

At the appropriate place, insert the following:

SEC. 1. APPROVAL OF THE 2010 U.S.-PALAU AGREEMENT IN RESPONSE TO SUPER TYPHOOON BOPHA.

(a) IN GENERAL.—The agreement entitled “The Agreement Between the Government of the United States of America and the Government of the Republic of Palau Following the Compact of Free Association Section 432 Review” signed on September 3, 2010 (including the appendices to the agreement) (referred to in this section as the “Agreement”) is approved (other than Article 7 to the extent it extends Article X of the Federal Programs and Services Agreement) and may only enter into force after the Secretary of the Interior, in coordination with the Secretary of the State of the Republic of Palau Following the Compact of Free Association Review” signed on September 3, 2010 (includ-

(b) FUNDING.—

(1) IN GENERAL.—There are appropriated to the Secretary of the Interior such sums as may be necessary for each of fiscal years 2011 through 2014.

(2) AVAILABILITY.—Any amounts appropriated under paragraph (1) shall remain available until expended.

(3) EMERGENCY DESIGNATION.—Amounts appropriated under paragraph (1) are designated by Congress as being for an emer-

Mr. BINGAMAN. Madam President, this is an amendment offered by myself.
and cosponsored by Senators Webb and Wyden. It would provide for the approval of an agreement between the United States and the Republic of Palau in response to Super Typhoon Bopha.

People are aware that as Hurricane Sandy was making its landfall in the northeastern part of our country, the United States, a super typhoon known as Bopha was tracking a path of destruction across the western Pacific. The central part of this storm, which is one of our closest allies and with which we are tied by a strategic alliance known as the Compact of Free Association, was struck by Bopha on December 2, causing extensive damage. The President of Palau declared a state of emergency, and the U.S. President, acting through the Department of State, issued a disaster declaration for Palau.

This massive storm went on to kill over 1,000 people in the Philippines. Fortunately, there were no deaths in Palau. Landslides and storm surge and torrential rains caused widespread damage.

A week ago the Ambassador from Palau, the Honorable Hersey Kyota, wrote to me as the chair of the Committee on Energy and Natural Resources, which has jurisdiction for assistance to nations that are in free association with the United States. The Ambassador asked for my help in responding to the disaster, but he did not ask for additional funding. Instead, the Ambassador asked that the agreement on future assistance that was signed between the United States and Palau in 2010 be added to this emergency supplemental so the funding already agreed to by representatives of the United States would become available for disaster relief and recovery in Palau.

I fully support the request by the Ambassador. I am glad to have the cosponsorship of my colleagues Senator Webb, who is chairman of the Asia-Pacific subcommittee, and Senator Wyden, who, of course, is the incoming chair of the Energy and Natural Resources Committee, and I urge my colleagues' support of the amendment.

The amendment tracks S. 343, which was introduced by me in February of 2011. At that time it was cosponsored by Senators MURkowski, AKAKA, and WEBB. The agreement to be approved would extend and phase out U.S. assistance that ended in 2009. The agreement would extend and phase out U.S. assistance by 2024. Congress has provided stop-gap funding since 2009, but the Department of State—through the Committee—would approve our defense posture in the Western Pacific.

The agreement provides for the phased out of financial assistance for operations, construction, and maintenance. The Congressional Budget Office's 10-year budget estimate for direct spending is $371 million. This U.S. commitment to future funding would make a crucial contribution to Palau's efforts to respond and recover from this present disaster.

U.S. failure to respond to the needs of this strategic ally in its time of need, by simply approving the already signed agreement would signal to Palau and to most other nations in the Pacific that the United States is an unreliable partner. So I urge the support of my colleagues for this amendment and for approving the agreement to assistance to Palau so they may have the resources needed to respond to Super Typhoon Bopha.

Madam President, I yield the floor, and I note that the absence of a quorum.

The assistant legislative clerk proceeded to call the roll.

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

The acting presidential pro tempore. The clerk will call the roll.

Mrs. HUTCHISON. Madam President, I rise today to address this Chamber for possibly the last time as the senior Senator from the great State of Texas.

I have to say it is an ironic note that if I had given my farewell address last week, there would have been so much joy in the halls of the Capitol, ringing with the laughter and the anticipation of our season's happiest time. But in just a week, a sadness has set in with the news of a massacre of innocent children in Newtown, CT, followed by the loss of our wonderful colleague, Senator Danny Inouye.

So I will leave this extraordinary institution with a heavy heart for those who have been lost in the last few days.

I want to thank the people of Texas for asking me to represent them in Washington. I want to thank the many people who have served on my staff for the last 50 years. I am sure that both benches on both sides of this room are filled with my staff members who have been so hard-working and so loyal and have produced so much in 20 years for our State and Nation, and I thank them.

I want to thank my colleagues and all the people who work here, the Senators, but also those who work behind the scenes to make our lives as good as they can be with the hard hours we all have; those who keep our buildings safe and clean, who work in the libraries, the shops, the cafeterias, and who welcome tens of thousands of tourists through our Nation's beautiful Capitol each year.

I want to thank my husband Ray and our two children Bailey and Houston. They are 11 years old now, and so many of my colleagues who were here when I started bringing my children as babies have watched them grow up. The Senate isn't easy on families. They have sacrificed so I could serve the people of Texas, and I am grateful for their patience and generosity. They have loved coming to the Capitol—11 years for the children and 20 for my husband Ray. And I know my children's fondest memory, if I ask them what they most remember about the Capitol, is playing soccer in the Russell Building's hallways in the evenings when the coast is clear.

I would not be here today if it were not for my parents who gave me the gifts of strong values, unwavering support, and education to be whatever I wanted to be. I must say that my parents were surprised when they saw what I wanted to be. They would never have thought that their daughter, growing up in LaMarque, TX—a town of 15,000 good people—would think she could be a United States Senator. We had a wonderful public school system, and I am proud to say I am a product of public education. My public schools in LaMarque—we refer to it as the University of Texas Law School prepared me to be what I could be.

It has been a privilege to walk these halls in the Capitol of the world's greatest and longest serving democracy.

I think back to the days that stand out in our memories. September 11, 2001, of course, is the one none of us will ever forget. We know exactly where we were the minute we knew there was a terrorist attack on America. And though we suffered a horrific attack, the strength, resilience, and extraordinary acts of kindness of the American people and those who attempt to destroy our way of life would never succeed. On that day, no one could get in or out of Washington and many communications networks were inoperable. So when the Pentagon was hit and the Capitol was evacuated, my staff and I walked one block to my home on Capitol Hill. Just as an example, the husband of my office manager worked in the section of the Pentagon that had been hit, so we were on the scenes to make our lives as good as possible, anyone we thought might be able to tell us if he was safe. Thankfully, he was fine. But there were so
many who waited for hours, who called hospitals, to hear from their loved ones. Sometimes the news was a relief and sometimes they waited in vain for good news.

I have to say it was an incredible moment for the Senators who could find each other, wherever they had gone from the Capitol, finally gathered late afternoon in the Capitol Police headquarters to talk to our leaders who had been taken to an undisclosed location. They said, We don’t want anyone to come, but we were going to the steps of the Capitol to hold a press conference. We don’t want anyone there because we don’t know if it is safe, but we want to tell the world we are going for business tomorrow and do the Nation’s business, even though there was suspicion that the Capitol had been on the terrorists’ list of targets.

Every single one of the Senators—and I wish I could have made it to the Capitol Police headquarters—did come to the Capitol steps, as did Members of the House of Representatives. After the press conference was held by the leaders, all of the Senate staff who had gathered spontaneously broke out singing “God Bless America.” That was a time that said this is the strength of our country and we will not be defeated.

As I exit the Senate, I am aware that we are divided as a legislative body and as a country. I do not think we have different goals—not here, and not in America—but we do have different ways of reaching them. Congress suffers great deal of criticism, for partisan acrimony. But while we may disagree politically and air our opposition in this Chamber, it is the conversation behind the scenes that cements and defines our relationships. I will leave the Senate knowing I have worked with men and women of great patriotism, intellect, and heart on both sides of the aisle.

I wish to thank my colleagues, Democrat and Republican, for the many wonderful working relationships I have had the good fortune to see realized. We have worked with men and women of great patriotism, intellect, and heart on both sides of the aisle.

Let me give you some examples of how relationships can produce results. During the anthrax scare, the Hart Building was closed for a month, which made it very difficult, of course, for Senators based there to do their work. Democrats joined in my offices in the Russell Building. My chief of staff at the time gave them full access. One of Senator Feinstein’s staff members commented on that: A Republican office giving Democrats free rein? But my chief of staff said, They had full access because we trusted them.

Senator Feinstein and I have teamed up to pass important legislation—the Hutchison-Feinstein Ovarian Cancer Surplus—bill that, through voluntary purchase, has raised $72 million for breast cancer research. That was Senator Feinstein’s idea. And when I was still the Senator from Texas, I took on the Amber Alert for abducted children nationwide, which has accounted for rescuing almost 600 children since its passage.

I remember when Senator Hillary Clinton stopped by with her chief of staff to wish me happy birthday the first year she was in the Senate. It was just a few months after she had arrived, and my staff was surprised—and possibly a bit star-struck—to see the former First Lady walk into the room. We went on to work together on Vital Voices, a global partnership dedicated to supporting and empowering women leaders and social entrepreneurs in emerging economies. We also teamed up with Senator Mikulski and Col. LINS to assure public schools had the option to offer single-sex schools and classes, after I visited with Secretary of Education Rod Paige the Young Women’s Leadership Academy in the Harlem area of New York City—one of the first and most successful pilot projects for girls’ public schools, with which I know the Presiding Officer is very familiar.

I remember the time I invited Senator Barack Obama to Texas, because she and I have worked together supporting NASA for so many years, and this year she was chairman and ranking member of the Appropriations subcommittee funding NASA. We went to visit the Johnson Space Center because I wanted her to see the great work they are doing there. Then I took her to the Houston rodeo because I wanted her to see the Texas culture. Well, I am not sure the Senator who grew up in the inner city of Baltimore would be comfortable dressing up at the rodeo, but suffice it to say there were a lot of rhinestones and cowboy boots and big hair and big hats. Senator Mikulski whispered to me during this time, “Kay, if we were here Monday and we went to the Chamber of Commerce, would these people look like this?” And I said, Yeah, pretty much.

Senator Mikulski and I also teamed up to pass the Homemaker IRA, to make sure our stay-at-home moms and dads would have the same opportunity for retirement savings that those who work outside the home have, and it has been a huge success. We also cosponsored the National Breast and Cervical Cancer Early Detection Program. She is a skilled legislator and a dear friend.

Senator Jay Rockefeller has been an outstanding chairman of the Commerce Committee. We don’t always agree, but as the leader Democrat and Republican we have worked hard to reach consensus, and we have gotten things done—the FAA bill, started the planning for the next generation of air traffic control systems; the highway bill that brought the NASA result that ensured we would keep the focus on our space program that has been instrumental in our national security and economic development, with tremendous help from Senator Bill Nelson, who is the only one among us today who has actually been into space.

In a Congress that has been marked by little progress, we have found a way forward. For some, that might not be something to take pride in. But we have moved the debate by passing legislation that keeps the country running, and I am very proud of what we have been able to accomplish. Our Commerce Committee has been one of the most productive in the whole Congress. And I count him as a friend.

Maria Cantwell and Harry Reid and I have worked to address the issues of our State’s taxpayers to have the same deductions as those who have in- come for retirement security savings that, though the parity has been so important.

Leader Mitch McConnell has guided our party and our conference through the past 6 years. He is a gifted leader and one whom I have witnessed time and time again come up with strategies that have gotten things done in the right way.

Senator Jon Kyl and I have worked on immigration and death tax relief. Senator Lamar Alexander and I have cosponsored the American Competes Act, so we would continue the priority of scientific research and that we would never fail to invest in research because it is the sequel for our economy.

I am very pleased the distinguished ranking member of the Judiciary Committee and the Finance Committee—Finance Committee now and Judiciary before—is also on the Senate floor. He has been a wonderful friend to me, helping me in my very first election when he was the rock star at my fundraisers in Texas. I thank Senator Orrin Hatch for his long membership in this body.
I have had the wonderful, good fortune to serve with two colleagues from my home State. First, Senator Phil Gramm, who was a wonderful mentor and colleague. They broke the mold after Senator Gramm. We always enjoyed our school rivalry—he being a Texas Longhorn and I being a University of Texas alum—they like to call them hopeless Tea-sips, but we are proud Longhorns.

I have had a great relationship with my mother who is soon going to be the senior Senator from Texas. We call her Senator Cornyn. JOHN CORNYN, I am very pleased to say, is going to get the opportunity that I have had all these years when people trip up and introduce me as the senior citizen of Texas. I turn that mantle over to my colleague, Senator Cornyn.

I am very proud he is going to be the deputy Republican leader in the next Congress. I know he is going to be a steady hand at the wheel as we try to steer the ship of state in the right direction. He has proven time and again that his steady leadership is the one that rises to the top. I thank him for being on the floor as well today.

In fact, I want to praise our entire Texas congressional delegation. We call it Team Texas. It is a spirit that holds our delegation together, Republicans and Democrats. I have noted that there are those in Washington who think Texans are a little too loud, and we do talk too much, but I can assure everyone that Team Texas’ hearts are as big as our mouths. It has been a long and wonderful 19-plus years. We hit the ground running, and we have never stopped. When I was first elected in a special election in 1993, we had two—actually four full planeloads of people flying up for my swearing in. Because it was a special election, we filled the entire gallery. Those rowdy Texans were so happy to watch and participate in the ceremony. It was a great day for me, as well as my wonderful and loyal friends and supporters.

I started having weekly constituent coffees that first year because there were so many visitors from Texas and I wanted to make sure at least there was one time every week that any Texan who was here who wanted to see me could come and visit and was welcome. So every Thursday morning around 9:30 a.m., the person in the visitor’s office would let this first effort was the wife of a three-star general who volunteered her time in our offices. I think it was as much her handling of the event as the idea itself that has led many other Senators to take up this practice and get a chance to always visit with their constituents at least once a week if they were otherwise going to committee meetings or having to do their work and were not able to see everyone. I want to thank Gert Clark for putting her station in our Senate hospitality.

Some of the most powerful moments that will stay with me forever were spent with our members of the military. Visiting with them where they are in harm’s way across the world is one of the most moving of all experiences. I will never forget the first time, in the early 1990s, flying into Sarajevo in an undercover C-130 that was disguised as a Red Cross delivery of peaches. After 27 years in the Air Force, I actually had on the C-130—and I have to say my good friend, Danny Inouye, was on that trip with us, as I look over at his empty desk with the white flowers, as was Senator Ted Stevens. We flew in to see our troops.

Later I went back to Bosnia to spend Easter with our troops where we had the most beautiful Easter sunrise service I have ever attended or ever will. It was in an open-air hangar with our service men and women who were deployed there. For the first time it was a Texas Guard unit that was in command of the base, and it was the first time since the Korean war that we had a Guard unit in command of an operation. I was proud of a great job, which led to many Guard units from other States also to take command of bases and operations.

I flew out of Baghdad—this was in the last few years—in another C-130 which was scheduled on the plane, and no lights on the runway to make sure there was no clue to the enemy that we were leaving when they were firing missiles around the airport. Or the times I had visited Afghanistan, Iran, and other places. But with Senator McCaIN, our troops were sleeping on cots. There were probably 600 or 700 cots in an old Russian-built aircraft hangar, before anything had been brought in for living quarters for our troops. All of their belongings were under their cots, and that was all they had for that first mission into Afghanistan.

I have always been one who has such great respect and gratitude for our men and women in uniform who put their lives on the line and pledge to give their all for our freedom. The power to wage war is an enormous one, and the weight of its responsibility should rest heavy on our shoulders.

I leave this Chamber proud to have worked to assure our men and women in uniform have the best training, the best equipment, and the quality of life to do the job we are asking them to do. Because of my deep respect for our Armed Forces, and our service members, I was honored to be the first woman in 20 years to chair a subcommittee on Armed Services. The woman before me was Margaret Chase Smith. As the only woman to chair the Senate Republican Policy Committee, I was pleased to be a part of Republican leadership for many years—again, the first since Margaret Chase Smith.

When I was first running for office I said I wanted to make things better for my州. I leave the Senate knowing that January will see the greatest number of female Senators in our Nation’s history. I know the torch will be carried on by the next generation. It is no secret that Texans have a particular sense of state pride. I am no exception. I have deep Texas roots. The Senate seat that I hold first belonged to Thomas Jefferson Rusk, my great-grandfather’s first cousin, and good friend. They both signed the Texas Declaration of Independence from Mexico in 1836. That history reminds me every day that we must protect the freedom that so many of our forefathers fought to retain. My colleague sitting on the Senate floor is in the Sam Houston line, and that is a proud line too. Thomas Jefferson Rusk and Sam Houston were the Commander in Chief and Secretary of War of the Texas Army when we fought for independence. It is so fitting that those two were our first two selected Senators when Texas became a State in 1845.

Each summer I take a week to tour different parts of Texas on a bus. It has been so much fun. We did the first one, which was the El Camino Real de los Tejas that we had just passed a bill to designate as a national historic trail, and we went from the Louisiana border to our State capital to a different part of Texas. It is my State staff’s favorite week of the year as well.

I am one of the few to have had the opportunity and the absolute pleasure to visit all 254 counties in Texas. I have met Texans from all walks of life who have opened their homes, their businesses, and shared their stories.

I will be sad to leave, but it is time. I believe strongly that we should keep the lifeblood of Congress pumping. It is good to have new waves of legislators come in with fresh ideas and perspectives after every election. But while I believe strongly that we should keep new blood in Congress, I also want to say a few words of praise for experience.

Knowing the history of an issue is essential to monitor progress. Knowing what an agency should be doing, knowing what was put in law and why allows for better oversight. The expertise of our longer serving Members is an essential part of good governance.

I hope some of the priorities I have championed will continue. Investment in technology and education and encouraging more young people to study science, technology, engineering, and math, known as STEM, will make sure we are bringing forward those young minds with the creativity and the engineering background to create the economies for the future. It is so important. This has been the lifeblood of our economy, and it must continue.

Saving the manned space exploration program and ensuring the long-term future of NASA is an essential generator for our economy. Ensuring that stay-at-home moms and dads who worked so hard raising children and
contributing to the community have spousal IRAs to save for retirement, and easing the marriage penalty by doubling the standard deduction—these are a few of the things I hope will continue to be championed as I leave.

It is been much an honor to serve in the Senate. I hold with the hope that the values that built America into the greatest Nation on Earth will be protected so that future generations will have the same opportunities we have had in this great country, opportunities which our forebears sacrificed so much.

I yield the floor.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Texas.

Mr. CORNYN. Madam President, Texans have a profound sense of history, and it is only appropriate that Senator HUTCHISON should mention the fact that we both come from long lines of Texans, starting with Thomas Jefferson—she held her Senate seat, and Sam Houston, who held the Senate seat I hold. I will never forget Senator HUTCHISON coming to the floor of the Senate every March 2, Texas Independence Day, and regaling the Chamber with Travis’ letter from the Alamo, reminding everyone about an important event in Texas history, a tradition which she carried on after Senator John Tower did for so many years when he served here.

This is a historic moment for many reasons. First because we are paying tribute to an extraordinary woman who has made history by being the first Texas female United States Senator and someone who has spent the last two decades fighting for common-sense values in our Nation’s Capitol. While it is hard to summarize Senator HUTCHISON’s great work in just a few short minutes, I am going to try. I am going to try to highlight some of her signature achievements and explain why they joyous such outstanding support from her constituents back in our great State.

To start with, I cannot think of any Senator serving in this Chamber who works harder than KAY BAILEY HUTCHISON. Sometimes I affectionately refer to her as the Energizer Bunny of the Texas delegation. She is tireless and she is relentless in her pursuit of what she believes is in the best interests of the constituents in our State. As such, she has been a tireless advocate for Texas military families. We take great pride in the fact that 1 out of every 10 individuals who wears the uniform of the U.S. military calls Texas home. Of course, some of the most powerful tributes to KAY’s legacy are what we have heard from our men and women in uniform.

It is no exaggeration to say every military base in Texas has felt the impact of her work on various Senate committees. I know how deeply proud KAY is of the work she has done to help the troops stationed in Texas from Fort Bliss in the west to the Red River Army Depot in the east—which I dare say she pretty much singlehandedly saved from being BRACed the last time that occurred—from Sheppard Air Force Base in Wichita Falls to the Naval Air Force Base in Corpus Christi in the south. Not only has KAY worked to preserve our troops with the resources they need, she has done a whole lot to help returning veterans and, of course, their families.

We all talk about supporting our troops when they are deployed overseas, but it is the not enough—discussing ways to help them assimilate back into civilian life. As the son of a U.S. Air Force veteran who spent 31 years in the Air Force, I am acutely aware, as KAY is, that is not just those who wear the uniform who serve but their families as well.

Many returning vets and their families encounter a whole range of social and economic hardships that can be hard to overcome. Most notably, the unemployment rate among non-military veterans who served in Iraq is significantly higher than for the general population, something I know KAY has worked on extensively. She has also worked to get our veterans the medical assistance, the job training, and the financial support they need. Indeed, I don’t know of any Senator who has done more to help America’s heroes adjust to life after the military. That is just one of the reasons why she will be sorely missed.

Here is another reason KAY will be missed. She has fought time and time again to promote tax relief for hard-working Texas families. In the mid-1990s, as she alluded, she helped to create the so-called homemaker IRA to make sure stay-at-home moms and dads were able to save for their retirement on an equal basis with their counterparts who worked outside the home. I know it is one of her proudest achievements, and I am proud to join the Senator from Maryland, Ms. BARBARA MIKULSKI, in attempting to rename this IRA the KAY BAILEY HUTCHISON spousal IRA in her honor. I hope we can join together and honor Senator HUTCHISON by getting that done before we close out our business this year.

KAY, of course, has always championed the State sales tax deduction, which may not seem like a big deal to others in this Chamber, but it is a big deal back home in Texas as a matter of fundamental fairness because we don’t have a State income tax. I daresay we will never have a State income tax as long as I draw a breath. However, we do pay State sales taxes, and it is only fair that Texas enjoys the same sort of deductibility for the State sales tax that other States have enjoyed for the State income taxes.

KAY has also worked to reduce the marriage penalty tax. She has been a strong defender of taxpayer interests, and her efforts have made the Tax Code less hostile to saving and to families.

She alluded to her great work with NASA. She is one of the Senate’s leading supporters of NASA and human space flight. NASA has contributed historical technological breakthroughs that have benefited all Americans. KAY appreciates the vital importance of basic scientific research, long-term investments into which she has the pride NASA has played in fostering innovation. She has long said and advocated for support for NASA because she believes that when we support NASA, we are supporting technologies and the future.

That is why KAY has done so much to help the Johnson Space Center and our universities to promote Texas as a research State.

Her beloved University of Texas is goodful for her support over the years, which is one reason they will soon launch the KAY BAILEY HUTCHISON Center for Latin American law.

KAY has also crafted legislation that has benefited some of the most vulnerable Americans. Her work on behalf of missing and exploited children includes the national AMBER Alert Network, which she introduced back in 2003. As she said earlier, this law has helped to rescue more than 50,000 abducted children who would not have been located for her work. That is a remarkable achievement, and it is more than just a number when we count the human lives which have been so dramatically affected by her work.

A final note. As I said, Senator HUTCHISON has made history serving as a first woman to serve the great State of Texas in the Senate. KAY has always been a pioneer of sorts. As a father of two daughters, that means a lot to me. I am used to being surrounded at home by strong, intelligent women, but having served with KAY, I have also been a partner with a strong, intelligent Texas woman. KAY has been a role model for so many, not just in Texas but throughout the United States. I am honored to be her colleague and I am proud to be her friend.

Senator KAY BAILEY HUTCHISON leaves behind a tremendous legacy of which she, Ray, and her children can be proud. She has a legacy that will long be celebrated by Texans from El Paso to Caddo Lake and from Amarillo to Brownsville, Everyone in this Chamber will miss her, and I know I speak for all my colleagues when I wish her the very best in the next exciting chapter of her life.

I join with my colleagues in saying to the Senator, Vaya con Dios.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I wish to join everyone here in thanking KAY for her great service in the Senate. I have worked closely with her on a wide variety of issues. I have to say she is a fierce advocate. In fact, I have to say all our women Senators have been fierce advocates, and we have benefited from them being here.

KAY has paved the way for Senators—both male and female—to truly become...
better Senators and in many cases great Senators. Kay Bailey Hutchison is a great Senator. She worked her guts out the whole time she was here. She is still here, but she is going to retire at this time and she has represented Texas well.

All I can say is she has been my friend all this time. When I needed help from her, she was always there. I tried to be there for her when she needed help as well. She has not only been a dedicated public servant, she is around but a very intelligent lawyer. She fought for what she believed—most of which I believed in—in a way nobody could truly ever get mad at Kay Bailey Hutchison.

She is a wonderful person, wonderful mother, and we are going to miss her terribly. This is a body where we could use a few more women Senators—maybe a lot more than a few. They are very good people who work very hard and the best of whom is Kay Bailey Hutchison.

I remember at times when I had difficulties with the BRAC system and difficulties with special NASA problems and BRAC problems, she was always there for us. We could always count on her to come up with intelligent solutions to some of the problems that should not have existed but did.

I have personally appreciated her very much during those times and in so many other ways as we worked together on legislation to help this country and as we worked to represent our respective States. I have so much respect for Texas, the people of Texas, and what they stand for. I have great respect for these Texan Senators who are two of the best we have ever had in the Senate.

Senator Hutchison has been an exemplary Senator, not just for women but for all of us. She has also set some standards that I think both women and male Senators are going to have to try to emulate. I just want to say to the Senator that we loved her, we appreciate her, and we wish her the very best. We are going to miss her. This is one Senator who will miss her greatly, and I want her to know that. All I can say is God be with her.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I am pleased to recognize my colleague and commending and congratulating our distinguished colleague from Texas. Her service in the Senate has truly been outstanding and she has made an impact in our Committee on Appropriations. We have deliberated about the funding of all the Federal agencies and departments of the Federal Government. She has been very careful. She is very serious about her responsibilities, and I am glad to be here today to wish her well in the years ahead and compliment her on a very distinguished career in the Senate.

Mr. LEVIN. Mr. President, Michigan and Texas have much in common, despite the fact they are North vs. South, cowboy boots vs. snowshoes, mesquite vs. pine.

One of the things we have in common is water. Our States are, economically, historically, and culturally tied to the scores of ports dotting thousands of American workers whose jobs are directly tied to well-maintained harbors, from the Port of Galveston to the scores of ports dotting Michigan’s shoreline.

Senator Hutchison has shown important leadership on other transportation issues, such as the Harbor Maintenance Act, that help meet the needs of our commercial shipping industry as well as the Department of Defense.

She has been an able and dedicated advocate for Texas. She pioneered the concept of the home-maker IRA, which helped millions of American women achieve greater retirement security. She has energetically pushed for stronger science and educational programs, including the establishment of a groundbreaking medicine, engineering, and science academy in her State.

We shouldn’t be surprised at these and other successes. When she first graduated from the University of Texas Law School, she bumped up against the misguided tendencies of the law firms at the time to dismiss female candidates, no matter how talented. Undaunted, she walked into a local TV station and asked for a job as a reporter and became the State’s first female television reporter. She took a detour, but her experience covering politics led to the Texas House of Representatives, the State treasurer’s office, and eventually the first Texan woman elected to the U.S. Senate.

The Senate will miss her dedication, her quite effectiveness, her ability to seek practical, bipartisan solutions. She has been making history, and I wish her the best in whatever history-making endeavors she turns to next.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I rise also to congratulate and thank a terrific Senator, Kay Bailey Hutchison, and to wish her much success in her further efforts. I know she will provide great leadership in whatever she is doing. It has been wonderful to watch over the years, seeing the pictures of Kay Bailey Hutchison and how they have grown, celebrating her birthday showers. On top of all the other accolades today, Senator Hutchison is a devoted and wonderful mother to two beautiful children.

As everyone has said, she is the first and only woman to represent Texas in the Senate and will always have that distinction of opening doors and barriers. I know she agrees with me that once the doors open, we want to make sure more women are able to walk through that door as well.

I wish to congratulate her for all she has done. We have come together to fight for opportunities for women around the world at the Senate Women’s Caucus on Burma and other efforts she has led. I am very supportive of adding her name to the spousal IRA law. I think that is a very fitting tribute, and I am hopeful we can get that done as well.

I just want to congratulate her. I do want to have the opportunity to talk about something else, but I see my friend wanting to say a few words.

Ms. HUTCHISON. Mr. President, if the Senator would yield for just a moment to let me say thank you to all the wonderful Senators who have spoken and said nice things. It is one of the few times Senators sort of pause and wish someone well, as they are leaving. It has truly been very touching, and I appreciate the kind words of the Senator from Michigan. It has been a distinct pleasure to have colleagues on both sides of the aisle feel we have done so much together. My hope is that as I am going out the door, the collegiality of the Senate will never change.

Thank you. I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT—Continued
Ranking Member Peterson, all stand ready if we can get a positive signal from the House Republican leadership to get this done. There is no doubt in my mind that we can do it. For everyone listening, the issue is not differences in the commodity title, which I have felt. So I am proud to join with others, ranchers across this country—have we will, on a disaster package. Certainty, people in rural America—farmers, ranchers across this country—who are felt the disasters other communities have felt. So I am proud to join with Senator Merkley and Senator McCas-Kill and others in putting forward the portions of the farm bill that deal with disaster relief as part of this package which is now moving forward. I hope we will have an opportunity to vote and come together on that, which is so important. That does not negate the fact that we desire to do that or the fact that we are laser-focused until the last moment we have available on getting it done.

Let me remind my colleagues that farming out the risk is important in the world. There are a lot of risky things we can do. There are a lot of disasters that have happened. I was pleased to have the opportunity to join with our colleague from New Jersey, Senator Menendez, last week to visit some of the coastline in New Jersey and to be a part of a group that looked at the devastation there. And there is no question, it is up to our country at times such as these, when people are wiped out, their homes are wiped out, their ability to come together and to act on behalf of citizens in those States. I strongly support doing that. It is also our responsibility to acknowledge and recognize and help others around the country.

As I said before, there is no business that is riskier than farming. Thank goodness we have people who are willing to stay in farming and ranching regardless of what happens with the weather. Thank goodness; they have a strong crop insurance system in place, and we strengthened that even more, which is incredibly important, in this farm bill. But we have had disasters happen that need to be addressed for those who farm for us.

In the spring we experienced late freezes in Michigan and in New York and in Pennsylvania that wiped out food crops. A lot of small family farms, farms in northern Michigan, were wiped out. In my home State, late freezes and a spring frost caused them to lose practically their entire crop right off the bat. It warmed up, the buds came out, and then they had a deep freeze that killed everything. Our growers produce 75 percent of the U.S. supply of cherries. That is around 270 million pounds. The cherry producers experienced a 98-percent loss.

In our amendment in the disaster bill and in the farm bill, we give them some help. Back in the beginning of the crop year this year having to pay to maintain the orchards and the trees, eating the costs and hoping the trees will bounce back next year and produce a crop. So they have all the costs of maintaining everything but no revenue coming in.

Cherry producers were also forced to fight spreading diseases such as cherry leaf spot and bacterial canker, making the trees even more costly to maintain and at risk of loss. They didn’t just lose their trees, they had to invest a lot of money to save their orchards without having any dollars coming in. We give them some help. It doesn’t cover all the losses but some help to be able to stay in business. We do that through the farm bill.

Apple producers in most areas of Michigan and in New York and in Pennsylvania had about a 40-percent per centation, so they lost 60 percent. Think of this as being losing 60 percent of its income for a year or, in the case of cherries, 98 percent. We have things in place to support them when that happens. That is why we have disaster assistance, and that is why we feel we have something called the farm bill when things like this happen in agriculture or disaster assistance for agriculture, as we are proposing assistance for.

Also, in the summer we saw record-breaking drought, as we know. We heard story after story about families whose crops were left withering in the fields, entire corn crops devastated in Iowa, and wildfires in Colorado killing 2 people and forcing residents to evacuate. A few hundred homes and 340 homes and wildfires cost the State of Oklahoma more than $400 million this year alone according to a report that has just been produced by Oklahoma State University. That includes crops and livestock property loss from wildfires, and emergency costs.

I have heard so many times from my friend, the distinguished ranking member from Kansas, about what has happened in Kansas. We had the opportunity to be there and to hear from people directly in Kansas. My staff has walked in the field and seen that there is nothing there because of the drought and what it means.

This year represented the worst drought since 1956. That is a disaster. At the height of the drought this summer, over 80 percent of the contiguous United States experienced drought conditions—80 percent. We still have 11 States with exceptional drought conditions. Seventeen States across the country, in the Northeast, the Midwest, the South, the Great Plains, the Southwest, and on the west coast—every region except the Pacific Northwest has suffered from long-term drought.

Sixty percent of the farms in the United States experienced drought this year, and we saw severe droughts in 57 percent of farmland acres. By the end of this last October, over half of the states and ranges in the United States were rated poor to very poor. And 1,692 counties in the country, spread across 36 States, were declared a primary disaster area because of the drought.

By the way, there are a whole lot of issues around weather that we need to be talking about and dealing with, and we need to be doing that in the new year.

So this is what is happening for farmers and ranchers. On May 20 only 3 percent of our corn crop was rated poor or very poor, but by the end of September over 50 percent was rated poor or very poor.
poor. Our cattle inventories were at a 60-year low as farmers and ranchers have had to sell off their breeding stock because they don’t have the hay or grazing land to feed them. Low water levels in the Mississippi are affecting grain shipments, threatening to affect wheat, corn, and soybeans in the future. As farmers try to plant their crops, we have seen reports that grain is piling up in elevators while farmers try to figure out alternative routes of shipping their products to market.

Hurricane Isaac caused destruction like nothing we could have imagined. As I said, I saw the damage up close from Hurricane Sandy. Weather disasters have destroyed millions of acres of farmland and affected millions of families in every State and corner of this country.

We are considering a disaster bill today. Well, the farm bill is a disaster bill because it only has disaster assistance but it creates 5-year certainty for our growers, who deserve it. They deserve to know what is going to be happening. They deserve to know so they can go to the banker and talk about financing for the coming crop year and be able to plan as well as get immediate help.

I support passing a disaster bill, and agriculture should be a part of this, but it is not enough. We need to do that, and we need to have a 5-year farm bill in order to create the certainty we need.

We have spent so much time focusing on how we move forward with agriculture today and create the right kind of risk management tools for the future. I am very proud of what we have been able to do.

We—the members of the Agriculture Committees—have also been, frankly, the only committee to step up voluntarily and put money on the table for deficit reduction. We did it during deficit reduction talks. We have done it in the House and the Senate as we have written the farm bills. We are willing to be a part of the solution. We are part of the solution.

One of the things I find very frustrating is that if, in fact, it doesn’t get done this year, those who don’t want reform, those who want government payments even in good times may very well get another year of government payments that we can’t afford and taxpayers should not be paying for. So this really is about reform.

I hear colleagues talking on the other side of the aisle all the time about the things we shouldn’t be doing and the things we shouldn’t be paying for. Well, I would encourage them to join us in the fight to get a farm bill done to stop an area where we have all agreed we should not be providing government payments in the area of direct payment. There are ways for the House who want to keep that going as long as possible, but it is not right in an era when we have to make tough choices for families and every other part of the budget to allow that to happen.

We passed a reform bill. We tackled fraud and abuse in nutrition. We consolidated conservation and saved money. We eliminated payments that have been given out for years that don’t make sense and that the government can’t afford. We listened to farmers to strengthen risk management tools, predominantly crop insurance. With all the weather disasters I have described this year, if we can strengthen crop insurance, we are going to give them a better safety net going forward for whatever comes in the coming year.

So there is a lot on the line. There is a lot on the line for 16 million people who have jobs because of agriculture and the food industry. There is a lot on the line for people who just want us to come together and work together. In light of everything going on, we did that kind of a farm bill. They did that in the House in committee.

All the Speaker and the leadership have to do is say: We care about rural America. We care about 15 million people who work every day, who are folks who do their jobs, and when the job has to get done, whether it is early in the morning or late at night, they do it, and they expect us to do the same thing.

There is no excuse—none—that makes any sense not to get a 5-year farm bill done, not to make sure we have the disaster assistance that is needed for farmers and ranchers, and not to get reforms that cut back on taxpayer subsidies we should not be providing, and the deficit reduction that is critically important as we come up to the fiscal cliff.

I wish to thank everyone in this body who work every day, who are folks who have lost their limbs defending their country, or their eyesight. They have sacrificed, and it is morally absurd to be equating them made this statement far more poignantly than I can—is when we talk about sacrifice, they are there; they have already done it. Some of them have come back from our wars without arms or legs or maybe they have lost their eyesight. They have sacrificed, and it is morally absurd to be equating them.

I wish to thank everyone in this body who have lost their limbs defending this country to make a sacrifice. That is not equivalent sacrifice.

Mr. SANDERS. Mr. President, as we continue to debate how to prevent this so-called fiscal cliff and how to go forward in deficit reduction, my Republican friends, apparently, want the American people to believe that making the wealthiest people in this country pay a few dollars more in taxes would amount to some kind of terrible sacrifice, and they are vicious and it is morally absurd to be equating the President’s initial proposal to do away with all of Bush’s tax breaks for people making $250,000 a year or more. I guess their new proposal coming out of the House is that only people making $1 million a year or more would see their tax rates go up.

Let me say a word about hardship and a word about sacrifice and it is not about the problems and the billionaires who are doing phenomenally well and who are being asked to pay a few dollars more to help us deal with deficit reduction, at a time when their tax rates are at a historically low rate. I wish to thank the leadership on both sides of the aisle for their efforts on behalf of the veterans of America. Let me say everyone about on whom we should not be balancing the budget.

This morning, in the Veterans’ Affairs Committee, I held a press conference, which included every major veterans organization in this country, representing millions and millions of veterans, people who have put their lives on the line to defend our country and many of whom have suffered as a result.

The organizations that were there with me to say no to the so-called chained CPI—which would cut benefits for disabled veterans, which would cut benefits for widows and kids who lost their husband or their father in Iraq or Afghanistan and would cut back on the benefits of those veterans—that we had at this press conference the American Legion, the Veterans of Foreign Wars, the Disabled American Veterans, the Iraq and Afghanistan Veterans of America, the Paralyzed Veterans of America, the Wounded Warrior Project, the Military Order of the Purple Heart, the National Military Family Association, the Vietnam Veterans of America, the National Guard Association, the National Association of Uniform Services, the Jewish War Veterans, the Military Officers Association of America, AMVETS, the Association of the United States Army, the Commissioned Officers Association of the U.S. Public Health Service, the Naval Enlisted Reserve Association, the United Spinal Association, VetsFirst.

What all of them said—and some of them made this statement far more poignantly than I can—is when we talk about sacrifice, they are there; they have already done it. Some of them have come back from our wars without arms or legs or maybe they have lost their eyesight. They have sacrificed, and it is morally absurd to be equating them.
benefits for disabled veterans, raise taxes on low-income workers.

Let me tell you what this—what some call a tweak—would do. In terms of the chained CPI, more than 3.2 million disabled veterans receive disability compensation from the Veterans' Administration—3.2 million veterans. They would see a reduction—a significant reduction—in their benefits. Under the chained CPI, a disabled veteran who started receiving VA disability benefits at age 30 would have their benefits cut by more than $1,400 at age 45, $2,300 at age 55, and $3,200 at age 65.

Does anybody in their right mind think the American people want to see benefits cut for men and women who sacrificed, who lost limbs defending their country? Are we going to balance the budget on their backs?

I challenge anyone who supports a chained CPI to go to Walter Reed hospital, visit with the men and women who have lost their legs, lost their arms, lost their eyesight as a result of their service in Afghanistan or Iraq. Come Veterans Day and come Memorial Day, all the politicians go out and give speeches of how much we love our veterans. It is great to give a good speech on Memorial Day or Veterans Day but what about standing up for them now?

I know the Wall Street CEOs and the big money lobbyists are descending on Washington trying to protect the wealthy and the powerful. But maybe now is the time—not just Veterans Day, not just Memorial Day—that we stand with veterans, we stand with disabled veterans. They have sacrificed, and I think it is unseemly, I think it is immoral to be balancing the budget on their backs.

We have also made a commitment to the surviving spouses and children who have lost a loved one in battle by providing them with Dependency Indemnity Compensation benefits that average less than $17,000 a year. Do my colleagues truly think we should be cutting benefits for surviving spouses who lost their husband in Iraq or Afghanistan?

Further, we have made a promise to every American; that is, that above and beyond benefits for disabled vets, what we have said is a couple things: For those who are older, we have said Social Security will be there for them in their old age, in their time of need or if they become disabled, and we have said those benefits will also keep up with inflation.

Today, over 9 million veterans receive Social Security benefits as part of the tens of millions of Americans who receive Social Security, and more than 770,000 veterans receive Social Security disability benefits.

We are talking now about the "Greatest generation," the people who saved this country in World War II. I just met last week—and it chokes me up every time I meet these guys—a fellow from Winooski, VT, who was in the Battle of the Bulge, that hugely important battle at the end of World War II to stop the Nazi advance. He was also at Normandy.

Do you truly want to balance the budget on his back?

We are talking about the brave men and women who served in Korea, Vietnam, and other conflicts as well.

Let us be clear what this chained CPI would do because I think there are some people—I guess if someone is a Wall Street CEO guy and is making millions of dollars a year and has a great retirement package, when we are talking about hundreds of dollars a year, that is what they use for lunch. They do not have to worry about keeping their house warm or buying food. That is not within their world view.

Under the chained CPI—we should all understand this is no small tweak; this is not some administrative issue—under the chained CPI, average seniors who retire at age 65 would see their Social Security benefits cut by about $650 a year when they reach age 75. Again, I understand if someone is a Wall Street CEO, if one is a millionaire, hey, $650 a year is not a lot of money. But let me tell you, if you are a senior citizen living in Vermont or Minnesota and you have to worry about heating your home, you have to worry about putting gas in your car, you have to worry about prescription drugs, $650 a year is a lot of money, if you are living on $15-, $16-, $18,000 a year of income, most of that coming from Social Security. So if you retire at age 65, it is about a $650 cut when you reach age 75, and it is more than $1,000 a year when you turn 85.

I ask unanimous consent to have printed in the RECORD a chart which talks about annual cuts in Social Security benefits under the chained CPI.

There being no objection, the material was ordered to be printed in the RECORD, as follows:
Mr. SANDERS. What the chart shows is that at age 75 the cut would be $653, a 3.7-percent cut; at age 85 it would be $1,139, a 6.5-percent cut; and at age 95, it would be $1,611, a 9.2-percent cut.

The rich are getting richer. We have growing wealth and income inequality in America. The wealthiest people in this country are paying the lowest effective tax rate in decades. We are going to balance the budget on the backs of seniors trying to get by on $15,000, $18,000 a year? Is that what this Congress stands for? I certainly hope not.

The fact of the matter is, the current formula for calculating COLAs is not too generous. And whenever I speak in Vermont, I say to seniors—and I speak to them quite often—there are some folks in Washington who think that your COLA—the formulation and how we reach a COLA for you—is too generous. Do you know what happens. They laugh. They invariably break out in laughter because they know that in the last 3 years, two out of those years they got zero COLA. They know this year they are going to get a 1.7-percent
COLA, which is one of the lowest COLA increases ever.

They also know the current formulation for a COLA does not fully take into account the escalating costs of prescription drugs and health care, which most senior citizens fund their money. They are not spending their money on flat-screen TVs or iPhones or iPads. They are spending their money heating their homes, buying food, paying for prescription drugs, and paying for health care. These costs are going up much faster than general inflation. I think what most economists would tell you is that the current formulation for determining COLAs with Social Security is inadequate, too low, rather than, as the advocates of the chained CPI would suggest, that they are too high.

Furthermore—this has not been widely discussed—moving to a chained CPI would also result in an across-the-board tax increase of more than $60 billion over the next 10 years that will disproportionately hurt low-income and middle-income families the most. In fact, two-thirds of the tax increase under a chained CPI would impact Americans earning less than $200,000 a year, and many would be impacted by losing the earned income tax credit and the child-care tax credit.

Maybe I am missing something, but I thought I heard from the White House and here on the floor of the Senate that the White House was saying to raise taxes for people earning less than $250,000 a year. Maybe I am wrong. But I thought I heard that many times. Well, if you vote for the chained CPI, in fact you are raising taxes on a whole lot of people, including low-income working families. Under the chained CPI, low-income workers would see their taxes go up by 14 1/2 percent, mainly by cutting the earned income tax credit and the refundable child-care tax credit. So if we are going to raise taxes, let’s do it in a fair way, and I do not think this is an organized effort, by the way—my phones in my office—and you might want to check your offices, but my office phones are bouncing off the hook from people in Vermont and all over this country saying: Do not cut Social Security, Medicare, and Medicaid.

So I would say to the American people, right now a deal is being hatched which would cut Social Security and benefits for disabled veterans, raising taxes on low-income workers. If you think that is a bad idea, you might want to get hold of your Senator or Member of the House.

What are we talking about here? We are talking about cutting Social Security, Medicare, Medicaid, and asking the wealthy to pay more but nowhere near as much as they should be asked to pay.

We wonder. We wonder why Congress has a 9-percent favorability rating. I will tell you that my phones today—and I do not think this is an organized effort, by the way—my phones in my office—and you might want to check your offices, but my office phones are bouncing off the hook from people in Vermont and all over this country saying: Do not cut Social Security.

Here we are, the American people overwhelmingly want the wealthy to pay more in taxes and not cut Social Security and Medicare and Medicaid, organizations representing tens of millions of people are saying, ask the wealthy to pay more in taxes, not cut Social Security, Medicare, and Medicaid.

What are we talking about here? We are talking about cutting Social Security, Medicare, Medicaid, and asking the wealthy to pay more but nowhere near as much as they should be asked to pay.

I have ideas on that, Senator BEGICH has ideas on that. Senator HARKIN and others. And the Presiding Officer has been thinking about ways that we make Social Security solvent and strong for 75 years without cutting benefits. Let us know that discussion, but not as part of a deficit reduction bill when Social Security has had nothing to do with deficit reduction.

I do not often quote Ronald Reagan, but this is what Ronald Reagan said on October 7, 1984, this was absolutely right. Ronald Reagan: Social Security has nothing to do with the deficit. Social Security is totally funded by the payroll tax levied on employer and employee. If you reduce the outgo of Social Security, that money would not go into the general fund to reduce the deficit, it would go into the Social Security Trust Fund, so Social Security would be solvent, do with planning the budget or erasing or lowering the deficit.

October 7, 1984, Reagan was right. I have to tell you that when Barack Obama was campaigning for President in 2008, he endorsed the AARP on September 6, 2008, that:

John McCain’s campaign has suggested that the best answer for the growing pressures on Social Security might be to cut cost of living adjustments or raise the retirement age. Let me be clear. I will do neither.

September 6, 2008, Barack Obama. One of the astounding things about Congress and the inside-the-beltway mentality is how out of touch it is with reality. The White House is thinking and what the American people are believing. Yesterday there was a poll in the Washington Post. I ask unanimous consent that that poll be printed at the conclusion of my remarks.

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

I have before me (See exhibit 1).

MR. SANDERS. What that poll said—I hope my colleagues are listening—this is yesterday in the Washington Post and this is absolutely consistent with every other poll I have seen—60 percent of the American people believe it would be unacceptable to change the way Social Security benefits are calculated so that benefits increase at a slower rate than they do now in order to strike a budget deal. Only 34 percent would find this acceptable. Sixty percent of the American people believe it would be unacceptable to raise the age of Medicare eligibility. 68 percent of the American people believe it would be unacceptable to cut spending on Medicaid. But 74 percent of the American people said in this poll that they would accept raising taxes on Americans with incomes of over $250,000 a year. This is consistent with every other poll that is out there. The American people are saying: Wait a minute. The middle class, the working class is hurting. Do not cut Social Security, Medicare, Medicaid. That is what they said yesterday in the poll.

What they also said, at a time when the rich are getting richer, yes, they should be asked to contribute more in taxes. I mentioned earlier that to the best of my knowledge, every single veterans organization has made it clear that they are strongly opposed to the so-called chained CPI, which would cut benefits for disabled veterans.

The AARP and the every other seniors organization, including the groups to protect Social Security, the National Committee to Protect Social Security and Medicare, and others are saying do not cut Social Security benefits. The AFL-CIO has been very vigorous in protecting working families and say if they do not cut Social Security, do not cut Medicare, do not cut Med-icaid.

Here we are, the American people overwhelmingly want the wealthy to pay more in taxes and not cut Social Security and Medicare and Medicaid, organizations representing tens of millions of people are saying, ask the wealthy to pay more in taxes, not cut Social Security, Medicare, and Medicaid.

Let me conclude by saying, in my view, deficit reduction is a serious issue. We, as you know, have already cut $1.5 trillion in programs as a result of the agreements in 2010 and 2011, and up to this point the millionaires and billionaires have not contributed one nickel—one nickel—more in taxes. So deficit reduction is a serious issue. I look forward to playing an active role in making sure that we address that serious fiscal cliff. But I will do everything in my power to make sure we do not balance the budget on the backs of veterans, the elderly, the children, the sick, and the poor, and low-income working people.

PUBLIC WANTS COMPROMISE ON FISCAL CLIFF, BUT SPEAKERS UNPOPULAR IN THIS POLL:

With the end of the year approaching, Americans give Obama his highest approval ratings in over a year and key advantages over Republicans in the battle over the so-called fiscal cliff. But, Speaker Boehner and both Obama and Republicans are not willing enough to compromise to reach a deal.
Q. Do you approve or disapprove of the way Barack Obama is handling his job as president?
APPROVE—54%; DISAPPROVE—42

Q. Do you approve or disapprove of the way Obama is handling the economy?
APPROVE—48%; DISAPPROVE—45

Q. Do you approve or disapprove of the way Obama is handling taxes?
APPROVE—48%; DISAPPROVE—45

Q. Do you approve or disapprove of the way Obama is handling budget negotiations to avoid the so-called ‘fiscal cliff’?
APPROVE—45%; DISAPPROVE—43

Q. Do you think Barack Obama has a mandate to carry out the agenda he presented during the presidential campaign, or should he compromise on the things the Republicans strongly oppose?
Obama has mandate to carry out agenda—34%; Obama should compromise—56

Q. Who do you think will be mainly to blame for a failure to compromise on a budget plan that avoids the so-called ‘fiscal cliff’?
Both equally—2; Neither—10; No opinion—8.

Q. In order to strike a budget deal that avoids the so-called ‘fiscal cliff’, would you accept Cutting spending on Medicare, which is the government health insurance program for the poor or is this something you would find unacceptable?
Accept—68%; UNACCEPTABLE—28; Neither—4.

Q. In order to strike a budget deal that avoids the so-called ‘fiscal cliff’, would you accept Cutting military spending or is this something you would find unacceptable?
Accept—55%; UNACCEPTABLE—36; Neither—19.

Q. If deficit reduction comes both from (cutting spending) AND from (increasing taxes), should it be more from (cutting spending), or more from (increasing taxes) or should it be from each?
More from cutting spending—47%; More from increasing taxes—10; Half from each—41; No opinion—2.

Q. In order to strike a budget deal, would you accept Cutting spending on Medicaid, which is the government health insurance program for the poor or is this something you would find unacceptable?
Accept—28%; UNACCEPTABLE—68; Neither—4; No opinion—2.

Q. In order to strike a budget deal that avoids the so-called ‘fiscal cliff’, would you accept Raising taxes on Americans with incomes over 250-thousand dollars a year or is this something you would find unacceptable?
Accept—74%; UNACCEPTABLE—26; Neither—2; No opinion—2.

Q. In order to strike a budget deal, would you accept Raising the age for Medicare coverage from 65 to 67 or is this something you would find unacceptable?
Accept—31%; UNACCEPTABLE—69; Neither—1; No opinion—2.

Q. In order to strike a budget deal, would you accept Capping the amount of money people can claim in tax deductions at no more than 50-thousand dollars a year or is this something you would find unacceptable?
Accept—34%; UNACCEPTABLE—66; Neither—1; No opinion—2.

Q. How many presidents do you think will be mainly to blame (the Republicans in Congress)?
Obamas—46%; Republicans—45; (VOL) Both equally—1; (VOL) Neither—11; No opinion—3.

Q. Who do you think will be mainly to blame (Obama and the Republicans in Congress) will agree on a budget plan that avoids the fiscal cliff?
Very likely—14%; Somewhat likely—28; Somewhat unlikely—26; Very unlikely—19; No opinion—2.

Q. Has Obama been too willing or not willing enough to compromise with the Republicans on the budget deficit?
Too willing—14%; Not willing enough—76; About right—2; No opinion—6

Q. Has Barack Obama been too willing or not willing enough to compromise with the leadership of the Republican Party on the budget deficit?
Too willing—98%; Not willing enough—2; About right—5; No opinion—10

Q. Generally speaking, do you usually think of yourself as . . .?
Democrat—31%; Republican—24; Independent—38.

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

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

The legislative clerk proceeded to call the roll.

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

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

Mr. COONS. Mr. President, I ask unanimous consent to speak as in morning business for a period of up to 20 minutes.

Mr. COONS. Mr. President, I rise today with a heavy heart. When we first heard of the horrific shooting in Newtown, CT, on Friday, it was impossible for me not to react, not just as a Senator but as a parent, as a father. And as my wife and I spent the weekend reflecting on the heartbreaking loss of 20 innocent children and 6 of their teachers and faculty, as we talked to our own 3 young children about what had happened, we thought about the grief and the anguish for a whole range of different parents deeply touched by this tragic incident.

The first, of course, are the parents who lost their precious innocent children, their 6- and 7-year-olds in the massacre at Sandy Hook Elementary School last Friday. Joel and JoAnn Bacon lost their precocious, outgoing, red-haired daughter Charlotte, just 6 years old. JoAnn had recently bought Charlotte a new holiday dress in her favorite color—pink—and a pair of white boots. Charlotte had begged and begged to wear her new outfit early, and on Friday, December 14, the last day of Charlotte’s young life, her mother JoAnn agreed.

Steve and Rebecca Kowalski lost their active and athletic 7-year-old son Chase. Just 2 days before the shooting, Chase’s next-door neighbor had asked him what he wanted for Christmas, and I understand he pointed to his two missing front teeth.

Any of us who have had the special blessing and joy of raising young children, especially at holiday time, can
only imagine the unbearable sorrow of these families who now and forever will have a child-sized hole in their hearts and their lives.

We offer you whatever small measure of comfort we can in knowing that you are not alone, that people across this country and around the world people pray for your healing, and we all hope that with time you and your families can come to understand and live through the grief of this moment.

We also thank other parents, parents who years before raised their young adult children to give back to their community and the next generation—young adults who chose to become teachers. In addition to the heroes of school principal Dawn Hochsprung, school psychologist Mary Sherlach, and teacher Anne Marie Murphy, a mother of four herself, three other very young teachers gave their lives to protect the students in their care: Lauren Rousseau, a 30-year-old substitute teacher; Victoria Soto, a heroic 27-year-old teacher; and Rachel Davino, a 29-year-old whose boyfriend was planning to propose on Christmas Eve. Their parents too, their families are in our prayers.

Also in our hearts today are the families of the courageous first responders who rushed toward danger as everyone else rushed away. In any emergency, Mr. President, as you know, being a former law enforcement officer, our law enforcement officers face unknown danger with extraordinary courage. At Sandy Hook Elementary, police officers rushed to the site knowing full well that an armed gunman awaited them. What they found was unimaginable. Thank God they arrived as quickly as they did or the carnage might have been worse. But we need but reflect for a moment on what those police officers and firefighters and folks from the ME’s office ultimately found here—these heroes could not react as parents, as community members. They had to choke back their own grief and horror to carry out their professional responsibilities to catalogue, investigate, and document every detail of this tragic scene so that justice could be done and lessons learned. The scars of those long hours on a crime scene like this last a lifetime, and first responders all across this country in situations such as this bear the burden of honor and dignity and without complaint.

This tragedy, of course, also has ripple effects far beyond Sandy Hook and far beyond Newtown, CT. All over this country there are parents whose children struggle with mental illness, with mental health challenges, who don’t have the resources they need to cope. My office has had many calls from worried parents since Friday’s shootings, worried for many reasons, but one that stood out for me was a dad from Newark, DE who has a child struggling with mental illness and who is working hard to try to find the resources to ensure appropriate care so that he won’t someday be watching the television with horror as the tragic actions of his child unfold.

We think of the story also shared online of the mother in Idaho, terrified her own son has the capacity to kill someone. She is fighting for the ability to give him the intensive medical care, treatment, and intervention he believes he needs.

Across this country, mental health care is a growing challenge for us. Between 2009 and 2011, States cut more than $2 billion from community mental health services. Two-thirds of States have significantly slashed funding in these difficult economic times, leaving parents seeking help for their mentally ill children often with nowhere to turn. We must do better for all these parents—the parents who lost their children at Sandy Hook Elementary, the parents who lost their children who were teachers and faculty, the families of those who were first responders, and families of the children who are in our country’s care with mental illness and mental health problems.

But, frankly, this week I also think about parents all over our country who have lost their children, just as precious, just as innocent as those at Sandy Hook, to gun violence, outside the media spotlight. The truth is gun violence knows no boundaries of race or class, but our national response at times seems to.

There were 41 murders in Delaware alone last year, 28 of them where guns were used as the murder weapon.

Sixteen-year-old Alexander Kamara was playing in a soccer tournament at Eden Park in my hometown of Wilmington this summer when he was shot and killed in execution style.

Dominique Helm, age 19, was standing with his teenage cousins on the steps of his Brandywine Village rowhouse last September when a gunman fired. He stumbled through the doorway and died in his living room as his mother Nicole ran to him. Stories like this are tragically, appallingly, common across our country every day. Every day, 94 Americans are murdered with a gun. It happens in our streets and in our neighborhoods. It happens in movie theaters in Aurora, CO, and houses of worship at Oak Creek, WI. It happens in high schools in Littleton, CO, and at a college campus in Virginia Beach, VA. It happens outside a supermarket in Tucson, AZ, where one of the six people killed was 9-year-old Christina Taylor Green—a child herself born on 9/11, imbued with a sense of hope and a call to public service, with wanted to meet her Congresswoman Gabbie Giffords in order to learn more about public service.

They say nearly 40 percent of Americans know someone directly who has been a victim of gun violence. In Christina’s case, her father, his high school classmate back in Delaware. Gun violence touches families, communities, and neighborhoods all over this country.

So what do we owe these parents? What can we offer their families besides our thoughts and prayers? I believe we must fulfill our central responsibility of protecting the safety of our children and our communities, while also preserving the individual liberties guaranteed in our Constitution.

On Sunday night, we watched President Obama speak to a community reeling in shock and grief, for the fourth time in his time as President. He recognized in his words what we are doing enough to protect our children, and he gave us the painfully honest answer that we did not give ourselves after Fort Hood, after Tucson, after Aurora. He said, No, we are not. We are not doing enough to protect our own children.

Horrible crimes like these have a very complex web of causes—including, of course, mental illness. This complexity presents us with a complicated challenge. But the reality is the United States has the highest rate of gun deaths in the industrialized world, nearly 20 times higher than comparable nations.

In my view, this calls out for a comprehensive approach, for a thorough and searching examination of the causes of this uniquely American crisis. I believe it requires action by this Congress and our President.

I have received calls and letters, emails and Facebook posts, from Delawareans around the State, Republicans and Democrats, doctors and teachers, parents and children. They have shared with me their grief and their ideas, and they have called for action.

The United States has a long and proud tradition of independence, of protecting ourselves, of exercising our right to self-determination, of hunting and of a sporting tradition that is enshrined in our second amendment. And the right to self-determination, the right to self-determination, of hunting and of a sporting tradition that is enshrined in our second amendment. And the right to self-determination, of hunting and of a sporting tradition that is enshrined in our second amendment. And the right to self-determination, of hunting and of a sporting tradition that is enshrined in our second amendment. And the right to self-determination, of hunting and of a sporting tradition that is enshrined in our second amendment. And the right to self-determination, of hunting and of a sporting tradition that is enshrined in our second amendment.

I am troubled in particular by the thread that ties together too many of these tragic mass shootings: that the perpetrator had untreated mental illness challenges, and used military-style weapons and clips that have no place in everyday civilian life. Several of my colleagues have already come forward with proposals—Senators MANCHIN, LAUTENBERG, WARNER, FEINSTEIN, and others, and I will touch on a few.

I believe reinstating the ban on high capacity magazines, focusing on ammunition, on the outrageously devastating impact of military clips and military ammunition particularly on children across all these instances—I
think we should focus on that, and re-
instate the ban on high-capacity maga-
zines in the next Congress.

In addition, Senator LIEBERMAN just
the other day on the floor—and he has
been joined by Senator ROCKEFELLER—
has only to gain better understanding of the linked issues of
mental health, mass shootings, and the
desensitization of violence in our cul-
ture. President Obama has picked that
up and carried it forward, and is pro-
posing a gun violence reduction. Vice
President—Delaware’s own Joe BIDEN—will be chairing. It is my hope
that out of this important work we can
find a path forward that marries the
crying need to deal with mental health
issues with cultural concerns about vi-
olence and desensitization with respon-
sible limitations on the excessive use
of military-style weapons and clips.

Last, in my view, we can and must do
more to keep guns out of the hands of
those who are violent criminals or
demonstrated mental illness. Our data-
base system is broken and has to be re-
paired.

At Virginia Tech, 32 students and
professors were murdered by a young
man who got a gun he should have been
prohibited from buying. A court had al-
ready ruled he was mentally ill and
posed an imminent danger, but these
findings simply weren’t reported to the
FBI’s gun background check system.
That is a travesty. The parents of those
32 murdered in Blacksburg, VA should
be crying out for justice.

We should ensure that no gun sold in
this country is sold to someone we
know to be dangerous or who poses a
direct threat to innocent Americans’
lives. Today, an estimated 40 percent
of all gun sales—some 6 million weapons a
year—are sold by unlicensed dealers
who aren’t required to conduct any
criminal background check under Fed-
eral law. This is how 12 students and 1
teacher were murdered at Columbine
High School in Colorado, with guns
bought from an unlicensed seller—no
paperwork, no questions asked.

It is my hope, it is my prayer, that
we will work to address this and many
other complex but important issues in
the coming weeks and months, and
that we will consider all these pro-
posals carefully and reach a balanced
but effective solution.

I will apply the test of balance to
the reflection and the debate have
come. I look forward to working with
the Presiding Officer and my col-
leagues in the weeks and months ahead
to ensure that this time we act. The
victims of Newtown, CT, deserve noth-
ing less.

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

The PRESIDENT. The clerk will call the roll.

The assistant legislative clerk pro-
ceded to call the roll.

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

The PRESIDENT. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I know
we have Senators who have talked
about bringing amendments to the
floor. I know the distinguished major-
ity leader is trying to get a finite list
and a time to vote on them. I hope that
can be done. I hope Senators who have
amendments can get them up, debate
them, and vote them up or down so we
can get on with this bill.

If you are a person whose home has
been devastated or your children’s
school has been destroyed in this storm
or your business is only a pile of rub-
ble—those people really find it pretty
difficult to see us, whether it is the
U.S. Senate or the other body, standing
around saying we may have amend-
ments, we may not have amendments,
we may have something that is not
germane to this body here but we want
the distinguished majority leader to
think that out of this important work we can
get a path forward that marries the
cultural concerns about violence and the
crying need to deal with mental health
issues. President Obama has picked that
up and carried it forward, and I am pro-
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to ensure that this time we act. The
victims of Newtown, CT, deserve noth-
ing less.

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

The PRESIDENT. The clerk will call the roll.

The assistant legislative clerk pro-
ceded to call the roll.

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

The PRESIDENT. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I know
we have Senators who have talked
about bringing amendments to the
floor. I know the distinguished major-
ity leader is trying to get a finite list
and a time to vote on them. I hope that
can be done. I hope Senators who have
amendments can get them up, debate
them, and vote them up or down so we
can get on with this bill.

If you are a person whose home has
been devastated or your children’s
school has been destroyed in this storm
or your business is only a pile of rub-
ble—those people really find it pretty
difficult to see us, whether it is the
U.S. Senate or the other body, standing
around saying we may have amend-
ments, we may not have amendments,
we may have something that is not
germane to this body here but we want
the distinguished majority leader to
think that out of this important work we can
get a path forward that marries the
cultural concerns about violence and the
crying need to deal with mental health
issues. President Obama has picked that
up and carried it forward, and I am pro-
posing a gun violence reduction.

President—Delaware’s own Joe BIDEN—will be chairing. It is my hope
that out of this important work we can
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posing a gun violence reduction.
also understand, given the reality before us, that the Speaker has to move forward with a plan to force action.

Is it perfect from my perspective? No, but we cannot let the perfect be the enemy of the good.

The Speaker, in my view, is the only person in these negotiations trying to find a resolution. I commend him—I admire him—I back him—and I know he is working hard discussing this legislation with the members of the House Republican Conference as they move towards a vote.

I hope they support this plan. However, it turns out, if I was a member of the House, I would.

But I am a Member of the Senate and this leads me to ask: after the House passes ‘Plan B’ and defeats the Senate Democrats’ tax bill, what is it that Senate Democrats want to do?

The House will presumably send its bill to the Senate. Senator Reid and the White House have already said it is dead on arrival in the Senate. I find that very curious indeed since so many Democrats seem to have wanted exactly what the Speaker is giving them.

Then they complain that the Speaker’s plan isn’t balanced, despite the fact that the President in a proposal was calling on more stimulus spending and for the continuation of so-called temporary stimulus tax provisions that the President now somehow wants to make permanent.

So would say to my friends on the other side of the aisle, what is it exactly that you want to do?

What is it that Senate Democrats and the White House want?

We are all waiting.

The American people are waiting. Enough of the games. Put your money where your mouth is, and tell us what you think is better than what you have. And tell exactly what you want to do?

From the other side of the aisle, what is it? Was it permanent. President now somehow wants to make permanent. So I would say to my friends on the other side of the aisle, what is it exactly that you want to do?

The Speaker, in my view, is the only person in these negotiations trying to find a resolution. I commend him—I admire him—I back him—and I know he is working hard discussing this legislation with the members of the House Republican Conference as they move towards a vote.

In the case of a crop that is produced with a significant and variable harvesting expense, the decreasing cost incurred in the production cycle for the crop that is, as applicable—

(1) harvested;

(2) planted but not harvested; or

(3) prevented from being planted because of drought, flood, or other natural disaster, as determined by the Secretary; or

(vi) in the case of a crop that is produced with a significant and variable harvesting expense, such rate as shall be determined by the Secretary.

(2) PREMIUM.—To be eligible to receive a payment under this subsection, a producer shall pay—

(A) the service fee required by subsection (k) and;

(B) a premium for the applicable crop year that is equal to—

(i) the product obtained by multiplying—

(A) the number of acres devoted to the eligible crop;

(ii) a rate for the applicable crop year determined by the Secretary; and

(B) the yield, as determined by the Secretary under subsection (e);

(III) the coverage level elected by the producer;

(IV) the average market price, as determined by the Secretary; and

(V) 1.00-percent premium fee.

(3) LIMITED RESOURCE, BEGINNING, AND SOCIALLY DISADVANTAGED FARMERS.—The additional coverage made available under this subsection shall be available to producers of an otherwise eligible crop described in subsection (a)(2) that suffered losses—

(1) to a 2012 annual fruit crop grown on a bush or tree; and

(2) in a county covered by a declaration by the Secretary of a natural disaster for production losses due to a freeze or frost.

(B) ASSISTANCE.—The Secretary shall make assistance available under subparagraph (A) in an amount equivalent to assistance available under paragraph (1), less any fees not previously paid under paragraph (2).

(b)(1) Effective October 1, 2017, subsection (a) and the amendments made by subsection (a) (other than the amendments made by clauses (i)(I) and (ii) of subsection (a)(1)(B) are repealed.

(2) Effective October 1, 2017, section 506 of the Federal Crop Insurance Act (7 U.S.C. 1508) that does not exceed 65 percent, computed by multiplying—

(III) prevented from being planted because of drought, flood, or other natural disaster, as determined by the Secretary, specified in increments of 5 percent;

(I) 100 percent of the average market price for the crop, as determined by the Secretary; and

(iv) a product obtained by multiplying—

(A) a rate for the applicable crop year determined by the Secretary; and

(B) the yield, as determined by the Secretary under subsection (e);

(III) the coverage level elected by the producer;

(IV) the average market price, as determined by the Secretary; and

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(A) a rate for the applicable crop year determined by the Secretary; and

(B) the yield, as determined by the Secretary under subsection (e);

(III) the coverage level elected by the producer;

(IV) the average market price, as determined by the Secretary; and

(V) 1.00-percent premium fee.
I was first elected to public office when the Reagan revolution was in full swing. Maximizing freedom guided the policies of that era, with tremendous success. My goal as a public servant has been to advance and maintain a consensus in the so-called three legs of the Reagan public policy stool.

One, dynamic, growth-oriented economics; two, the social values that make limited government possible; and three, balanced budget that strengthens a strong and sovereign America. In each of the three areas, maximizing freedom and the positive results that flow from that is the goal. Let’s turn to economic freedom. The Reagan years showed us that expanding economic freedom should be the North Star, the guiding light of U.S. policy because it is the best way to achieve sustained and broad-based economic growth that emphasizes a strong and sovereign America. In each of the three areas, maximizing freedom and the positive results that flow from that is the goal.

Mr. MERKLEY. I also ask unanimous consent to add Senator FRANKEN, Senator TIM JOHNSON, and Senator Tom Udall as cosponsors to the amendment.

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

Mr. MERKLEY. Mr. President, I yield the floor.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that I be allowed to speak at the conclusion of his remarks, at or around 4:15.

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

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

ORDER OF PROCEDURE

Mr. INHOFE. Mr. President, it is my understanding that at 4 o’clock, Senator Durbin from Illinois will be speaking. Senator Durbin has consented that I be allowed to speak at the conclusion of his remarks, at or around 4:15.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Arizona is recognized.

FAREWELL TO THE SENATE

Mr. KYL. Mr. President, I am deeply honored to have served for 18 years as Arizona’s 10th Senator and for four terms in the House of Representatives before that. Now it is time to move on. My successor, Senator-elect JEFF FLAKE, is a hard-hitting, honorable public servant who will work hard on behalf of our great State of Arizona, and my colleague John McCain will continue his long and dedicated public service as well. I appreciate the remarks he delivered here yesterday.

I say thank you to my colleagues for your friendship. It has been a privilege working with so many of you on both sides of the aisle. While it is true that Washington would benefit from more civility, the Senate behind the scenes is an extraordinarily collegial institution, and I will certainly miss that aspect of the job.

I also thank my staff, past and present, for working so many long hours and for spending so much time analyzing the issues that will determine America’s future.

Farewell speeches offer the opportunity to reminisce about the past. I actually do not believe that would be the best use of either your time or mine. Instead, I am going to comment on some of the biggest public policy changes America faces and recommend principles to guide the way forward.

Free enterprise provides more than income and material benefits in providing material benefits, allowing businesses to create jobs and new products, compete for workers, raise wages, invest their profits, which allow businesses to create jobs and new products, compete for workers, raise wages, invest their profits, which then can be lent to other entrepreneurs. Everyone gains in a free economy. As John F. Kennedy put it, a rising tide lifts all boats.

When marginal rates are lower, prosperity flows to other sectors of society, allowing businesses to create jobs and new products, compete for workers, raise wages, invest their profits, which allow businesses to create jobs and new products, compete for workers, raise wages, invest their profits, which then can be lent to other entrepreneurs. Everyone gains in a free economy. As John F. Kennedy put it, a rising tide lifts all boats.

Look at what free enterprise has achieved. After President Reagan dramatically reduced taxes and trimmed regulation, income increased in every quintile. Millions of new private sector jobs were created and the stock market soared, tripling in value over 8 years. The lower tax rates, reduced regulatory burden produced a more robust economy and a more robust economy meant more revenue for the government. Similar results attended the tax rate reductions during the Presidency of George W. Bush.

In recent years, many policymakers have forgotten these lessons. Since 2008, America’s score in the Index of Economic Freedom has declined significantly to the point that we are no longer among the top 10. It is better but, rather, a mostly free economy. That is what happens when we dramatically increase government spending and regulations. Now we are on the verge of a massive tax increase which could undermine small businesses and stifle economic growth America badly needs.

Policymakers must focus on the basic laws of economic input. A faulty view has gained traction in recent years that consumption funded by government spending actually creates economic growth. It doesn’t. It just moves money around by taking from people who produced it and could productively spend or reinvest it and giving it to government to spend. Consumption is the wrong target.

People only change their spending habits when they know they will have greater consistent income over time; for example, when they receive a raise at work or get a permanent income cut. That is why temporary stimulus tax gimmicks don’t work.

If the problem with the economy is supposedly a lack of consumption, the government cannot solve that problem by spending for us. After all, it is our tax money that is being taken out of the economy and spent. When government borrows, it will eventually have to tax the people to pay back what it has borrowed. There is no free lunch. In each term of fiscal stimulus, taxpayers have to give up wealth they could have spent or invested. Keynesian demand-side economics assumes the government is more efficient at spending our money than we are. That assumption has proved to be incorrect time and again.

Wise policymakers will find the right balance between the need for more tax revenue and the need for more economic freedom. They will remember that there is no fixed economic pie that legislators should try to divide. They will remember that labor, capital, and technology are the real factors that drive long-term economic growth, not government spending. They will stop shackling would-be entrepreneurs and job creators with ever more burdensome regulations.

Here is some more good news about growth-based free enterprise. It is the most moral economic system ever devised. True, it places three reasons at the center of policy discussions. First, growth-oriented economics assume that success only comes by supplying something to others that they need or want. In the bargain, both sides benefit. Second, this system has produced incredible wealth around the world, lifting millions out of poverty. No economic system can come close in helping that many people. So it is the most moral economic system in providing material benefits, but that is only part of the story.

Free enterprise provides more than increased income and material prosperity. Those things help, but they are not what make humans thrive. The key determinant of lasting happiness and satisfaction is what American Enterprise Institute president Arthur Brooks has called earned success. People are happiest when they do something they are good at, when they create value in the lives of others, and genuinely earn their income regardless of how much it is.

Brooks put it very well in his book “The Battle,” and I quote:

"Earned success gives people a sense of meaning about their lives. And meaning also
is key to human flourishing. It reassures us that what we do in life is of significance and value, for ourselves and for those around us. To truly flourish, we need to know that the ways in which we occupy our waking hours are not based on mere pursuit of pleasure or money or any other superficial goal. We need to know that our endeavors have a deeper purpose.

The earned success that comes from doing a job well explains why fabulously wealthy people often choose not to retire after they have earned their fortunes. They are motivated by the satisfaction that comes from spending the day productively by creating, innovating, and solving problems. They are creating purpose-driven value in their own lives and oftentimes tangible value in the lives of others.

The effect of earned success also explains why people who win the lottery often become depressed when they find out that free money offers hollow joy. Free enterprise promotes freedom to achieve and, therefore, more opportunities and success. It is the moral economic system ever created. It is also the fairest system because it rewards merit, hard work, and achievement. This is what brought my grandparents to this country, along with millions of immigrants. Incidentally, real free enterprise has no place for crony capitalism because it doesn’t have government picking winners and losers.

The biggest economic favor policy-makers can do for Americans is to follow the Reagan legacy and support free market policies that create more opportunity, more mobility and more earned success and therefore more human flourishing possible for every American. Free enterprise is the only economic system that gives us so many opportunities to pursue fundamental happiness and lasting satisfaction. This brings us to the second leg of the Reagan stool—the question of values. As President Reagan once said, I would try to follow the Reagan legacy of pursuing peace through strength. As President Reagan famously said: Freedom is never more than one generation away from extinction. We didn’t pass it on to our children in the bloodstream. It must be fought for, protected, and handed on for them to do the same.

Moving to the last leg of the Reagan policy stool: national security. I have tried to follow the Reagan legacy of national security. As President Reagan once said, ‘‘Of the three great themes of American history, none came about because America was too strong.’’

President Reagan knew that weakness tempts aggression, and he believed that deterrence meant ‘‘making sure any adversary who thinks about attacking the United States . . . concludes the risks to him outweigh any potential gains. Once he understands that, he won’t attack. We maintain the peace through our strength; weakness only invites aggression.’’

American strength remains the best guarantor against major armed conflict between nation-states. While it is not our role to police the world—and we couldn’t do it in any event—it is also true that we are the indispensable Nation to help safeguard liberal values around the world. For America to continue its leadership role, however, we must have a military with both the capability and the flexibility to address a wide range of challenges and, yes, it means adequately funding the military requirements, among other things, by avoiding the devastating sequestration of
necessary defense investments. I wish to speak to four of our challenges: nuclear modernization, missile defense, terrorist threats, and transnational law.

For the first time in the history of U.S. nuclear policy, the President has placed nuclear disarmament and non-proliferation, rather than nuclear deterrence, “at the U.S. nuclear agenda.”

Ironically, more treaties or unilateral actions that take us closer to nuclear disarmament will not help us reduce the dangers we face today. Such actions will only serve to make our allies who depend on U.S. nuclear guarantees more nervous, while potentially weakening the credibility of U.S. nuclear deterrence. Senate support for the 2010 New START treaty was based upon a commitment to modernize our aging nuclear complex and weapons. As that commitment starts to decay, it will become increasingly difficult to rebuild the responsive nuclear infrastructure that even the President agreed is necessary for further nuclear reductions as well as the continued credibility of the U.S. nuclear arsenal. Note that I said “for further nuclear reductions,” not necessarily dependent upon the U.S. modernization.

The New START proceedings made it clear that the nuclear balance between the United States and Russia under New START force levels would be stable—except, of course, for the huge diversity—or disparity, I would say—in tactical nuclear weapons that Russia enjoys. But under this stability, there would be no incentives to strike first. Hence, they would not be incentives to grow our respective nuclear arsenals in the future. We should, therefore, think very carefully before we contemplate any changes in long-standing U.S. nuclear deterrence policies or pursue further reductions in support of the President’s disarmament agenda.

We absolutely cannot know for certain that fewer numbers of weapons will make us safer. In fact, Henry Kissinger and Brent Scowcroft recently reminded us “that strategic stability is not inherent with low numbers of weapons; indeed, excessively low numbers could lead to a situation in which surprise attacks are conceivable.”

Policymakers would do well to heed the advice of Winston Churchill offered in his last address to the United States Congress. He said:

Be careful above all things not to let go of the atomic weapon until you are sure, and more than sure, that other means of preserving your liberty in your own way will not suffice.

Against the backdrop of more than 100 million war casualties from conventional weapons in just the 30 years before development of the atomic weapon, Churchill’s advice is sobering indeed.

The second challenge we face is with respect to missile defense. Recent events illustrate the importance of missile defense in today’s security environment. Israel’s Iron Dome missile defense system protected its population against rocket attacks, giving Israeli military and political authorities the time and the space necessary to avoid a devastating ground war, which is ultimately what made a truce possible.

As Secretary of Defense Panetta said at the time, “Iron Dome does not start wars, it helps prevent wars.”

Elsewhere in the world, Turkey has requested NATO Patriot batteries to protect it against Syrian ballistic missiles potentially armed with chemical weapons. Meanwhile, Japan, South Korea, and the United States recently activated their ballistic missile defense systems in response to North Korea’s long-range ballistic missile launch—yet another reminder that the threat doesn’t stand still.

In response to Iran’s development of nuclear weapons and longer range ballistic missiles, we need not only to support the deployment of short, medium, and long-range missile defense systems to protect alliance territory and thereby avoid potential Iranian nuclear blackmail. So the benefits of defense are well appreciated, especially by those most directly affected or threatened.

We have proven that it is possible to hit a bullet with a bullet, and we have debunked the Cold War-era argument that missile defense contributes to a new arms race. Since the United States withdrew from the ABM Treaty, we have reduced the number of deployed nuclear weapons from 6,000 under START to 1,700 under the Moscow Treaty to 1,550 under the New START treaty. We must continue to disabuse some of the notion that U.S. vulnerability to the Russian and Chinese nuclear arsenals is a source of stability when, in fact, the most important constitutional and moral duty of any President is to protect the American people.

We have made some progress in deploying domestic missile defenses since the United States withdrew from the ABM Treaty in 2002, though we have also squandered opportunities to do more. Here are just a few missile defense challenges for the future.

First, over the past 4 years, the Obama administration has consistently reduced funding for missile defense. In his last address to Congress, the President said that “the United States withdrew from the ABM Treaty in 2002, though we have also squandered opportunities to do more. Here are just a few missile defense challenges for the future.”

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Second, it has refocused funding on re- deployment of short, medium, and long-range missile defense systems to protect alliance territory and thereby avoid potential Iranian nuclear blackmail. So the benefits of defense are well appreciated, especially by those most directly affected or threatened.

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Americans want the benefits of global cooperation based on widespread acceptance of useful international “rules of the road,” of course. But such rules, like our domestic laws, should be adopted through democratic processes that assure accountability to the voters of the legislators. They should not be imposed by international bodies with zero accountability to the American people.

The rise of global governance, I believe, is the very antithesis of this principle. By “global governance” I mean the use of multilateral treaties and other agreements to delegate power on matters such as the environment, natural resources, and individual rights to new international bodies with broad powers and little or no political accountability. Such issues have traditionally been decided by the laws of individual nations, not by international bureaucracies. Some treaties would directly implicate U.S. national security flexibility or capability. Such issues have traditionally been decided by the laws of individual nations, not by international bureaucracies.

One such treaty was defeated by the Senate in 1999—the Comprehensive Nuclear Test-Ban Treaty, which would have jeopardized America’s nuclear deterrent by preventing us from ever again conducting tests of our nuclear weapons. We should never give up the right to verify that our nuclear deterrent works. It is critical that we know, that our allies who rely on these weapons know, and that our potential adversaries know, that our potential adversaries will not have deterrent effect. I urge my colleagues to defeat this treaty again should it come up before the Senate in the President’s second term.

In conclusion, in all three areas I have discussed here, we have had successes and we have had failures. I think of what Margaret Thatcher said as she was leaving public office; that there are no permanent victories in politics. What she meant was one can leave office having accomplished some of their policy goals, but that doesn’t mean there will always be a consensus in favor of their preferred policies or that their accomplishments would not be reversed in the future.

As I look back on my 26 years in Congress and my 18 years in the Senate, I am deeply proud of everything we have accomplished—from tax relief and welfare reform to missile defense and nuclear policy, not to mention things of primary importance to my State. But I also understand that political victories can be ephemeral because in a democracy, a debate over these issues never really ends. It is always ongoing. I will miss being involved in these important debates and decisions directly. From now on, my role in these matters will be as a private citizen, but I still aim to be involved.

It has been an honor—really the privilege of a lifetime—to serve, and it is difficult to say goodbye. But I will depart Capitol Hill with enormous faith in the American people, a profound appreciation for the miracle of the American Republic, and a resilient optimism about America’s future. I thank my colleagues.

The PRESIDING OFFICER (Mr. CARDIN.). The Senator from Texas.

Mr. CORNYN. Mr. President, I wish to say a few words about our colleague, Senator JON KYL. I have always appreciated his comments, his thoughtfulness, his patriotism, and his intellectual leadership in the Senate. He will be sorely missed after 18 years in the Senate. I am sorry the Senate will be losing Senator KYL’s extraordinary talents, but as he retires from politics at the end of this month, I know he will remain a powerful force in the world of ideas.

Time magazine named JON one of the 10 best Senators in 2006. At the time, he said: “You can accomplish a lot if you’re not necessarily out in front on everything.” That echoes Ronald Reagan’s comment—one of his favorite slogans: “There is no limit to what a man can do. There is no limit to what he can’t do. If he doesn’t mind who gets the credit.”

Over the last 18 years, JON KYL has accomplished a lot in this Chamber, and he has never seemed to care one bit about who got the credit. When he announced his retirement, the Wall Street Journal said JON “has been as consequential as any Republican in Congress over the last decade and a half.” That is quite a compliment and thoroughly deserves this tribute. As you all know, JON has spent a career promoting the Reagan legacy. After he leaves, many of us will be promoting the Kyl legacy.

He is a person of strong principle, a man deep in knowledge of public policy, and a person—uncharacteristic in politics—of remarkable humility. Here is how one writer described his unique skill set. Senator KYL, he wrote, “is one of those rare breeds who seem to make no strong enemies even while holding firm to a consistent philosophy.” As you have heard, he has been a leader on things ranging as wide as missile defense to criminal justice to tax policy.

One of the things I have admired about Senator KYL is he always seems to be among the most knowledgeable people in any room at any given time on any given topic that is under discussion. When he speaks, people listen. But he often willingly pushes others into the spotlight rather than himself. It is because he thinks tactically: How can I advance this policy or this idea, not: How can I advance myself in the public spotlight.

That certainly has been my experience with Senator KYL. But I would add something else. He has also been a courageous intellectual leader. He has consistently led on complex issues that other Senators have ignored or neglected or just have a difficulty understanding, complex topics such as nuclear defense, missile defense, and transnational law, each of which he mentioned in his remarks just a moment ago. It is not easy to become the Senate’s top authority on nuclear weapons, but JON KYL is, and it is not the best way to get your face on cable news. Not a lot of air time is given to people who want to talk about such arcane but important topics.

I think of my many conversations with Senator KYL over the past couple of years cultivate more junior Senators and help them become experts in their own right on all of his favorite issues. As a matter of fact, I attended a meeting on that just today where he was trying to bring along a number of us on the Senate. JON KYL is always thinking about the future, always thinking about the next generation of American leaders and the challenges they will face.

JON KYL is a great and enduring Senate leader. He is a true patriot, a true intellectual in the greatest sense of that term, and a truly effective Senator for his State and for the Nation. After more than a quarter century of public service, including 18 years here in the Senate, JON KYL deserves a happy and healthy and successful retirement, but he will be sorely missed by everybody in this Chamber.

I wish to echo the comments of the distinguished Senator from Texas. I have known JON KYL for a long time in the U.S. Senate, and he is a lawyer’s lawyer. I do not say that lightly. I do not consider many lawyers a lawyer’s lawyer. JON is an excellent lawyer, one of the best I have met and certainly one of the best ever to sit in Congress.

He also does not go off the beaten path. When he speaks, anybody with brains should listen. Plus, he is a tremendous example not just to some of us older guys around here but especially to the new Senators and others who have commented to me that he is a valued and pivotal member of the Judiciary Committee, including when I chaired it and when we did so many interesting
things. He was a pivotal member on leading to a balanced budget in the middle of the 1990s. Jon has argued for that, has argued for these types of fiscal restraints and responsibilities like no one I know.

Jon is one of the most honest and decent and credible people I have known in the whole time I have been in the U.S. Senate. He has been an excellent leader for our party. As assistant minority leader and assistant majority leader, he has been a great, great leader in every way. We have all trusted him because he is a person who is trustworthy. We have all listened to him because he is a person worth listening to. We have all shared the pains of this place with him as friends and brothers working together, we hope in the best interests of our country. And there is no question in anybody’s mind on either side of this floor, when it comes to Jon, they know he is a true American patriot who has done everything while he has been here to keep this country strong.

I have to say I have always been impressed with Jon. I have watched him close up for all these years, but I do not know that I have ever been more impressed than when he went to war, flew, and risked his life to make sure we had some good battles. We have won a few, frankly, several I never thought we were going to win. But somehow, with his legislative skill, his determination, his feisty spirit, we stayed in there and bad things did not occur, at least from my perspective, that may have occurred otherwise.

It is a great pleasure to have served with Jon, Mr. President, I consider him to be one of the great American leaders. And as a member of this body, I would want to join with Senator HATCH and Senator CORNYN in my admiration for Jon’s service on the Armed Services Committee. Jon does not, but he knows more about that issue than I do. And I have found his leadership so valuable because it is a thankless task. People do not want to talk about it, but he has talked about it. He knows it is important, even though no one would give him credit politically for being engaged in those issues. But it is important for America, and he is willing to commit himself to that task. So, I will join Senator HATCH and Senator CORNYN in my admiration for Jon’s service on the Judiciary Committee. That is an important committee, and he has been a rock-solid member of it. Even though he has been in the leadership, so therefore he did not chair the committee—which he would have been one of the great chairmen we would have ever had of that committee—but he has moved the committee and brought forth issues and advocated principles consistent with the great American rule of law.

Today we just got word that Robert Bork died. He had a classical view of how the Constitution should be interpreted and one I basically share for the most part. I think Jon has. He understands those issues. He is able to communicate the great richness of the American heritage of law to the common people in language people can understand and to read through the most complex legal document and being able to spot problems with it and advocate changes in law that are sophisticated in the most technical details. I guess I would have to say Senator HATCH is correct. This Senate, in my view, has never had a better lawyer than Jon. He has argued cases before the Supreme Court in his private practice days. Not many have been a part of that.

So whether we are talking about the crime victims advocacy efforts he has made over a long period of time here, recognizing that the law should be in existence to advance and protect immorality against the wrongdoers, and that we ought not to become so obsessed with defendants’ rights that we do not remember the victims who deserve vindication and remuneration for the crimes that have been put upon their shoulders.

There are other things I could say and other issues we have joined in, that we have fought on. On more than one occasion, Jon has felt something was important. Sometimes those issues were not very popular, but he believed they were important and would rally people. I have joined with him. We have had some good battles. We have won a few, frankly, several I never thought were going to win. But somehow, with his legislative skill, his determination, his feisty spirit, we stayed in there and bad things did not occur, at least from my perspective, that may have occurred otherwise.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, I am joining my colleagues in rising today to pay homage and respect to Senator Jon Kyl, a tribute to his passion for public service and his State of Arizona and his country in this Congress for 26 years. I echo all the sentiments and all the words that have been said by our colleagues. There are not enough adjectives to adequately describe the extraordinary service Jon has provided to this country.

I have had the pleasure of serving alongside him in the House of Representatives, in the Senate—two times,
as some know. I served before and then was out for 12 years and then came back. In my many years of service here, it is hard to think of a person who has been more influential and been more of someone I wanted to emulate and to learn from and to look at as a wise counsel of JON KYL.

He has been described as an influential member of the Judiciary and Finance Committees. Yes, he has been an outspoken leader on issues of very significant national importance and on issues of significant importance including the landmark Crime Victims Rights Act, pro-growth tax policies that we have been debating here, patient-centered health care reform, and antiterrorism laws, nuclear proliferation, safeguarding our nuclear stockpile. On and on it could go.

JON recently called me to his office and said, you know, there are 13 separate things here that have been the highest priority for me. Now not many Senators would say that to you. They have got 13 high-priority issues they not only are interested in but have drilled down in a unique, in-depth understanding of those particular issues. JON said: One thing I want to accomplish before I leave is to make sure someone will pick up the ball and take the baton and carry on those issues after I leave.

That is an extraordinary statement. First of all, the breadth and the depth of his engagement and his knowledge, which I do not think any one person has here—it would take many—could begin to duplicate, but also the leadership that he has provided on issues of significant importance to the future of this country, JON was listed as one of the world’s 100 most influential people—well-deserved recognition.

In Washington, he has been labeled as one of the 25 hardest working lawmakers, I cannot think of anybody who stands higher in that list than JON KYL. My vision of JON KYL, is JON striding through the Halls of Congress literally leaning into the wind. It is as if there is a 60-mile gale coming in his face, and JON is leaning into it with determination, I see his staff nodding their heads here. It has got to be hard to stay up with JON when he has his mind on something and he is determined to get something done. He is leaning in like a ship into a gale, moving forward to try to accomplish his mission.

We all say when someone leaves here, we are losing someone whom maybe we cannot replace. That may or may not be true. In my first iteration, when I gave my farewell speech, I think there were probably a lot of people who said: We can find a substitute for COBURN; that will not be too hard. It is true. Finding a replacement for JON KYL is a tall task. It is going to be very hard to find someone who has the passion for this, his service, the intelligence and the leadership qualities he provides, the counsel he provides to all of us. JON KYL is the go-to guy. JON KYL is the person you go to to say: JON, how do we get this done? What should our strategy be? If you are on board, I think we can accomplish this. I know I am repeating a lot of what has been said already about JON and will be said by others here who will come down, but to find someone grounded in his endeavors is hard to find.

JON is also grounded in his faith, his faith in God, his faith in America, his faith in his constituencies, his faith in this great institution, one which we are struggling in right now, but his faith that in the end we are here to do what is best for America. In the end, we will need to make hard decisions. JON has always been one leading that effort, always one willing to stand up to make those decisions.

I count him as a friend. Marsha and I wish you, JON, and Caryll, all the best in this next chapter of your life. I am comforts the fact that you will not be making that phone call away, and the fact that I am going to need wise counsel on a number of things; more than that, that we can retain a friendship which we have enjoyed in our service together on two separate occasions in Washington. I see my time coming forward to continuing to enjoy our time together. I want to wish you and Caryll not only our thanks, thanks from the people I represent and thanks from America for your service, but the very best wishes for both of you in the future.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. S371, AS MODIFIED

Mr. COBURN. Mr. President, I ask unanimous consent to return to Coburn amendment No. 371.

The PRESIDING OFFICER. The amendment is now pending.

Mr. COBURN. I ask unanimous consent that the amendment be modified with the changes I will now send to the desk.

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

The amendment, as modified, is as follows:

At the appropriate place insert the following:

SEC. 52007. (a) Not later than 365 days after the date of enactment of this Act, the Administrator shall—

(1) submit a report to the Committees of jurisdiction in Congress on the initiative to modernize the per capita damage indicator; and

(2) present recommendations for new measures, including those necessary to respond and recover to disasters, including threat and hazard identification and risk assessments by States and total taxable resources available within States for disaster recovery and response.

(c) As used in this section, the term "State" means—

(1) a State;

(2) the District of Columbia;

(3) the Commonwealth of Puerto Rico;

(4) any other territory or possession of the United States; and

(5) any land under the jurisdiction of an Indian tribe, as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

SEC. 1106. PROHIBITION ON EMERGENCY SPENDING FOR PERSONS HAVING SERIOUS DELINQUENT TAX DEBT.

(a) DEFINITION OF SERIOUSLY DELINQUENT TAX DEBT.—In this section:

(1) IN GENERAL.—The term "seriously delinquent tax debt" means an outstanding debt under the Internal Revenue Code of 1986 for which a notice of lien has been filed in public records pursuant to section 6323 of that Code.

(2) EXCLUSIONS.—The term "seriously delinquent tax debt" does not include—

(A) a debt that is being paid in a timely manner pursuant to an agreement under section 6159 or 7222 of the Internal Revenue Code of 1986; and

(B) a debt with respect to which a collection due process hearing under section 6330 of that Code, or relief under subsection (a), (b), or (c) of section 6015 of that Code, is requested or pending.

(b) PROHIBITION.—Notwithstanding any other provision of this Act or an amendment made by this Act, none of the amounts appropriated or otherwise made available under this Act may be used to make payments to an individual or entity who has a seriously delinquent tax debt during the pendency of such seriously delinquent tax debt.

SEC. 1107. PROHIBITION ON EMERGENCY SPENDING FOR DECEASED INDIVIDUALS.

None of the amounts appropriated or otherwise made available under this Act may be used for any person who is not alive when the amounts are made available.

SEC. 1108. PROHIBITION ON EMERGENCY SPENDING FOR FISHERIES.

None of the funds appropriated or made available in this Act may be used for any commercial fishery that is located more than 50 miles outside of the boundaries of a U.S. disaster area, as declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5701 et seq.), for Hurricane Sandy.

SEC. 1109. RETURN OF UNUSED EMERGENCY FUNDS.

None of the amounts appropriated or made available in this Act may be used for any commercial fishery that is located more than 50 miles outside of the boundaries of a U.S. disaster area, as declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5701 et seq.), for Hurricane Sandy.
(c) MATCH SUNSET.—The 90/10 cost share provided in this Act shall expire 2 years after the date of enactment of this Act.

SEC. 1106. (a) PROHIBITION ON USE OF FUNDS FOR FLOOD INSURANCE RECOVERY CONTRACTS NOT COMPETITIVELY AWARDED.—Amounts appropriated or otherwise made available by this Act may not be obligated or expended for flood insurance recovery contracts not competitively awarded.

(b) REVIEW OF CONTRACTS.—Not later than 60 days after the date of the enactment of this Act, the Administrator shall conduct a review of all contracts to support disaster recovery that were awarded before the date of the enactment of this Act using other than competitive procedures in order to determine the following:

(1) Whether opportunities exist to achieve cost savings under such contracts.

(2) Requirements being met by such contracts may not be met using a new or existing contract awarded through competitive procedures.

(c) COMPETITIVE AWARD OF CONTRACTS.—If a Federal agency determines pursuant to the review under paragraph (1) that either sub-paragraph of that paragraph applies to a contract awarded using other than competitive procedures, the agency shall take appropriate actions with respect to the contract, whether to achieve cost savings under the contract or to use a new or existing contract awarded through competitive procedures to meet applicable requirements, or otherwise to discontinue the use of the contract.

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I yield the floor. The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KERRY. 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. KERRY. Mr. President, I ask unanimous consent that the Senators from Alaska, New Hampshire, Rhode Island, and Massachusetts be permitted to proceed in a colloquy for a period of about 15 minutes, with the understanding that at the end of it we will enter into a quorum call.

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

Mr. KERRY. Mr. President, I begin by saying very quickly there is an amendment that has been brought forward to try to strike from an emergency assistance bill critical aid, aid that is, frankly, less than it ought to be in view of the crisis of the fisheries not of one State but of the entire New England region and of other parts of the country—the Pacific, also, and other parts of the country that have been hit.

The fact is that in Massachusetts we have 77,000 jobs, a billion-dollar industry that is a part of our culture and a part of our history. Fishing is vital to our State. We have local fishermen, we have commercial fishermen, we have a sports fishing industry, and it is a vital part of the commerce of our State and of the entire history of our Nation.

We have been hit in the last years by record levels of reduction in our fish stocks, and we have also been hit by Federal regulations that are trying desperately to hold on to those fish stocks for the long term and for the future, which have, regrettably, reduced our fishing effort in certain fisheries by 50 to 80 percent.

We have fishermen who have their boats—just like a home—mortgaged. Their homes, their families are entirely dependent on their ability to bring in revenue, but because of the regulations they are prevented from going into the water and declaring that because of the reduction in the stock which is a God-given effect of nature—just like a drought in the Western part of our country, just like a flood which we respond to, just like a fire, just like a storm.

Our fishermen are the farmers of the ocean, and they provide an unbelievable amount of food to the people of our country. We want to preserve that.

If they are not going to fish for a few years, we want to know they can come back and fish sometime in the future, and that is what they want to do.

Just as we have tide people over in the past in our country—just as in Katrina we went and helped people and small businesses that had been wiped out temporarily to be able to come back—our fishing people deserve emergency assistance to tide them over and help them through this most critical time.

I would turn to the Senator from New Hampshire and the Senator from Alaska and I ask the Senator from New Hampshire what this means to the State of New Hampshire, if she might share with us.

Mrs. SHAHEEN. My friend from Massachusetts understands the challenges we have in New Hampshire, as does Senator WHITEHOUSE from Rhode Island because, in fact, fishing is one of the oldest industries we have in New England. In New Hampshire, it dates back over 400 years. Because we have a much smaller coastline than Massachusetts and Rhode Island, we have a smaller group of people who earn their living through fishing. They have smaller boats, and therefore they are more affected by some of the fishing regulations and some of the adverse weather conditions that have affected fishing.

About 90 percent of the fishing New Hampshire’s fishermen do is for cod, and cod is the species that has been most affected by declining fish stocks. It is a huge issue for our small remaining fishing industry. The fact that there is funding to help them in this bill absolutely critical because without this funding we are going to lose that industry in New Hampshire. We have 5,000 jobs affected here, $106 million in income to the State of New Hampshire.

I think it is important to point out that this is a bipartisan effort. Last week we had a letter with 13 of our colleagues, including Senators WICKER, MURKOWSKI, COLLINS, SNOWE, and BROWN, urging the committee to include this funding in the bill. It is the tell now. I certainly hope we are going to see bipartisan support for keeping this funding in the bill.

Let me just turn—

Mr. KERRY. Mr. President, before my colleague does, if I could ask the Senator from New Hampshire—I ask unanimous consent that the Senator from Maryland be able to join us in this colloquy and extend it for about 10 minutes.

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

Mr. KERRY. I know the Senator from New Hampshire wanted to turn to the Senator from Alaska.

Mrs. SHAHEEN. We are from New England. Senator MUKOSHI is further south on the east coast. But this is a bicoastal problem because, as I know Senator BEGICH will tell us, it is a huge issue for people in Alaska and for those on the west coast. They have the same problem.

Mr. BEGICH. I will tell you, in Alaska it is even magnified in a lot of ways. If you think of this country, three-quarters of the coastline is Alaska. Fishermen have been fishing there commercially not just for a few hundred years but for 10,000 years of survival on our oceans.

When you think of the value in 76,000 jobs in Alaska directly and indirectly related to the ocean, it is over $5 billion. It doesn’t matter in a commercial fishery—if you are in McDonald’s having a fish sandwich, the odds are that it comes from our fisheries. If you sit in the fanciest restaurants anywhere in the world, the odds are that some of it comes from here.

As Senator SHAHEEN said, this is a bipartisan issue. The disasters that are declared for fisheries in this bill have been declared disasters. It is not some pie in the sky, some pork, or we sit around and say: Let’s get some money for every State. These are actually declared disasters by the States and our Federal Government that need to be funded.

In our situation, it is even more different. Not just the economic impact I just laid out, but an elder told me one time that in urban cities, you walk out the door and you go down the street to Safeway for your food. In rural Alaska, you open your door, and what is in the grocery store? The nature they see is the grocery store.

So when they have—in our case, the Yukon Delta, the Yukon-Kuskokwim Delta in the western part of Alaska, had a devastating king salmon fishery loss in terms of the quantity of the fish. So when that fish is not able to be harvested, to be put into the storehouses for the winter, then the limited cash that they have, in an area where fuel cost to heat their home is $8, $9, $12 a gallon, now has to go to not only heating that they have already set that cash aside for, now they have to get food shipped in. So their limited cash is now split between heating their home and putting food on the table.

Let me tell you, in Anchorage, AK, which is urban, outside it was 40 below yesterday. So heating your home is not like just turning on your heater when you come home from work. It is a whole different ball game.

But most importantly, they live off the land. It is not some hobby they do on the weekend. It is not a sports event. They harvest the food. The Senator from Massachusetts said it best—we harvest the ocean. We are no different from any farmer in the Midwest or anywhere else. So when the Yukon Delta loses its king salmon, a critical piece of their food supply, it is real. It is not about: We will go fishing next year. This is about: Do we have enough food for the table?

When I hear people on the other side and others who say this is a bunch of pork and a bunch of this and that, they need to come to Alaska. I would enjoy them coming right now in the winter at 40 below and seeing what people have to go through.

To me, this is such a small amount to make such an impact not only to us but to all the coastal States that are...
suffering with this situation in our fishing industry.

Mr. KERRY. Mr. President, I ask the Senator from Maryland, if I can—I know the Senator from Rhode Island wants to join in here, but the Senator from Virginia has a really important point that I think the Senator from Maryland can speak to very specifically; that is, this is not some amount of money that got pulled out of the sky and was put in in the dead of night behind a closed door as some kind of back room deal. This has been thoroughly vetted through the Commerce Department, through the fisheries, through the committees, through all of the regulators, through the White House. The White House has signed on to this. This is a designated emergency. It has gone through the requests of the Governors. The Governors have had to submit their data. It has all been through the process.

I would ask the Senator from Maryland who is responsible on the Appropriations Committee for making these judgments—there is not a Senator here who would not agree that she does that with rigor and with standards—I ask her what the meaning is, No. 1, of Maryland's fisheries, which has a fishing industry, and, No. 2, to the legitimate process of the Senate?

Ms. MIKULSKI. I thank the Senators from New England, and I am happy to answer the question and join here with my fellow coastal Senators.

First, I would like to respond in my official responsibility in the Senate, which is to chair the Subcommittee on Commerce, Justice, Science. It is in that subcommittee that the NOAA—the National Oceanic and Atmospheric Agency—is funded. It is there that the fisheries money is spent. Any fishery disaster, in order to qualify for Federal assistance, must be certified by the Secretary of Commerce. That has been thoroughly vetted through the Commerce Department, through the Secretary of Commerce, through the White House. The White House has signed off on this. This is a designated emergency. It has gone through the requests of the Governors. The Governors have had to submit their data. It has all been through the process.

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to rebound and unprecedented environmental changes very related to the environmental changes that whip up giant storms like Sandy are at the heart of this.

One last quote, and then I will yield back to my colleagues who are engaged in the discussion. When we are out here, we see a big body of water called the Northeast Shelf Large Marine Ecosystem which is tracked by NOAA, and it extends from the Gulf of Maine all the way down to Cape Hatteras on our Atlantic coast.

Here is what NOAA reports:

During the first six months of 2012, sea surface temperatures in the Northeast Shelf Large Marine Ecosystem were the highest ever recorded... above-average temperatures were found in all parts of the ecosystem, from the ocean bottom to the sea surface and across the region.

There is a real physical rationale and reason for the disaster that we are seeking a remedy for in our home State industries that are being so grievously stricken.

Ms. MIKULSKI. Mr. President, may I draw the distinction between a fishery disaster and an earmark? Because there is an undercurrent here from the amendments of the Senator from Oklahoma, who has said on many occasions that he has been the defendant of the taxpayer. Well, so am I. The difference between an earmark is a congressionally designated project that meets the criteria that the Senator deems appropriate to help his State. That is not what this is. When he says it has to be certified by the Stafford Act, he is implying that these are uncertified, unneeded, unwarranted, and are earmarks. Once again I will say that these are certified by the Secretary of Commerce. They meet the criteria for compelling economic and human need as required by law. This is not an earmark, it is certified disaster assistance.

Let’s get rid of this phony-baloney nonsense that somehow or another that would undermine this bill of $150 million that as the Department of Commerce has determined, we unify, no matter where we are or what we are doing, to bring back those fish.

Mr. KERRY. Mr. President, I ask unanimous consent that I would get the floor. I don’t mind waiting for the time that they have requested, but I want to make sure I do get recognized after the conclusion of this for such time as I shall consume under morning business.

The PRESIDING OFFICER. Is there objection?

Mr. KERRY. Reserving the right to object, I think the way we operate is that we need to have a time agreement, and we also have to have an agreement that at the conclusion of the Senator’s remarks, we will go back into a quorum call.

Mr. INHOFE. Yes, I certainly agree to that. Keep in mind I have already asked for unanimous consent not to proceed for more than 20 minutes.

Mr. KERRY. Not to exceed for 20 minutes with the understanding that the quorum call will go into effect at the end of the remarks.

The PRESIDING OFFICER. Hearing no objection, so ordered.

Mr. KERRY. We reserve our time, and I yield to the Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I will be brief because my friend from Massachusetts and I am in talking about the livelihood of people in our fishing industry who have been affected by the disaster, and as a result there have been low species and low catch numbers because of regulations in an effort to bring back those fish. If I hope that our support these disaster funds that as the Department of Commerce is allocating this funding, that they will do it with a collaborative process that invites fishermen and fishing businesses to have a say in that process.

This is a process that has gone through step after step to ensure that everyone in my State—Republican Governor and a Republican and Democratic delegation—has an important role here.

This takes nothing away from Superstorm Sandy. We recognize—all of us on this floor—how devastating that was, but this was also a disaster of a different making. As a matter of fact, it was a disaster that as the chair of the Subcommittee on Appropriations on the eloquent description of exactly how this happened. I like earmarks as well, but this is not an earmark. This is a process that has gone through step after step to ensure that everyone in my State—Republican Governor and a Republican and Democratic delegation has an important role here.

Mr. BEGICH. Let me conclude with my comments to say I agree especially with the latter part regarding how to engage people on what these resources will be. I want to commend the chairwoman of the Subcommittee on Appropriations on the eloquent description of exactly how this happened. I like earmarks as well, but this is not an earmark.

In my State it is truly about food and survival for the Alaskan Native community in the winter months with temperatures that are not zero or 10 above but 40 below.

I implore my colleagues on the other side to support this bipartisan effort and reject the amendment by Senator COBURN.

Again, I thank all of my colleagues for coming down here. This just shows one of the roles that we have as a legislative body. When disasters are declared, we unify, no matter where we live, to figure out how to make sure the people of this country are taken care of.

I yield the floor.

Mr. WHITEHOUSE. I will close the colloquy by thanking Senator Mikulski for her leadership, support, and her key role on the Appropriations Committee. I want to thank Senator KERRY of Massachusetts for his leadership on the original disaster declarations that brought us to this point. I want to thank Senator SHAHEEN of New Hampshire for pulling this colloquy together. Thank you to Senator BEGICH for his advocacy on that other coast.

I yield the floor.
MEMBER HUTCHISON: We are writing in support of including federal fisheries disaster funding in any emergency supplemental appropriation bill developed in response to Superstorm Sandy. Over the past year, extreme weather and other natural events have wreaked havoc on commercial and recreational fisheries in our states, leading the Secretary of Commerce to declare federal fisheries disasters. Despite these declarations and the ongoing hardship, Congress has not yet appropriated funds.

As you know, the Secretary of Commerce is authorized to declare federal fisheries disasters under Section 308(d) of the Interjurisdictional Fisheries Act and Section 316 of the Magnuson-Stevens Fishery Conservation and Management Act. These designations allow Congress to appropriate federal relief funds to alleviate the harm caused by natural disasters to fisheries and the fishing industry. The disaster assistance funds can be used to repair or restore fishing equipment and infrastructure, compensate for losses, restore fisheries habitat, support workforce education, provide low-interest loans, and conduct monitoring and cooperative research focused on improving stock assessments.

Currently, federal fisheries disasters have been declared in nine states in response to four different events:

Superstorm Sandy—On November 16, 2012, a federal fisheries disaster was declared for New Jersey and New York due to the damage caused by Superstorm Sandy. The high winds and storm surge devastated marinas, destroyed fishing vessels, and resulted in severe economic losses for both commercial and recreational fisheries.

Northeast Multispecies (Groundfish) Fishery—On September 13, 2012, a federal fisheries disaster was declared for Rhode Island, Maine, New Hampshire, New York, and Connecticut. The projected reductions in the total allowable catch for certain groundfish stocks will have a significant impact on many of the same communities that were hit by Sandy. Despite strict adherence to new and rigorous management practices by fishermen, key fish stocks have been returned. Slow recovery and declining fish stocks will continue to have a negative impact on commercial fishing, harming local communities and economies.

Alaska Chinook—On September 12, 2012, a federal fisheries disaster was declared for Alaska Chinook salmon fisheries in the Yukon, Kuskokwim, and Cook Inlet. Thousands of Alaskans have been impacted including commercial fisherman, sport fisherman, and subsistence-based residents. Fish impacts, indirect impacts, have been felt by communities through reduced tax revenue, reduced work for processor employees, and reduced income for fishermen and their families.

Mississippi Oyster and Blue Crab—On September 12, 2012, a federal fisheries disaster was declared for commercial oyster and blue crab fisheries in Mississippi. Historical flooding of the lower Mississippi River required opening of the Bonnet Cane Spillway on May 9, 2011. This action released substantial amounts of freshwater into the Mississippi Sound, impacting the entire ecosystem. Mississippi’s oyster and blue crab fisheries were extensively damaged as a result in severe economic hardship for commercial fisherfolk still recovering from the devastating impacts of Hurricane Katrina and the BP oil spill.

Fishing is an integral part of our states’ economies and cultures. These disasters have devastated fishing families and coastal communities and there is an urgent need to provide federal assistance. We urge you to move swiftly to appropriate funds for these federal fisheries disaster declarations.

Sincerely,

FRANK R. LAUTENBERG,
JOHN F. KERRY,
JEANE SHAHEEN,
SHELDON WHITEHOUSE,
Olympia J. Snowe,
The PRESIDING OFFICER (Mr. TESTER). The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I am going to expand my remarks from my original intent because of what I have been listening to on the floor. I really reserved this time to talk about two very significant things that happened.

First, in October of 1939—and I have to ask the question as it gets closer and closer to Christmas: Why are we here? There is always a lot of theater right before Christmas time. The things we are talking about now could well be taken care of afterward. It could be done after we have a chance to look and assess the damages of Sandy.

As far as the fiscal cliff is concerned, this is something that we have known about for a long time. Right now it seems that in this body—and the other body down in the House—that they don’t want to do anything until it gets close to Christmas, that somehow people are at home watching, and sitting with bated breath and wondering what wisdom we are going to extol. I don’t know if that is true in other States, but I know that it is not true in Oklahoma. I told them this was going to happen. I told them before the election in October. I introduced a bill, S. 3473. I introduced that bill because I knew what was going to happen.

What we have been talking about here in the last few minutes during the colloquy that I came in and caught the last part of is this Sandy issue. This is always interesting. When a disaster occurs, 53 years ago in 1959—and I have to ask the question as it gets closer and closer to Christmas: Why are we here? There is always a lot of theater right before Christmas time. The things we are talking about now could well be taken care of afterward. It could be done after we have a chance to look and assess the damages of Sandy.

As far as the fiscal cliff is concerned, this is something that we have known about for a long time. Right now it seems that in this body—and the other body down in the House—that they don’t want to do anything until it gets close to Christmas, that somehow people are at home watching, and sitting with bated breath and wondering what wisdom we are going to extol. I don’t know if that is true in other States, but I know that it is not true in Oklahoma. I told them this was going to happen. I told them before the election in October. I introduced a bill, S. 3473. I introduced that bill because I knew what was going to happen.

So, it is my hope that we are fast-tracking this and analyze the actual losses that were attributed to Sandy. It was a disaster, and I understand that. People lost their lives and their property. Nonetheless, we don’t know, and we are guessing right now.

Some say: Well, how about $60.4 billion? That sounds good. It could be $70 billion, it could be $80 billion, or it could be $30 billion. The Heritage Foundation did an analysis of the damages of Sandy. We talked about the $68.4 billion, which was just directly attributed to Sandy. We should get the study before it is criticized. The Heritage Foundation did the study, and it is actually $12.8 billion. That represents the amount that individuals lost as a direct result of this disaster called Sandy that tragically hit our east coast.

Now what about the other $47.6 billion? As an example, they have $28 billion in there for future disasters. Oh, wait a minute. We are supposed to be addressing a disaster that just occurred. The $28 billion is for future disasters. Here is a good one. There is 3.5 for global warming. They always have to get global warming in there. That is kind of interesting because we actually had several debates and several pieces of legislation called cap-and-trade. We took it up before this body and we defeated it. I am talking about going back 12 years ago. The last one was the House bill, and that was called Waxman-Markey. It was defeated because people realized that cap-and-trade would be the largest tax increase in the history of America, somewhere between $300 and $400 billion a year. That equates to about $3,000 for each family in my State of Oklahoma who files a Federal income tax return. So people realize that is true. Yet at the same time, the Administrator, appointed by President Obama, Lisa Jackson, when she was asked the question, if you were to pass any bill here for cap and trade in Oklahoma, would this reduce CO2 worldwide, said: No. That is because the problem is not here; the problem is in countries such as China, India, Mexico, and other places.

Nonetheless, how many people in this body even know what this President has done through his executive powers? He has spent all of his global warming initiatives in the 4 years he has been President and that is without any authority from this body.
Here is another one: $150 million. I was listening to my good friend Senator Begich from Alaska—and I have a great deal of respect for him. He and I have worked on legislation together such as the pilots’ bill of rights legislation. Nonetheless, fisheries in Alaska were very important to them versus the east coast. This didn’t happen—the last time I looked at a map, it was on the west coast, not the east coast, so it should not be in here.

The other thing is the fiscal cliff. We are all here talking about this fiscal cliff that is here and all of a sudden we have to do something about it. How many people realize that we knew this was coming a long time ago? I mentioned my bill, which is S. 3473, that showed we don’t have to raise $1.4 trillion, we can raise $2.7 trillion without any cuts to the military, and it is all right there. Look it up: S. 3473. Now, months later, right before Christmas, we come here and say, Oh, trauma has set in; it is going to be a disaster, so we have to come up with $1.4 trillion.

How many people realize that this President—and this is not the Democrats, not the Republicans, not the House, not the Senate—it was the President of the United States, in his budget—there were four budgets he had in his 4 years. He had over $1 trillion of deficit in each budget. If we add up all of his deficits—this is what the President gave us now. Again, it was not the Democrats, it was not the Republicans; it was the President. He budgeted in the U.S. Senate; this was his budget that he drafted and signed, with $5.3 trillion of deficit in it—that is more deficit than all budgets of all Presidents combined since George Washington—and nobody cares. We say this and people shake their heads and they don’t seem to care. He said it so it must be all right.

So now after this President has given us $5.3 trillion of deficit, now all of a sudden—he did that in 4 years, but in 10 years, with a disaster budget, you come up with $800 billion. It is easy. We could do it. I did it in a bill introduced several months ago. We knew it was coming, but Christmas is coming too so we are all lined up to grandstand—I don’t mean grandstand; that sounds demeaning. I don’t mean it that way.

When we think about the money this President has spent—what about the $800 billion stimulus that didn’t stimulate? How many people in America—who voted for this—how many of this body now say what that $800 billion was spent for? I suggest not very many. I do, because I made a point to look. There are things that it did not stimulate. Only 3 percent of it went to roads and highways and that type of thing. But, again, he came up with in one fell swoop $800 billion, and now we wonder—that was in the first couple of months and now in 10 years, how can we come up with this much more? So, anyway, I just wanted to say that.

When we are talking about the budget, I think it is appropriate to say something else about it, because it was in the budget that was part of disarming America. I can remember going over to Afghanistan after the President’s first budget because I knew he was cutting the military and I knew if I were over there responding with the tanks going back and forth that it would not be people's attention and it did. In that first budget he did away with the only fifth-generation fighter, the F-22; he did away with our lift capacity, the C-17; did away with our future combat system, did away with the ground-based interceptor in Poland; all of these things in one budget. That is what took place.

Jon Kyl is retiring, and I noticed that when he made his going-away speech today he talked about the disasters we are facing right now. We are talking here about weather disasters. What about nuclear disasters? What about the fact that we had the New START Treaty, which I opposed, but nonetheless, that put levels on both Russia and ourselves. In terms of our nuclear warheads, if we were to go down equally to 1,550 warheads, it is now down, and they are talking about doing away with them altogether. It is another subject for another time, but I will spend some time talking about it.

Anyway, as we started, I mentioned two significant things happened in 1959. One was—and we are all revering now Danny Inouye. Senator Inouye is different than most other Senators. I remember when my daughter Katie was something done, and he never turned those down. I had a long time ago a visit yesterday with his son and told him what we feel about Danny Inouye and how much we are going to miss him. So that happened in 1959. That was when he was first elected to the U.S. Senate.

The other thing that is significant that happened in 1959, 53 years ago today, is I was married. So this is my 53rd wedding anniversary, and it happened we were married in 1959. In fact, she is 104 years old. She hardly ever does, but I called and said watch because I can’t be there for our anniversary so I have to do it this way, and so she is. Today is only the second time in 53 years that we haven’t been together on our anniversary.

But I would ask the question: Who will be there today? That is who will be there today, our 20 kids and grandkids. Look at them all. Isn’t that neat? Yes, they are going to be there, but I am not, but she is going to be alone. Isn’t that significant? All of that happened and it started with just us, right there, and there they are. A person might look and see that one little girl is a little bit different than the rest of them. That is the little girl right here. We call her Zegita Marie. There she is. We found her 12 years ago, only 2 days old. She was a cute little girl and she was just near death in an orphanage in Ethiopia and we went back there and found her 12 years ago. My daughter Molly, who had nothing but boys, adopted her.

I want to say to my wife who is listening right now, even though I won’t be there from now on the 2nd— that is Saturday—I want you to watch the ‘Mike Huckabee Show’ because she is going to be interviewed and talking about adoption.

Senator Landrieu and I head the adoption caucus in the U.S. Senate. There are hundreds of thousands of little kids out there and people who want to adopt little kids, and they can’t do it because of the problems. This little girl wouldn’t even be alive today and here she is now, 11 1/2, almost 12 years old. She is doing all of these wonderful things. So, Kay, be sure to tune in to Mike Huckabee and watch her being interviewed 3 days from now.

The last thing I will say is that this is bad enough not to be home during the Christmas holiday, but as we get closer to Christmas. If you can only see the celebration that is going on right now, all those kids. They are all there and they are participating.

I remember what happened in the year 2000. In 2000 I was at the same game here: You know, we were here doing a little theater, making sure everybody knew we were working, and we didn’t get out until the afternoon, just about noon, on Christmas Eve. I remember that was the worst snowstorm in the history of northern Texas and of Oklahoma. Where is global warming when you need it? It was terrible. I got to DFW and I wanted to go on to Tulsa. I was in a hurry to get there because Kay and I belong to a church in Tulsa where we were married, all of our kids were married there, and my wife was even baptized there, and every Christmas Eve they have the most beautiful setting and three of my grandkids were going to be singing in that and I never missed it in 50 years. We got to Dallas; they weren’t going to take off. I pleaded with them. They took off, the only plane that took off from DFW, and went to Tulsa that day. We went through 6-foot drifts, if my colleagues can imagine it, to get down there to see my little grandkids singing. Well, that is not going to happen this time, because I will be back there.

I would say this to my wife. We have had kind of a tradition for 53 years now: I always get Kay a rose. She loves roses. So I am not there today, but I want to say to Kay that if you will go out in our front yard now and look under the giant oak tree that you and I planted over 50 years ago, your roses are there, and they are doing wonderful.

Finally, I want to say two more things. One is I want to assure Kay that I love her more today than I did 50
years ago; and secondly, I am not Bing Crosby, but I am going to say—and all the people in Oklahoma understand this—there may be 99 Senators here playing their games on Christmas, but as Bing said, I’ll be home for Christmas and I’ll be sure of that. You can count on it.

With that, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

Without objection, it is so ordered.

Mr. WHITEHOUSE. Mr. President, Senator REED and I want to speak briefly, and unless the leader has arrived, we will return the Senate to a quorum call at the conclusion of the remarks by Senator REED and myself. And it is gratifying that the Senator from Rhode Island and to the country regarding growing our mental health care pediatric workforce.

My amendment would make resources available to increase the number of residents trained in child and adolescent psychiatry. Senator CASEY’s—the Presiding Officer’s—bill and my amendment have the unanimous support of my caucus and I believe have very broad support in the Republican caucus as well. Unfortunately, there has been an objection to my unanimous consent request, so I am very disappointed that my colleagues on the other side of the aisle are not able to clear this particular bill. I am also disappointed that none of the Republicans who support this measure have approached me or my staff with their concerns—one of them. If it is just one, then he or she has not. If it is more than one, none of them have.

I was prepared to come to the floor today and make a live unanimous consent request to find out exactly where the objections to this amendment lie. But, instead, I will urge my Republican colleagues to work with me and with Senator CASEY of Pennsylvania to reach consensus on this important measure.

The CHGME program should be reauthorized. Since its enactment in 1999, the program has helped address the need for more pediatric specialists. But there is a gap in the field of child and adolescent psychiatry.

The American Psychiatric Association concluded this year that “targeted efforts must be made to encourage medical training and residency in the subspecialties of child and adolescent psychiatry.”

I gather my time is very brief, so I am going to yield to Senator REED very shortly, but I do want to thank Senator CASEY and Senator ISAEKSON for their patience and their hard work.

The amendment I have proposed and Senator REED of Rhode Island has proposed is an amendment that does not add any additional spending. It stays within the existing budgetary limit. It confines the amount available for child and adolescent psychiatry to less than 1 percent of the total. I believe it is a very sensible measure, particularly in the wake of the tragedy in Newtown, CT. The idea that there is no room for further attention to child mental health and psychiatry and adolescent mental health and psychiatry seems to me to be an unfortunate outcome.

Bradley Hospital in Rhode Island would be a beneficiary of this. They are a particularly good hospital in a great number of settings.

As I said, I know time is short, so I will yield the remaining moments of our time to Senator REED.

The PRESIDING OFFICER. The senator from Rhode Island.

Mr. REED. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded. I want to join Senator WHITEHOUSE in commending the Presiding Officer for his underlying legislation, along with Senator ISAEKSON, and commend my colleague and friend, Senator WHITEHOUSE, for his leadership on this issue, and begin where he left off, which is, in the wake of the unfathomable tragedy in Newtown, CT, the idea that we do not need more trained child psychiatrists and child counselors is difficult to understand. We do need them.

The legislation the Senator from Pennsylvania has introduced would help children’s hospitals across the Nation and we are strongly behind it. But we also want to make help available to children’s psychiatric hospitals, such as Bradley Hospital in Rhode Island.

One of the facts that emerged from the terrible tragedy in Newtown is that many of the parents and the children, desperately need help, and their parents need help—help to recognize problems, help to not only diagnose them but treat them, and we do not have a sufficient number of trained child psychiatrists in to do that.

This legislation, this amendment, would allow us to do that. It adds no cost, as Senator WHITEHOUSE indicated, and I think it should be something that we do immediately when it comes to the welfare of our children, but particularly in the wake of the terrible tragedy in Connecticut.

So I wanted to be here to lend my support to the underlying efforts of the Senator from Pennsylvania and to the specific efforts of my colleague, the Senator from Rhode Island.

Mr. President, I ask unanimous consent that a statement by Dr. Gregory Fritz, who is the academic director of the residency program at Bradley Hospital, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD.

PARITY FOR KIDS’ MENTAL HEALTH

Despite the passage of the federal mental-health parity bill, stigma and prejudice are still alive and well when it comes to legislation affecting children’s psychiatric hospitals. The latest example of how our government continues to maintain discriminatory federal policies specifies that children with mental-health issues involves federal support for graduate medical education (GME).

Although this issue is far overshadowed by the federal debt issue, those who care about the mental health of children need to be aware that achieving true parity still entails overcoming significant obstacles. Getting children’s psychiatric hospitals recognized as legitimate sites of medical education is only a substantial step towards the true parity that has both symbolic and pragmatic importance.

The history of federal support for training physicians during their hospital residencies goes back to the establishment of Medicare, in 1965. Recognizing that America needs a steady supply of physicians in all the areas of medicine, and that their training carries substantial additional expense for teaching hospitals, Medicare authorization includes a per-resident reimbursement that is provided to hospitals through a formula. One element for determining GME payments is the percentage of a hospital’s reimbursements that comes from Medicare. That children’s hospitals would be excluded from the program (because Medicare pays virtually zero for children’s medical care) was unintentional, but it took 34 years for this oversight to be corrected.

The Children’s Hospitals Graduate Medical Education Payment Program (CHGME), in 1999, established a pool to provide residency education support to children’s hospitals, considering a system modeled after the Medicare GME system. The unintentional disincentive to train pediatric generalists and specialists was readdressed and pediatric specialists is far from being a system modeled after the Medicare GME system. The unintentional disincentive to train pediatric generalists and specialists was readdressed and pediatric specialists is far from being readdressed and pediatric specialists is far from being readdressed.

Parallel to the initial oversight in the Medicare bill, in the arcane definition of a children’s hospital detailed in the CHGME regulations is language making it impossible for children’s psychiatric hospitals to qualify. Although this issue is far overshadowed by the federal debt issue, those who care about the mental health of children need to be aware that achieving true parity still entails overcoming significant obstacles. Getting children’s psychiatric hospitals recognized as legitimate sites of medical education is only a substantial step towards the true parity that has both symbolic and pragmatic importance.

The Children’s Hospitals Graduate Medical Education Payment Program (CHGME), in 1999, established a pool to provide residency education support to hospitals in a system modeled after the Medicare GME system. The unintentional disincentive to train pediatric generalists and specialists was readdressed and pediatric specialists is far from being readdressed. This year, a total of $317.5 million offsets the training expenses of 5,900 residents at 46 children’s hospitals, and the CHGME program is widely considered a success.

The CHGME reauthorization needed for the program to continue would seek to offer the ideal opportunity to end this de facto discrimination against mental-health problems. Sen. Sheldon Whitehouse and Representatives David Cicilline and James Langevin, all Rhode Island Demo-
crats, have offered similar amendments to the CHGME reauthorization that would correct the language to reflect the original bill’s intent.

If passed, it would admit four or five children’s psychiatric hospitals that meet strict criteria into the pool of hospitals eligible for CHGME reimbursement. A larger taxpayer outlay is not requested; rather, the existing money would be spread slightly more thinly (an estimated 30 additional residents would be added to the current 5,900). One would think it a small price to pay to correct an injustice, but passage is far from guaranteed.

As a child psychiatrist working at Bradley Hospital, one of the hospitals that would finally be included, I am far from disposed about this issue. I see every...
day the agony experienced by families with autism, childhood suicide, adolescent substance abuse or pediatric bipolar disorder; it’s different, but no less severe, than the pain associated with juvenile diabetes or leukemia. As are all mental-health professionals, I’m troubled by the months-long waiting lists that prevent children’s access to critical services.

The distinction between psychological and physiological disorders is artificial and anti-quaint. Mental-health parity is the law in principle; the CHGME reauthorization should make it the case in practice.

Mr. REED. Mr. President, I have a comment on an additional issue but would only do so if the Senator from Rhode Island would allow.

Mr. WHITEHOUSE. Mr. President, let me yield back to my senior Senator to move to his other issue. But let me also say what a pleasure and a privilege it has been to work with him in this shared determination to see that this amendment is made—this very reasonable amendment that will add no additional spending and will expand the reach of adolescent and child psychiatry in this country. He has been terrific to work with. It is always a pleasure and privilege to have Senator REED as my senior Senator, but this has been a particularly good occasion of working together.

With that, I yield back to my senior Senator.

The PRESIDING OFFICER. The senior Senator from Rhode Island.

Mr. REED. Mr. President, I want to touch on a topic that was discussed by many of my colleagues, including Senator WHITEHOUSE; and that is the fisheries disaster in the Northeast, which was declared by the Secretary of Commerce to be that which was largely the result of support in the supplemental appropriations bill to help our fishing industry in the Northeast that has been affected by this disaster in the areas of New York, Connecticut, and Rhode Island.

These fishermen have been for years under a painful regime of restricted fishing so that the stock could be replenished. Despite their efforts, some of the fishing stock has not responded, leading to a declaration of a fisheries disaster by the Secretary of Commerce.

The funding that is included in the supplemental applies to New England, but it also helps Alaska and Mississippi. I appreciate very much the fact that Senator MIKULSKI is working to improve the situation in the bill. She is an extraordinary leader in our Senate, an extraordinary and compassionate leader when it comes to issues affecting the fishing industry, not just in her home area of the Chesapeake Bay and the Atlantic but as far away as Alaska and the Great Lakes. I hope we could move to help these fishermen get on with their lives with this assistance.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

REMEMBERING DANNY K. INOUYE

Mr. LEVIN. When 7-year-old Danny Inouye saw the Japanese planes over his Hawaii home on December 7, 1941, his first impulse was to help. So he ran to help. He had emergency medical training. He used that training to help bind the wounds of the Americans injured in the attack on Pearl Harbor.

His second impulse, just as strong, was to defend our country. But the America of 1941 did not want his service. In fact, Danny and his fellow Japanese Americans suspect and called them enemy aliens and confined more than 100,000 of them to internment camps. When Danny Inouye tried to enlist to defend his country, his country told him: You are not welcome.

That Danny Inouye did not allow anger and resentment to overcome his love of country says something remarkable about him and about our country. When in 1940 President Roosevelt allowed Japanese Americans to enlist in the fight against Nazi Germany, Inouye and thousands of young men answered the call. Danny burned with desire to defend the Nation that had told him and people of his background: You may not serve; a nation that still held thousands of Japanese Americans behind barbed-wire fences.

When he left Hawaii for the Army, his father told him: This country has suffered in Italy. He suffered in Italy took place at a veteran’s hospital in Battle Creek, MI. There he met two other young men, a soldier from Kansas named Bob Dole and one from Michigan named Phil Hart. They formed a lifelong bond, one that endured all the way to the Senate.

In 2003, when we dedicated that former hospital in Battle Creek, now a Federal office facility, as the Hart-Dole-Inouye Federal Center, Senator Hart said to us, “I am the only one of us who have chapters in our lives, milestones. My most important chapter, he said, was a Battle Creek chapter. This is where I learned what democracy was all about, where I learned what America was all about.

To have imparted any lessons on America to Dan Inouye would be a remarkable honor. What we may have taught him pales in comparison to what he taught us.

A few years ago, in a speech honoring his fellow Japanese-American veterans, Danny told his audience that our greatness as a nation lies in part in our willingness to recognize the flaws in our past, including our treatment of Japanese Americans and our determination in whatever limited way we could to make amends. Dan Inouye served his country because of his dream of what we could be: a nation unbound by our all too human failings. He once said to an audience: All of us are able to shed old prejudices. He believed that our Nation, despite its flaws, shines with such bright promise that we could inspire remarkable service and sacrifice, even in those who suffer from our shortcomings, a nation so great that their goodness will, with disdain or even hatred can respond with love that knows no limit. This love was as powerful as the love that Dan Inouye showed for all Americans and for the very idea of America.

I am so grateful for the lessons that Danny taught me, so grateful for his friendship. Barb and I send our deepest condolences to Irene and all of Danny’s
family, to the people of Hawaii, and to all of those touched by this remarkably kind man.

Mr. REID. Mr. President. Our former colleague, now Secretary of the Interior Ken Salazar has written a letter in memory of our departed colleague Dan Inouye. He ask unanimous consent that the letter be printed in the RECORD.

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

THE SECRETARY OF THE INTERIOR,


Mr. President,

Majority Leader HARRY REID,

Hart Senate Office Bldg.,
Washington, DC.

Dear Majority Leader: Senator Danny Inouye was and will continue to be one of my lifetime heroes. In December 2008, when the President, you and I were in discussions about my potential service as United States Secretary of the Interior, Senator Inouye said the following to me:

"The Secretary of the Interior is the most important job in the Cabinet because you are the Custodian of America’s Natural Resources and America’s Heritage."

Senator Inouye’s description of the Department was a major factor in my decision to accept the President’s offer to serve as Secretary of the Interior. I have adopted his description of the job of Secretary as my motto and also a description of the Department of the Interior.

Like you, I will forever miss Senator Inouye. He has served and continues to serve as a mentor and inspiration to me in all of my days in public service. I know his life and his teachings will continue to live through each of us as he continues to inspire our journey forward.

Mr. COATS. The Senator from Vermont is correct. I don’t intend to take any action on this now. I know there are events planned tonight. We are in the middle of mourning for our lost colleague as well. But I simply wanted to explain for the record what it is that occurred today, that I think all of us are sensitive to the pain and the damage incurred by those in the Northeast due to the catastrophic, clearly catastrophic record proportion hurricane that we faced.

Clearly, that is something that falls in the category of an emergency. It goes beyond the ability of State and local jurisdictions to address with their own resources. They will participate in the recovery, and they have. It is remarkable, in this country virtually no State, no Senator, can stand and simply say, well, we haven’t been touched and not understand the need for the response that comes from disasters.

Mr. LEAHY. Some of us were somewhat staggered that something like occurred in my State of Indiana just this past spring—we needed emergency help and response and received that—or whether it is flooding that has occurred throughout the Midwest and in other parts of the country that has caused a tremendous amount of damage.

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

Mr. LEAHY. The PRESIDING OFFICER. The clerk will call the roll.

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

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

Mr. COATS. Mr. President, I have not yet filed, but I intend to shortly, an alternative amendment to the emergency supplemental which is on the Senate floor and in the process of being debated. I would like to explain what it is that we are going to file and what it does and explain the rationale behind it.

Mr. LEAHY. Would the Senator yield for a question?

Mr. COATS. Mr. President, I yield to the Senator.

Mr. LEAHY. It is my understanding that the Senator is not going to seek action on it now, it is simply to file it?

Mr. COATS. That is correct.

Mr. LEAHY. I thank my distinguished colleague.

We have shared this colloquy on two different occasions. I thank the Senator.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LEAHY. I think, up to 10 Senators from the affected States testifying. We heard a number of suggestions about the number of things that ought to be incorporated into this legislation. Mitigation was one major issue. Mitigation simply is preparing for the next storm so we can mitigate or lessen the damage that occurs in the way that we just incurred. But mitigation is a long-term project. It is not something that can be immediately entered into.

Interestingly enough, on the proposals that were passed by the committee, many were contradictory. Some thought that burying wires underground would prevent, obviously, tree limbs from taking them down and losing power on above-ground wiring. In a city like Manhattan, Boston, or a major metropolitan area or in any city, it is an enormously expensive project.

While that seemed initially to meet some success, then one of the experts who was testifying said, well, wait a minute. The flooding that occurs with the kind of wind we have—wires and piping and corrode a lot of the systems and the switches, and that might not be the best thing to do. I don’t know whether that is better to do or not better to do, but it is certainly something that needs to be examined carefully and vetted before we commit to that type of project.

Others said we should rebuild the sand dunes and sand islands offshore to provide barriers. There was the piece, I think, I heard this piece in our discussion of Katrina, Irene, and on and on it goes with Sandy being the latest. This one was truly of a monumental proportion and created a lot of damage.

Mr. LEAHY. Would the Senator yield for a question?

Mr. COATS. I yield to the Senator.

Mr. LEAHY. I thank my distinguished colleague.

We have shared this colloquy on two different occasions. I thank the Senator.

The PRESIDING OFFICER. The Senator from Indiana.
of money and deny us the opportunities to do the mitigation or other repairs that may be needed.

The additional funding, of course, is a short-term proposal. It goes through March 27. It addresses those needs that call for action that can be taken to meet the criteria of what we set out when we told our staff on the Appropriations Committee to go through and scrub the bill that was put before us and separate out that which was needed now from that which could be done later. That criteria excluded funding for projects not related to Sandy.

There is the long list of requests out there for previous disasters. Mitigation was for future disasters that may or may not come. On mitigation, we said let’s set that aside for later deliberation.

On nonrelated issues, such as cleaning up the tsunami debris on the west coast, those expenditures put in this $60.4 billion proposal by the administration, brought to us by the Senate floor, if it is not related directly to this storm, let’s set aside the procedures that were being dealt with before Sandy occurred or put those procedures in place to deal with it afterward. We find unclarified items and unsubstantiated items, those are where all the facts weren’t in, where these were estimates that had not been certified and not substantiated in a way that I think puts us in a position to make the correct decisions in terms of going forward.

So under that criteria, we came up with a proposal that is a little bit of a work in progress, but totals around $24 billion.

Mr. LEAHY addressed the Chair.

Mr. COATS. I yield to the Senator, but I would like to finish my remarks, if I could. I know we all have time commitments.

Mr. LEAHY. I am only going to make a short unanimous consent request, if I could.

Mr. COATS. I yield to the Senator.

ORDER FOR RECESS

Mr. LEAHY. Mr. President, I ask unanimous consent that upon the completion of the distinguished Senator’s remarks the Senate stand in recess subject to the call of the Chair.

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

The Senator from Indiana.

Mr. LEAHY. Mr. President, the concept behind this, of course, is to be as careful as we can with the taxpayers’ money and make sure that each dollar spent is spent on something that has been thoroughly examined, looked at, vetted, scrubbed, and determined to be necessary going forward. We have to determine the share, the cost share for the State and local communities; what that percentage ought to be that comes from the State and the local communities as opposed to the Federal Government.

We have to determine how to best go forward with the best project that can, hopefully, prevent future damage should a second storm or subsequent storm occur. We have to look at a whole number of factors and make judgments. That is what we are elected to do.

When the taxpayers send their money into the Treasury, they don’t want us to just throw up a number and throw some wish list out and throw out money at unsubstantiated and unsubscrubbed projects that are proposed. So I am not suggesting that everything in the proposal, the $60.4 billion, is going to be very carefully looking at these proposals and make sure it is substantiated.

So we remove the unsubstantiated, the mitigated, the non-Sandy related. We have removed all that from this program, and that is how we arrived at this number.

Now, I could go through a number of examples—I don’t think I need to do that at this particular point in time. When we look at the various categories this falls into, sometimes we matched exactly what it was in the administration’s bill, saying this is an accurate number.

Flood insurance, for instance, we require people living in flood zones to buy flood insurance. They buy the flood insurance, and they are looking for their check. If the estimate has been made, it has been made actuarially and through the procedures of FEMA and all those evaluating the cost, and the decision is made and the number is determined and certified, then a check is written and those people can move on to their lives. That is an immediate need.

We can’t tell people to pay their premiums and we will somehow find a way to get their checks to them a year from now. This is an immediate need.

In that regard, we have matched their request made by the Flood Insurance Program to provide the borrowing authority so that they can cut those checks. Whether it is Christmas or the middle of the year, those people need to get their lives back together and we want to get that money to them.

So as you go through the list here and the categories, as you compare what we have provided and what was provided in the larger bill, you find a number of areas, but a number of other areas, which I have generalized in terms of mitigation, in terms of community development block grants, all these take time to come to fruition, to be put together. The plans need to be vetted and approved. They are not necessary to provide the necessary immediate need and aid that is for the people who are suffering from the consequences of this storm. If we go through all that and scrub it, we arrive at a considerably lower number.

But I want it said that this number, while higher than some would like and lower than others would like, is a carefully thought-through, reasonable number to take care of needs for now, through this Christmas season and all the way to March 27. This Congress will then revisit the matter and see what else is needed. But during that time, we will be very able to also carefully work through those unsubstantiated projects that are proposed. So I am not suggesting that everything in the proposal, the $60.4 billion, is going to be very carefully looking at these proposals and make sure it is substantiated.

Then, obviously, I think those proposals will have a much better foundation to stand on in terms of what they are requesting, and those of us who are going to be very careful with the taxpayers’ dollars will be able to assert or state why we think this may not be necessary at this time or perhaps doesn’t fall in the category of being related to Sandy.

We all know when some emergency supplemental comes to the Halls of Congress, a lot of people reach in their pocket, pull out their wish list, waiting for the next train that has to be something we will move through very quickly, has to be something signed by the President because it is designated as an emergency. They throw on their wish list of unresolved, unfunded projects that perhaps are legitimate, perhaps maybe just just earmarks or something that needs a train to hook onto in order to get passed. That is what we want to try to avoid.

As I said, I will be filing this amendment, which hopefully will be seen as an alternative to give Members a choice in terms of how best to move forward in dealing with this legitimate supplemental emergency provision.

With that, I yield the floor.

RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess subject to the call of the Chair.

Thereupon, at 5:18 p.m., the Senate recessed subject to the call of the Chair and reassembled at 9:46 p.m., when called to order by the Presiding Officer (Mr. WHITEHOUSE).

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT—Continued

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, is the substitute now pending?

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 338 WITHDRAWN

Mr. LEAHY. Mr. President, I withdraw the pending substitute amendment No. 338.

The PRESIDING OFFICER. The Senator has that right and the amendment is withdrawn.

Mr. LEAHY. Mr. President, I yield to the distinguished majority leader.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I express my appreciation to the manager of this
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S8195  
bill, Senator LEAHY. He and I have worked together on the Appropriations Committee for more than a quarter of a century.

AMENDMENT NO. 3395  
(Purpose: In the nature of a substitute)  
Mr. President, I have a substitute amendment at the desk and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. Reid] proposes an amendment numbered 3395.

The amendment is as follows:

The amendment is as follows: At the end, add the following new section:

This Act shall become effective 7 days after enactment.

Mr. REID. Mr. President, I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3395 TO AMENDMENT NO. 3396  
Mr. REID. Mr. President, I have a second-degree amendment at the desk, and I ask for it to be reported.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. Reid] proposes an amendment numbered 3396 to amendment No. 3395.

The amendment is as follows:

In the amendment, strike "7 days" and insert "5 days".

CLOTURE MOTION  
Mr. REID. Mr. President, I have a cloture motion to the substitute at the desk.

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

The legislative clerk read as follows:

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on H.R. 1, an act making appropriations for the Department of Defense and other departments and agencies of the Government for the fiscal year ending September 30, 2011.

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

AMENDMENT NO. 3396  
Mr. REID. Mr. President, I have a first-degree amendment to the text of the language proposed to be stricken which is at the desk, and I ask it be reported.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. Reid] proposes an amendment numbered 3396 to the language proposed to be stricken by amendment No. 3395.

The amendment is as follows:

This Act shall become effective 5 days after enactment.

Mr. REID. Mr. President, I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3396 TO AMENDMENT NO. 3397  
Mr. REID. Mr. President, I have a second-degree amendment at the desk, and I ask for it to be reported.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. Reid] proposes an amendment numbered 3397 to amendment No. 3396.

The amendment is as follows:

In the amendment, strike "5 days" and insert "4 days".

MOTION TO COMMIT WITH AMENDMENT NO. 3400  
Mr. REID. Mr. President, I move to commit the bill, H.R. 1, to the Appropriations Committee, with instructions that are at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. Reid] moves to commit the bill, H.R. 1, to the Committee on Appropriations with instructions to report back forthwith with an amendment numbered 3400.

The amendment is as follows:

In the amendment, strike "7 days" and insert "6 days".

CLOTURE MOTION  
Mr. REID. Mr. President, I have a cloture motion to the substitute at the desk.

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

The legislative clerk read as follows:

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on H.R. 1, an act making appropriations for the Department of Defense and other departments and agencies of the Government for the fiscal year ending September 30, 2011.

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

FLOOD CONTROL  
Mr. LAUTENBERG. Mr. President, I rise today to engage in a colloquy with my friend Senator LEAHY, who is managing the Senate Supplemental Appropriations bill. The bill includes funding and language provisions for the U.S. Army Corps of Engineers that will help construct and improve crucial flood control projects in areas impacted by Hurricane Sandy, including along the Jersey Shore. Mitigation projects along the coast are critical to preventing future damage, and that’s why I am pleased that language is included in the bill to authorize projects for construction that are currently in the study phase. This provision will expedite flood control efforts in flood-prone areas impacted by Hurricane Sandy, and I am pleased Senator LEAHY agrees this is a valuable initiative.

Mr. LEAHY. I am pleased to work with Senator LAUTENBERG on this
issue, New Jersey, New York, and other States throughout the region were devastated by Hurricane Sandy. In particular, flood-prone areas and the coastline experienced severe damage. That is why the Supplemental Appropriations bill includes funding and language to improve damaged coastal areas, construct new projects to prevent future damage, and to authorize projects in the study phase for construction, provided that the Corps of Engineers determines doing so would cost-effectively reduce flood and storm damage risks.

Mr. LAUGENBERG. Requiring the Corps of Engineers to determine whether potential projects in affected areas can cost-effectively reduce flood and storm damage risks before receiving construction authorization is a valuable goal. However, Hurricane Sandy changed the conditions of many projects, which could increase the final cost of those projects. Also, many homes and businesses in flood-prone areas were destroyed. This could lead to a decrease in the value of property protected by proposed projects. Therefore, the combined impact of increased project costs and a reduction in the value of property that would be protected by planned flood control infrastructure could result in a calculation that shows a higher project cost with lower economic benefits. Does the Senator agree that the language regarding the cost-effectiveness of flood and storm damage efforts under consideration for construction authorization is not intended to disqualify projects that could have increased costs and decreased economic benefits as a result of Hurricane Sandy?

Mr. LEAHY. Yes. The language does not intend for the Corps of Engineers to disqualify studies under consideration for construction authorization based on increased costs and decreased economic benefits as a result of Hurricane Sandy. In addition, the term “cost-effectiveness” does not refer to the benefit to cost ratio typically used by the Corps of Engineers.

Mr. LAUGENBERG. I thank Senator Leahy, along with Energy and Water Development Appropriations Subcommittee Chairman DIANNE FEINSTEIN, who has jurisdiction over the Corps, for their work on this vital bill, which would help states affected by Hurricane Sandy recover and prepare for future storms. It includes important language to allow projects in the study phase to be constructed and does not intend to disqualify projects with increased costs and decreased economic benefits as a result of Hurricane Sandy. Given that this process is different than standard practice, does the Senator agree that the Corps of Engineers should submit a report to Congress to explain the process that will be implemented?

Mr. LEAHY. Yes. The Corps is directed to submit a report to the Committee on Appropriations on its proposed process for determining cost-effectiveness, in accordance with the aforementioned intentions, no later than 45 days following enactment of this Act.

GREAT LAKES DREDGING FUNDING

Mr. LEVIN. Mr. President, I want to bring attention to a significant discussion that took place at the Great Lakes region. As a result of a deadly combination of the Midwest drought and an unusually warm winter, the Great Lakes are at near record low water levels. The Army Corps of Engineers reports that Lake Superior is more than 2 feet below its long-term average. Lake Superior is more than 1 foot below its long-term average. Keith Kompoltowicz, chief of watershed hydrology for the Army Corps of Engineers, has said regarding the Great Lakes water levels, “There is a good chance of setting record lows.” The situation in the Great Lakes has resulted in freighters getting stuck in channels, ships carrying reduced loads leading to millions of dollars in losses, harbors closing or being threatened with closure, and so-called Harbors of Refuge not being able to provide shelter to boaters in distress.

Ms. STABENOW. Mr. President, I share my colleague’s deep concern with the low water levels in the Great Lakes. This is, without a doubt, a disaster for the communities who rely on our harbors and waterways. The Great Lakes provide more than 800,000 Michigan residents, and low water levels in the lakes are threatening those jobs. The Great Lakes support a $7 billion fishing industry, and a $16 billion recreational boating industry. However, when the disasters this year have resulted in water levels in the Great Lakes near record lows. Normally we count on spring rains and snow melt-off to raise the level of the lakes. But this spring we saw only a 4 inch rise in Lake Michigan and Lake Huron, and a decrease in the level. And for the first time on record, there was no spring rise in levels of Lake St. Clair and Lake Erie. Due in part to the summer heat wave, at the height of which every single one of Michigan’s 83 counties was declared a disaster area, 2012 was also marked by evaporation rates over 50 percent above average for the 4 largest lakes. There is no question that the shipping channels and harbors of the Great Lakes are in distress. We cannot reverse the drought, but we can support the dredging projects necessary to ensure that the 139 Federal harbors and waterways in the Great Lakes region can continue to serve our Nation’s economy.

Mr. BECK. Ohio for example the water levels are at historic lows in Lakes Michigan and Huron, Lake Erie, which my State borders, also has water levels below its long-term average. Because the Great Lakes navigational system is interconnected, with shipments often running from Duluth to Buffalo, a problem in one harbor can have negative impacts across all of the 60 commercial projects in the Great Lakes system. The light-loading of ships has repercussions across our transportation system with very real impacts on jobs and our manufacturing and agricultural sectors. This year’s drought across Ohio, Michigan, and other parts of the upper-Midwest has been nothing short of a natural disaster.

Mr. LEVIN. In addition to response, recovery and mitigation related to Hurricane Sandy damage, I also understand this bill provides funds to help the region recover from other disasters. I would ask the manager of the bill, Senator LEAHY, is that correct?

Mr. LEAHY. Yes, that is correct. The Supplemental Appropriations bill includes some funding related to natural disasters other than Hurricane Sandy.

Mr. LEVIN. Would the near-historic low water levels of the Great Lakes caused by drought and mild winters be considered a natural disaster?

Mr. LEAHY. The bill does not define “natural disaster.” But the near record water level lows in the Great Lakes caused by drought and unusually warm weather leading to increased evaporation are certainly contributing to significant drought-like consequences at Great Lakes ports and harbors.

Mr. LEVIN. I thank the Senator. I am pleased the bill includes $821 million to dredge federal navigation channels and repair damage to Corps projects nationwide related to natural disasters. Would federally-authorized Great Lakes harbor and channels be eligible for that funding?

Mr. LEAHY. Yes. The funding is tied to estimates of natural disaster damages relayed to Congress by the Corps, however, the funding is not earmarked to specific projects. The Corps utilizes this funding to restore essential project functions based on the Corps’ priority of the damages. In that context, Great Lakes ports and harbors would be eligible for the funding.

Mr. LEVIN. I thank the Senator for his clarification. The Army Corps of Engineers estimates that $35 million could be utilized in operations and maintenance funding just to restore minimum operations in the Great Lakes system. I am hopeful that $35 million of the $821 million for dredging will be directed to Great Lakes projects. I thank the Senator for his work on this important legislation, and I thank my friends for their support in addressing the low water level impacts on the Great Lakes navigational system through this supplemental appropriations bill.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent 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.
ORDER OF BUSINESS

Mr. REID. Mr. President, I filed a cloture on the substitute amendment and the bill itself. I have had a conversation with the Republican leader earlier this evening. I am hopeful we can get a list—a short list—of amendments and a path to complete work on this bill as soon as possible. The FISA bill is something we have to do before we leave. I have said that several times this week. I have had conversations with several interested Members. I am hopeful we can get an agreement to complete action on this matter tomorrow.

The SOD authorization conference report, they have completed that work. It has been tedious and very hard. Senator MCCAIN and Senator LEVIN have worked very hard. We are hopeful we can lock in an agreement to vote on that tomorrow. We also have to confirm three district court judges. We hope to be able to do that tomorrow. We have a lot of work to do.

The House, as we speak—how to say this in a kind way. They are trying to come up with something. They have had to work all day to come up with something. We are waiting for their “something.” I suggest the absence of a quorum.

The PRESIDING OFFICER. The assistant legislative clerk proceeded to call the roll.

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

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

NATIONAL DISASTERS

Mr. MERKLEY. Mr. President, tonight we are wrapping up affairs here on the floor, and what is going on right now is that the main substitute amendment that had a whole series of other amendments attached to it that has been the result of the work over the last couple of days has been withdrawn, so we are back to square one in terms of addressing a series of national disasters around the country.

Tomorrow, with the new amendment, we will start off the day with a new basic amendment and a new chance to have amendments to the replacement. I explain this simply to say that a number of Senators who had amendments over the couple of days will come back tomorrow and will ask to have their amendments be considered. I will be one of them, and I wanted to explain why.

In my home State of Oregon, we had the worst forest fires in a century this summer. The devastation to ranchers and farmers was enormous. There was the loss of forage on their own land, the loss of forage on BLM land, certainly the loss of livestock, and the loss of miles of fencing in these fires. Basically, whole ranching enterprises were destroyed.

The largest of these fires was larger than the President’s Office’s State, the State of Oregon. That was an enormous fire. The number of the many fires we had sweeping our State, and this was not just something that happened in Oregon. This happened in many States this summer because it goes along with the drought which is the we had the worst drought in many parts of the country. So we have farmers and ranchers across this Nation devastated this past summer by drought, devastated by fires which were larger because of drought conditions.

Normally we would have had disaster programs to assist with these disasters. These disaster programs were authorized in the farm bill. In this Chamber we had a bipartisan coming together. We passed the farm bill, and we sent it over to the House. There it sat, month after month after month, while our farmers and our ranchers all across this Nation faced these disasters with no assistance, no assistance in a situation in which they could not be able to expect assistance. It is the tradition of our Nation that when there are extraordinary disasters, we rally together, respond and rebuild those communities, whether they be urban disasters or whether they be rural disasters. But because the farm bill has not been passed, not gotten to the President, these disaster programs have not been reauthorized, and our farmers and ranchers watch us and wait. They say where is our government, our partner, when disaster occurs?

They know the tax dollars they pay go into the central government and have many times been allocated to others around this Nation facing disasters of all kinds—earthquakes, hurricanes, floods, droughts. But these individuals, now that Mother Nature has struck them, stand waiting.

We have an opportunity tomorrow to right this wrong. We have a bill that is about the enormous terrible disaster that affected our Northeastern States in the form of Hurricane Sandy.

We should be absolutely expedient in taking care of communities so dramatically affected. But at the same time we must also care of the other communities around this country that have faced disasters this last year that are waiting on us.

I invite my colleagues to come to the floor and explain to me if they feel it is not right that the firebrand of Mother Nature struck, why we shouldn’t address and assist them when we are assisting others so dramatically affected around this Nation. Quite frankly, I have no answer. I have no answer. I can’t think of an answer.

Will any of my 99 colleagues come to me and explain why we shouldn’t pass this amendment tomorrow, the amendment that I will propose to you that a number of us came together to propose this amendment. Senator STABENOW, Senator MCCASKILL, Senator BAUCUS, Senator WYDEN, Senator TIM JOHNSON, Senator FRANKEN, Senator TINA SMITH, representing all kinds of part of our Nation, who understand the impact that drought has had. They have come together from different parts of the Nation to say we are in this together. Let’s not leave stranded our ranchers and farmers when we gather to debate tomorrow. Let’s let this amendment be brought forward, and let’s get it passed as part of this very appropriate response to this very terrible disaster called Hurricane Sandy.

UNITED STATES EXCLUSION

Mr. PRYOR. Mr. President, I rise today to address an an issue that has arisen between companies within the moving industry. Recently, a group of full-service moving companies have attempted to change rules established by law, regulations, and court findings. These full-service moving companies are trying to undermine the intent of Congress by avoiding the formal rulemaking or legislative process. The changes sought would benefit their companies and damage their competitors within the sector.

In recent years, full-service moving companies have faced new competition from a growing number of companies that allow consumers a “do it yourself” alternative to more expensive, traditional movers. Some general freight motor carriers have been offering “do it yourself” consumers an option for moving: a non-household goods motor carrier drops off empty containers or trailers at the consumer’s doorstep for the consumer to load, the consumer loads the trailer—individuals, with help from neighbors, or by hiring a third party. After loading, the consumer calls the container company or freight carrier to pick up the container or trailer, the container company then arranges for an authorized general freight or flatbed carrier to pick up and haul the loaded container, dropping it off on the requested delivery date for the consumer to unload; and the carrier returns to pick up the empty container or trailer when unloaded.

The customer is able to purchase the level of service he or she wants and manage the process themselves from start to finish.

Mr. President, that is precisely the type of service alternative Congress intended to encourage when it included the so-called “Limited Service Exclusion” in the “Household Goods Mover Oversight Enforcement and Reform Act

The term ["household goods motor carrier"]... the motor carrier provides transportation of household goods in containers or trailers that are entirely loaded and unloaded by an individual other than an employee or agent of the motor carrier.

The term ["household goods motor carrier"] does not control the third party who the consumer engages to load and unload the container or trailer, the carrier does not authorize the third party to act for and on behalf of this carrier, and the third party does not agree to act on behalf of the carrier, then that the third party is not the agent of the carrier. Facilitating the consumer to contract with a third party that provides loading and unloading services does not create an agency relationship as we intended that term in the Limited Service Exclusion. Moreover, on related issue, the Limited Service Exclusion should remain intact even if the carrier receives compensation for facilitating the consumer to contract with packing and loading providers, provided that the carrier does not have an agency relationship with the packing and loading providers.

Mr. RUBIO. Mr. President, as Senator PRYOR points out, the clear intent of Congress in adopting the Limited Service Exclusion codified at 49 U.S.C. § 13102(12)(c) was to ensure cost-conscious, budget-driven consumers will continue to have the option to choose low-cost moving services for their goods. Although I was not a member of Congress when SAFETEA-LU was passed, you can plainly see that Congress made it clear in another section of SAFETEA-LU that it was codifying preserving decades of law developed and perpetuated at the FMCSA, its predecessor the Interstate Commerce Commission, that authorize general commodity motor carriers lacking household goods authority to transport household goods as long as they do not perform specialized household goods related services such as loading and unloading. Here is what Congress added to SAFETEA-LU, now codified at 49 U.S.C. § 13102(12)(B):

The term ["household goods motor carrier"] includes any person that is considered to be a household goods motor carrier under regulations, decisions of the Federal Motor Carrier Safety Administration that are in effect on the date of enactment of the Household Goods Mover Oversight Enforcement and Reform Act of 2005.

The definition of "household goods motor carrier" that Congress sought to preserve and perpetuate focuses on the nature of the services performed, not on the commodity itself. If the motor carrier provides specialized household goods services—packing, loading, unloading, etc.—for the consumer, the carrier must be deemed a "household goods motor carrier" with respect to the goods it transports under a long line of court, FMCSA and ICC decisions, and implementing regulations. Conversely, if the carrier (or its agent) does not perform those specialized services in conjunction with those household goods, it may transport them without being registered and regulated as a "household goods carrier," thus allowing the consumer to act on behalf of the carrier services performed and not the nature of the commodity itself is also at the very heart of and reflected in the appropriately named "Limited Service Exclusion." The interpretation that the traditional movers advocate would overturn, not preserve, agency precedent and arrive at a definition of "household goods motor carrier" that unlawfully contravenes the service-based exclusion codified in 49 U.S.C. § 13102(12)(c).

Mr. PRYOR. Along with the growth of general freight motor carriers and container-supply companies catering to the needs of do-it-yourself consumers, we have seen some of these same companies become regulated property brokers and step forward in this capacity to assist these consumers. For a negotiated fee, they offer to arrange with portable container companies and general freight carriers to place the containers and trailers for loading and to have them transported to their destinations when loaded. To counteract this middleman-service, the Federal Motor Carrier Safety Administration has been working with others in Congress to incorporate this Limited Service Exclusion into law and want to be clear of any negative inference they want the FMCSA to draw from the absence of a similar "Limited Service Exclusion" from the "household goods broker" definition for brokers that arrange household goods moves for do-it-yourself consumers. This effort at changing the meaning of the statute further obstructs the intent behind the Household Goods Mover Oversight Enforcement and Reform Act of 2005. We want the consumers to have access to low-cost transportation services as an alternative to the traditional full-service moving companies when motor carriers, lacking specific household goods authority and not providing specialized household goods related services, perform the underlying transportation in reliance upon the Limited Service Exclusion codified at 49 U.S.C. § 13102(12)(c). No broker-specific Limited Service Exclusion is required: if the underlying motor carrier service does not provide packing and loading full-service moving companies, the broker does not hold household goods authority from the FMCSA. In turn, the broker engaged by the consumer to arrange the transportation (without any packing and loading services) likewise need not hold household goods broker authority and need not hold household goods motor carrier. Accordingly, a motor carrier authorized to haul property (excluding household goods) can perform the move.

Mr. RUBIO. Mr. President, as Senator PRYOR articulated, the FMCSA should not suppress competition in the moving industry, and my fear is that this would happen if the...
agency eliminates an important moving option for do-it-yourself consumers. This would economically hurt the principal users of portable storage companies, namely the middle class, military, students and other price-conscious consumers. For those purposes and the others mentioned by my colleague, it is my sincere hope that the FMCSA preserves the rights of consumers, as intended by Congress, to ready and unfettered access to lower cost options with respect to moving their household goods.

TRIBUTES TO DEPARTING SENATORS

DAN AKAKA

Mr. LEVIN. Mr. President, for the last 22 years, DANIEL AKAKA has represented the people of Hawaii in this body. They have been the better for his service, and I have greatly appreciated the wisdom, humility, and passion with which he has served.

One issue on which we have been able to work closely as fellow members of the Homeland Security and Governmental Affairs Committee is oversight of the Federal workforce, a key issue for him and has also for taxpayers everywhere. Senator AKAKA’s passion for Federal workforce issues comes from his passion for public service and for effective government. Just in this Congress, I was an original cosponsor of his Federal Workforce Protection Act to strengthen the law protecting Federal employees who bring to light fraud, waste, and abuse in Federal programs. That Akaka bill is expected to pass by the end of the year. Also this Congress, I was proud to cosponsor his Hatch Act Modernization Act to allow hard-working employees of State and local governments, who are covered by the Hatch Act, to serve as elected officials in their communities.

In addition to his focus on Federal workforce issues, Senator AKAKA has long been a valued member of the Armed Services Committee. We have worked together on legislation to reform Defense Department business and financial management systems; strengthen oversight and accountability of wartime contracting; and strengthen the Defense Department’s management of the substantial funds it spends to acquire property and services.

Senator AKAKA joined in 2002 with Senator INHOFE to form the Senate Army Caucus, and through this bipartisan group they have focused welcome attention on the programs and needs of our Army. Senator AKAKA, himself an Army veteran, has been an important source of insight into the challenges facing our soldiers and their families.

Of course, as the former chairman of the Veterans’ Affairs Committee, Senator AKAKA has long demonstrated his deep and intense dedication to those who have helped defend our Nation. His steadfast advocacy for veterans health programs, education benefits, and other important programs has made a significant and lasting impact on the lives of veterans and their families.

When people describe DANIEL AKAKA, one of the first words used to describe him is “hardworking.” He is indeed that. He has been a dedicated and principled servant of the people of Hawaii and our Nation, an unflagging ally of our veterans and their families, and a valued colleague and friend. I will miss him, and I will always cherish how he taught us that gentleness and effectiveness are not mutually exclusive characteristics.

HERR KOHL

Mr. President, in his four terms representing the State of Wisconsin in this body, Senator HERR KOHL’s focus has been precisely where it should be: the welfare of the people of his State and of our Nation. Whether in supporting American manufacturers and the jobs they provide, in fighting for protection from crime and for adequate nutrition for our children, in protecting senior citizens from elder abuse, or in preserving the Great Lakes that our two States share, Senator KOHL has accomplished much on behalf of America.

I have been fortunate to work closely with Senator KOHL on issues of vital importance to our States. He has long been a strong supporter of the Manufacturing Extension Partnership, which helps U.S. manufacturers with technical and business support and services that make them more efficient and competitive in the global marketplace. His support for adequate MEP funding has made a significant difference for American companies and workers.

Now, we in Michigan bow to no one in our love for the Great Lakes, but even I would admit that Wisconsin, second only to Michigan in its length of Great Lakes coastline, is a close competitor of the Great Lakes Task Force, which I cochair. He has supported cleanup of toxic hot spots, the fight against invasive species, protecting Great Lakes water quality, and sufficient funding for the Great Lakes Restoration Initiative.

We have also had an interest in consumer protection. Senator KOHL, chairs the Judiciary Committee’s Subcommittee on Antitrust, Competition Policy and Consumer Rights, and from that platform he has battled those who would prey on American consumers, whether they are abusive credit card companies or oil-exporting cartel nations.

But where Senator KOHL has left what may be his most lasting impression is in his hard work on behalf of our Nation’s most vulnerable citizens: children and seniors. He has long advocated solutions to help make college more affordable. He has helped expand the availability of nutritious breakfast and lunch programs to help parents afford food on the table for their families. He has worked to strengthen afterschool programs. And in 2007 and again in 2008, he introduced the Patient Safety and Abuse Protection Act, which allowed employers to perform background checks on nursing home employees to help prevent elder abuse. When this legislation moved in the Affordable Care Act in 2009, it was a major step forward for patient safety.

I will miss working with HERB KOHL on these and many other issues. I will miss the opportunity to give him a hard time whenever our Detroit Piston attorney has his Mitt in Michigan. I hope we can continue the important work he has helped move forward: protecting good jobs, our Great Lakes, our students, and our seniors.

DANIEL K. INOUYE

Mr. WHITEHOUSE. Mr. President, today the State of Hawai’i, the Senate, and the United States mourn the loss of Senator Daniel Inouye, a true American hero.

Observers of the Senate today know Chairman Inouye as a poised, soft-spoken statesman: courteous and collegial; shunning of the spotlight; above the petty churn of the partisan fray. Hawai’ians will remember him as a great patriot, a fierce warrior, a brave pioneer, and a great leader.

Chairman Inouye’s unflinching commitment to his country withstood both the moral threat of having his family deemed “enemy aliens” and the direct physical threat of Nazi firepower. His famed “Go For Broke” 442nd Regimental Combat Team was made up of Japanese-American volunteers, but even among this exceptionally decorated group of men, Second Lieutenant Inouye exemplified exceptional bravery and sacrifice in what Winston Churchill described as the war “to confront not only military but moral aggression.”

The fight to see the American values of freedom, justice, and equality fulfilled would continue beyond the war years and throughout Chairman Inouye’s lifetime of service to his home state and his country. The new State of Hawai’i sent him to Washington as part of its very first delegation. The first Japanese American elected to Congress, he has been a champion of civil rights for women, Asian Americans, Native Hawaiians, and African Americans. Indeed, Chairman Inouye was the last surviving member of the Senate to have voted for the Civil Rights Act of 1964. He also ferreted out corruption at the highest level of government, serving on the Senate’s select committee on the Watergate scandal, and chairing the investigation of the Iran-Contra arms affair.

But Dan Inouye was first and foremost a servant of the people of Hawai’i. Ever grateful for the faith they entrusted to him in 1955, he worked to make science and technology a priority to achieve the potential of the American Dream. I was honored that he joined me as an original member of the Senate Oceans Caucus.
Mike knows the ecological importance of the Chesapeake Bay and the impediments harming the bay’s ecology because he has seen it all and experienced it firsthand. From Poplar Neck to Elk Neck, from Catoctin Mountain to Calvert Cliffs, from the Nauck Creek to the Pocomoke, from Rocky Gorge to Sandy Point, Mike has experienced the natural wonder of our great State. It is his deep appreciation for the importance of protecting our State’s natural resource that has allowed him to serve the people and these Halls such a valuable member of my staff.

In addition to his critical environmental work, Mike led my team in charge of instate projects. The key institutions of Maryland’s public life our universities, our hospitals, our local governments, and community organizations have benefitted from Mike’s expertise in navigating the legislative process and his commitment to fighting on behalf of the people of Maryland.

Mike’s substantive knowledge and political acumen extend well beyond the bay and Maryland. His policy expertise led Senator BARBARA BOXER, the chairman of the Environment and Public Works Committee, to ask me if I would “lend” Mike to her committee during the committee’s arduous work on both the 2010 climate bill and the 2012 Transportation bill. While his full-time service to my office was missed during those periods, I was pleased to receive how much Caliifornia valued Mike’s input and skill, and I was happy to see him brought in to help the chairman with these important committee initiatives.

In addition to his wealth of knowledge and strategic skill, Mike will be missed most of all for the warmth, integrity, and generosity of spirit that he brings to every encounter. When he first joined my office, he would occasionally send Maryland trivia questions around to the staff. His enthusiasm helped to broaden my team’s—and even my own—knowledge of the great State of Maryland, and endeared him to everyone in the office. No matter how tough the circumstance and here in the Senate, we often face tough days—Mike is quick to declare with a smile that he has “never had a bad day.” He has committed himself to mentorship, voluntarily and enthusiastically spending hours working with junior colleagues, guiding and advising them with a selflessness that is remarkable for being all too rare.

During the years, I am proud to say that I have come to value Mike not just as a staff member, but as a friend. He and his wife Pat have become favorites within the Cardin team, and I am pleased to have this opportunity to acknowledge Pat publicly as well. Her strong commitment to Maryland is evident not only in her own work in child care and as a volunteer, but also from her support of Mike’s efforts here in these Halls, and I thank her for her contribution to the people of Maryland.

Mike’s knowledge of the environmental issues of the day does not just stem from his professional experience, but also from his personal interest as an avid naturalist, bird watcher, kayaker, and overall lover of the outdoors. Mike is most at home among the natural spaces he treasures, either on the water in a sea kayak or walking along a nature trail. For several years, Mike has shared that passion with the community by writing a column featuring different species of Mid-Atlantic native and migratory birds in the “Chesapeake Bay Journal.” As with everything he does, Mike’s columns always manage to include some of the quiet wisdom that is uniquely his. In a column about the common song sparrow, a local bird that is often overlooked in favor of those with brighter colors and flashier songs, Mike urges his readers to look beyond the bird’s plain exterior to appreciate its unique contribution to the community. His words manage to capture something about his own steady, unassuming service to those around him. Mike writes, “We lead quiet lives until some rare person decides to listen with abiding patience, waiting for us to finally step out from protective cover and softly announce our presence. And then anonymity gives way to the individuality that has been there all along.” For me, for my team, Mike has always been both the quiet presence and the patient listener, working with steady determination for the people of Maryland. As he looks forward to a retirement filled with relaxation and the outdoor recreation that he loves, I am humbly grateful for his service. He will be missed.

MESSAGES FROM THE HOUSE

At 9:46 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, without amendment:

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

H.R. 6014. An act to authorize the Attorney General to award grants for States to implement DNA arrestee collection processes.

H.R. 6671. An act to amend section 2710 of title 18, United States Code, to clarify that a video tape service provider may obtain a consumer’s informed consent on an ongoing basis and that consent may be obtained through the Internet.

At 12:27 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 3662. An act to clarify the scope of the Economic Espionage Act of 1996.

S. 3687. An act to amend the Federal Water Pollution Control Act to reauthorize the Louisiana Ponds Charitable Use Restoration Program, to designate certain Federal buildings, and for other purposes.
The message also announced that the House passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 6504. An act to amend the Small Business Investment Act of 1958 to provide for increased leverage for multiple licenses under common control, and for other purposes.


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

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 3783) to provide for a comprehensive strategy to counter Iran’s growing hostile presence and activity in the Western Hemisphere, and for other purposes.

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

At 2:09 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 265. An act for the relief of Sopuruchi Chukwueke

H.R. 2857. An act to provide for a comprehensive strategy to counter Iran’s growing hostile presence and activity in the Western Hemisphere, and for other Purposes.

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

At 2:52 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. Con. Res. 64. Concurrent resolution authorizing the use of the rotunda of the Capitol for the lying in state of the remains of the late Honorable Daniel K. Inouye.

The message also announced that the Clerk be directed to return to the Senate the bill (S. 2967) to strike the word “litigation” from Federal law, and for other purposes, in compliance with a request of the Senate for the return thereof.

At 3:40 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the house passed the following bill, in which it requests the concurrence of the Senate:

H.R. 6572. An act to reauthorize certain programs under the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act with respect to public health security and all-hazards preparedness and response, and for other purposes.

The message further announced that the House passed the following bill with amendments, in which it requests the concurrence of the Senate:

S. 1440. An act to reduce preterm labor and delivery and the risk of pregnancy-related death, complications due to pregnancy, and to reduce infant mortality caused by prematurity.

At 6:32 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 6655. An act to establish a commission to develop a national strategy and recommendations for reducing fatalities resulting from child abuse and neglect.

MEASURES REFERRED

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

H.R. 6655. An act to establish a commission to develop a national strategy and recommendations for reducing fatalities resulting from child abuse and neglect to the Committee on Health, Education, Labor, and Pensions.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on Tuesday, December 19, 2012, she had presented to the President of the United States the following enrolled bill:

S. 3183. An act to make technical corrections to the land description of certain land to be held in trust for the Barona Band of Mission Indians, 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–8583. A communication from the Director of Program Development and Regulatory Analysis, Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Extension of Tolerances for Emergencies Exemptions (Multiple Chemicals)” (FRL No. 9372–1) received in the Office of the President of the Senate on December 12, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8586. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Flubendiamide; Pesticide Tolerances” (FRL No. 9378–3) received in the Office of the President of the Senate on December 12, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8587. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Pyriproxyfen; Pesticide Tolerances” (FRL No. 9366–6) received in the Office of the President of the Senate on December 12, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8588. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Paraquat; Pesticide Tolerances” (FRL No. 9369–7) received in the Office of the President of the Senate on December 12, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8589. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Picoxystrobin; Pesticide Tolerances” (FRL No. 9370–8) received in the Office of the President of the Senate on December 12, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8590. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Diconfopropargyl; Pesticide Tolerance” (FRL No. 9371–6) received in the Office of the President of the Senate on December 12, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8591. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Clomiprop; Pesticide Tolerances” (FRL No. 9372–7) received in the Office of the President of the Senate on December 12, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8592. A communication from the Acting Principal Deputy Assistant Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Purl K. Keen, United States Army, and his reappointment to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–8593. A communication from the Under Secretary of Defense (Science and Technology), transmitting, pursuant to law, the Fiscal Year 2010 Report on the Department of Defense Science and Technology and Financial Support for Military Museums; to the Committee on Armed Services.

EC–8594. A communication from the Associate General Counsel for Legislation and Regulations, Office of Public and Indian Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled “Native American Housing Assistance and Self-Determination Reauthorization Act of 2008: Amendments to Program Reports” (FRL No. 9377–AC30) received in the Office of the President of the Senate on December 12, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC–8595. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Final Flood Elevation Determinations” (44 CFR Part 67) (Docket No. FEMA–2012–0003) received in the Office of the President of the Senate on December 12, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC–8596. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant
to law, the report of a rule entitled ‘‘Ground- fisheries of the Exclusive Economic Zone Off Alaska and Pacific Halibut Fish- eries; Observer Program’’ (RIN0648–BB42) re- ceived in the Office of the President of the Senate on December 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8607. A communication from the Direc- tor, Office of Sustainable Fisheries, Depart- ment of Commerce, transmitting, pursuant to law, the report of a rule entitled ‘‘Fisheries of the Northeastern United States; Black Sea Bass Fishery; Recreational Quota Harvested’’ (RIN0648–XC303) received in the Office of the President of the Senate on December 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8606. A communication from the Acting Deputy Director, Office of Sustainable Fish- eries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ‘‘Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Gray Triggerfish Management Measures’’ (RIN0648–BB90) received in the Office of the President of the Senate on December 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8605. A communication from the Direc- tor of the Regulatory Management Division, Environmental Protection Agency, transmit- ting, pursuant to law, the report of a rule entitled ‘‘Approval of Air Quality Implementa- tion Plans: California; Eastern Kern, Impe- rial, Placer, and Yolo-Solano; Prevention of Significant Deterioration’’ (FRL No. 9750–5) received in the Office of the President of the Senate on December 12, 2012; to the Committee on Environment and Public Works.

EC–8604. A communication from the Direc- tor of the Regulatory Management Division, Environmental Protection Agency, transmit- ting, pursuant to law, the report of a rule entitled ‘‘Significant New Use Rules on Certain Chemical Substances; Withdrawal of Significant New Use Rules’’ (RIN9750–6) received in the Office of the President of the Senate on December 12, 2012; to the Committee on Environment and Public Works.
Interstate Transport of PM2.5 and Ozone; Correction” (FR. L. No. 9763-3) received in the Office of the President of the Senate on December 18, 2012; to the Committee on Environment and Public Works.

EC–6622. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, an addendum to a certification, transmittal number: EC–12–143, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible effects such a sale might have relating to Israel’s Qualitative Military Edge over military threats to Israel; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KOHL, from the Special Committee on Aging:

Special Report entitled ‘Alzheimer’s Disease and Dementia: A Comparison of International Approaches’ (Rept. No. 112–256).

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation:

Report to accompany S. 1980, a bill to provide additional religious exemption from the individual health coverage mandate; to the Committee on Armed Services.

By Mrs. BOXER:

S. 3692. A bill to amend section 5000A of the Internal Revenue Code of 1986 to provide an additional religious exemption from the individual health coverage mandate; to the Committee on Finance.

By Mr. MENENDEZ:

S. 3691. A bill to amend the Employee Retirement Income Security Act of 1974 to require the Pension Benefit Guaranty Corporation, in the case of airline pilots who are retired under the retirement, adoption, care and retention program for certain requirements relating to the retirement, adoption, care and recognition of military working dogs.

By Mr. LIEBERMAN (for himself, Ms. Ayotte, Mr. Alexander, Mr. Blunt, Mr. Moran, Mr. Paul, and Mr. Rubio):

S. 3696. A bill to amend the Toxic Substances Control Act relating to certain mercury compounds, products, and processes;

By Mr. LIEBERMAN (for himself, Mrs. Murray, and Mrs. Boxer):

S. 3696. A bill to provide for the admission of the State of New Columbia into the Union; to the Committee on Homeland Security and Governmental Affairs;

By Mr. MENENDEZ:

S. 3697. A bill to amend the Toxic Substances Control Act relating to certain mercury compounds, products, and processes;

By Ms. COLLINS (for herself, Mr. Leahy, Mr. Akaka, and Mr. Brown of Massachusetts):

S. 3698. A bill to amend title 40, United States Code, to improve veterans service organizations access to Federal surplus personal property; considered and passed.

S. 2244. A bill to prevent human trafficking in government contracting.

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. TOOMEY:

S. 3690. A bill to require the Government Accountability Office to include in its annual report to Congress a list of the most costly Federal programs relating to veterans service organizations;

By Mr. KERRY (for himself, Mrs. Gillibrand, and Mr. Lautenberg):

S. 3691. A bill to minimize the economic and social costs resulting from losses of life, property, well-being, business activity, and economic growth associated with extreme weather events by ensuring that the United States is more resilient to the impacts of extreme events in the short- and long-term, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. BOXER:

S. 3692. A bill to amend title 32, United States Code, to authorize National Guard support for State and local efforts to keep schools safe from violence, and for other purposes; to the Committee on Armed Services.

By Mrs. BOXER:

S. 3693. A bill to enhance the safety of America’s schools; to the Committee on the Judiciary.

S. 4410. A bill to provide additional religious exemption from the individual health coverage mandate; to the Committee on Armed Services.

By Mr. MENENDEZ:

S. 4411. A bill to amend the Robert T. Stafford Disaster Relief andmitigation Assistance Act to enhance existing programs providing mitigation assistance by encouraging States to adopt and actively enforce State building codes, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. LIEBERMAN (for himself, Ms. Ayotte, Mr. Alexander, Mr. Blunt, Mr. Moran, Mr. Paul, and Mr. Rubio):

S. 3690. A bill to amend section 5000A of the Internal Revenue Code of 1986 to provide an additional religious exemption from the individual health coverage mandate; to the Committee on Finance.

By Mr. LIEBERMAN (for himself, Mrs. Durbin, Mrs. Murray, and Mrs. Boxer):

S. 3696. A bill to provide for the admission of the State of New Columbia into the Union; to the Committee on Homeland Security and Governmental Affairs;

By Ms. COLLINS (for herself, Mr. Leahy, Mr. Akaka, and Mr. Brown of Massachusetts):

S. 3698. A bill to amend title 40, United States Code, to improve veterans service organizations access to Federal surplus personal property; considered and passed.

S. 2244. A bill to prevent human trafficking in government contracting.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. LANDRIEU (for herself and Mr. Vitter):

S. Res. 625. A resolution recognizing the January 12, 2013, opening of the United States Freedom Pavilion: The Boeing Center at the National World War II Museum in New Orleans, Louisiana, and supporting plans for other educational pavilions and initiatives; considered and agreed to.

S. 3518. A bill to make it a principal negotiating objective of the United States in the negotiations to eliminate government fisheries subsidies, and for other purposes.

S. 3623. A 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.

ADDITIONAL COSPONSORS

S. 32. At the request of Mr. Lautenberg, the name of the Senator from Maryland (Ms. Mikulski) was added as a co-sponsor of S. 32, a bill to prohibit the transfer or possession of large capacity ammunition feeding devices, and for other purposes.

S. 35. At the request of Mr. Lautenberg, the name of the Senator from Maryland (Ms. Mikulski) was added as a co-sponsor of S. 35, a bill to establish background check procedures for gun shows.

S. 998. At the request of Mr. Akaka, the name of the Senator from New York (Mrs. Gillibrand) was added as a co-sponsor of S. 998, a bill to amend title IV of the Employee Retirement Income Security Act of 1974 to require the Pension Benefit Guaranty Corporation, in the case of airline pilots who are required by regulation to retire at age 60, to compute the actuarial value of monthly benefits in the form of a life annuity commencing at age 60.

S. 1709. At the request of Mr. Casey, the name of the Senator from New York (Mrs. Gillibrand) was added as a co-sponsor of S. 1709, a bill to temporarily reduce interest rates for certain small business disaster loans, and for other purposes.

S. 2134. At the request of Mr. Blumenthal, the name of the Senator from New Jersey (Mr. Lautenberg) was added as a co-sponsor of S. 2134, a bill to amend title 10, United States Code, to provide for certain requirements relating to the retirement, adoption, care and recognition of military working dogs, and for other purposes.

S. 3280. At the request of Mr. Johanns, the name of the Senator from Kentucky (Mr. Paul) was added as a cosponsor of S. 3280, a bill to preserve the companionship services exemption for minimum wage and overtime pay under the Fair Labor Standards Act of 1938.

S. 3518. At the request of Mr. Wyden, the name of the Senator from Rhode Island (Mr. Whitehouse) was added as a co-sponsor of S. 3518, a bill to make it a principal negotiating objective of the United States in the negotiations to eliminate government fisheries subsidies, and for other purposes.

S. 3623. At the request of Mr. Reed, the name of the Senator from West Virginia (Mr.
MANCHIN was added as a cosponsor of S. 3623, a bill to extend the authorizations of appropriations for certain national heritage areas, and for other purposes.

S. 3635

At the request of Mr. Coons, the names of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a co-sponsor of S. 3635, a bill to provide incentives for States to invest in practices and technology that are designed to expedite voting at the polls and to simplify voter registration.

S. RES. 62

At the request of Mr. BLUMENTHAL, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. Con. Res. 62, a concurrent resolution expressing the sense of the Congress that our current tax incentives for retirement savings provide important benefits to Americans to help plan for a financially secure retirement.

S. RES. 613

At the request of Mr. LIEBERMAN, the names of the Senator from Alabama (Mr. SESSIONS), the Senator from New Mexico (Mr. UDALL) were added as cosponsors of S. 3635, a bill to make appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes.

AMENDMENT NO. 3367

At the request of Mr. MERKLEY, the names of the Senator from Minnesota (Mr. FRANKEN), the Senator from South Dakota (Mr. JOHNSON) and the Senator from New Mexico (Mr. UDALL) were added as cosponsors of amendment No. 3367 proposed to H.R. 1, a bill making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes.

AMENDMENT NO. 3381

At the request of Mr. CONRAD, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a co-sponsor of amendment No. 3381 intended to be proposed to H.R. 1, a bill making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERRY (for himself, Mrs. GILLIBRAND and Mr. LAUTENBERG): By Mr. KERRY (for himself, Mrs. GILLIBRAND and Mr. LAUTENBERG): S. 3691. A bill to minimize the economic and social costs resulting from losses of life, property, well-being, business activity, and economic growth associated with extreme weather events by the United States is more resilient to the impacts of extreme weather events in the short- and long-term, and for other purposes; to the Committee on Commerce, Science, and Transportation.

S. 3691. A bill to minimize the economic and social costs resulting from losses of life, property, well-being, business activity, and economic growth associated with extreme weather events by the United States is more resilient to the impacts of extreme weather events in the short- and long-term, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. KERRY. Mr. President, today I am introducing the STRONG Act of 2012, or the Strengthening The Resilience of Our National on the Ground Act. This legislation will build upon existing extreme weather resiliency efforts to provide State and local actors with the information they need to help prepare, plan for, and more quickly recover from extreme weather events. Hurricane Sandy has shown us that extreme weather re mains a major challenge for our Nation.

Recently, extreme weather events have battered the nation, resulting in record-high losses for 2011 and more broken records in 2012. In the past 30 years, there have been more than 130 extreme weather events in the United States that generated at least $1 billion in devastating damages. Most recently, Hurricane Sandy resulted in more than 100 deaths, the evacuation of hundreds of thousands of people, power outages affecting more than 8.5 million homes, massive flooding, gasoline shortages, and a crippled regional energy and transportation infrastructure. Extreme weather ravaged every region of the United States this year, with drought conditions in more than 60 percent of the United States; deadly floods; destructive wildfires on more than nine million acres across 37 States; and deadly heat waves.

By building stronger communities, we can reduce the serious economic and human costs of extreme weather over the short and long term. For every $1 spent now on disaster preparedness and resilience-building, we could avoid at least $10 in future losses. We need to make our Nation stronger and more resilient against extreme weather or face an increasingly more expensive and deadly future.

The STRONG Act of 2012 will use existing federal resources and technology to create a more comprehensive approach to planning for and supporting resiliency efforts due to extreme weather. The bill directs the White House Office of Science and Technology Policy to chair a high-level interagency working group to assess federal agencies’ activities related to extreme weather resilience across key sectors, such as agriculture, water management, infrastructure, public health, and national security. It develops a plan to better support State, local, and private sector resiliency efforts in the short and long-term, including establishing a public clearinghouse of information. The bill also includes an appropriate role for the National Academy of Sciences.

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I am pleased that Senators GILLIBRAND and LAUTENBERG are original cosponsors of this legislation. I look forward to building upon a strong mandate and improving our extreme weather resiliency efforts. It is our responsibility to protect our citizens and help minimize future loss and damage. I ask all Senators to support this legislation.

By Mr. LIEBERMAN (for himself, Mr. DURBIN, Mrs. MURRAY, and Mrs. BOXER): S. 3691. A bill to provide for the admission of the State of New Columbia into the Union; to the Committee on Homeland Security and Governmental Affairs.
Mr. LIEBERMAN. Mr. President, I rise to introduce the New Columbia Admissions Act that will create a 51st State from the populated portions of Washington, D.C., giving these more than 600,000 disenfranchised Americans the voice they deserve in our national government. The United States is the only democracy in the world that denies voting representation to the people who live in its capital city. It is long past time to end this unjust and embarrassing distinction.

I am not the only Senator who feels this way—Senators DURBIN, BOXER, and MURRAY join me in cosponsoring this bill today. My friend Senator Inouye had planned to cosponsor this bill as he was a strong supporter of the District's right to have congressional representation.

Under this bill, there would still be a Federal district called Washington, D.C., which would be under the control of Congress as it is now. But it would be a smaller area encompassing the White House, the Capitol, the Supreme Court and the National Mall, where few people actually live. The rest of the current District of Columbia—diverse business districts and residential neighborhoods that are home to more than half a million U.S. citizens—would become a new State.

This is completely in accord with the principles and mandates of the Constitution and our Founding Fathers. Indeed, I think it is worth remembering why our Founding Fathers created a Federal district in the first place.

After the Revolutionary War, Philadelphia, PA, was the capital of the government formed by the Articles of Confederation. That Congress met in what we now know as Independence Hall in Philadelphia.

In 1783, a mob of Revolutionary War veterans besieged Independence Hall, demanding promised payments for their service during the war. Congress asked the governor of Pennsylvania, John Dickinson, to call out the militia to defend the capital, but he sided with the veterans and refused. Congress had to flee to Princeton, N.J.

This failure of a state government to protect the national government became a major concern of the Constitutional Convention in 1787 and it was decided the Constitution must create a Federal district that could be controlled and protected by the new Federal government.

But Article One, Section Eight of the Constitution, which created the Federal district, did not order a particular location but only said that it may not exceed “10 miles square”—or 100 square miles.

The Residence Act of 1790 gave President Washington authority to pick the final site of the capital, and the site of the current Washington D.C. was chosen as a result of a compromise between Thomas Jefferson and Alexander Hamilton.

When John Adams moved into the White House in 1800, Washington, D.C. had a population of just 3,210 people—in a Nation of roughly 5 million. Even then the founders were concerned about voting rights for residents of the new capital. In the early days before the capital was established, its residents were allowed to vote in Maryland or Virginia. There were proposals to guarantee their suffrage going forward but unfortunately they did not get enacted amid the press to establish the new government. Of course, it would have been unimaginable to the founders that a population of more than half a million in our capital city should be disenfranchised in the national legislature.

Yet that is the current reality. Now we are a Nation of more than 300 million and Washington, D.C. is a thriving community of 618,000 people. That’s more people than Wyoming has and about the same as Vermont and North Dakota combined. Of course, D.C. is growing faster than all 50 States. Demographers expect it will only get bigger in the years to come because much of that growth has been with young people who want to raise families in the District.

The District of Columbia already functions as a state in many respects—indeed the Federal Government treats it as a State for purposes of most Federal programs.

More important, the residents of the District of Columbia have all the responsibilities of U.S. citizenship. They pay more Federal income tax per capita than residents of any state; D.C. residents and businesses send on average $20 billion to the Federal treasury each year. D.C. residents must serve on Federal juries and male residents must register for Selective Service. More than 300,000 have served in the military in wartime and about 1,700 have died for our country in the wars of the last century alone. All this occurred while the District’s residents were denied voting representation in Congress.

The current inequity has even been noted by international bodies, including the United Nations Human Rights Commission, as a possible violation of international human rights accorded to citizens of free nations.

It is long past time to give these American citizens who have chosen Washington as their home full participation in our democracy. People who live in D.C. are, of course, as American as people who live throughout our country—teachers, firefighters, doctors, janitors, parents, children, veterans, retirees. Why do their contributions to our democracy—financial and otherwise—merit rights and representation any less than those of their fellow citizens in the 50 states?

In sum, nothing in the Constitution prevents Congress from ceding this territory to a new State. There will still be a Federal district under Congressional control and protected by Federal authorities.

The voters of this new state will have the same rights we give voters in every other State, including those seven small states with populations under 1 million. If the idea seems strange, remember that more than 200 years ago Congress had not imagined full voting rights for women or racial minorities. It is the nature of civil rights that the disenfranchised must fight to gain acceptance of rights that, in retrospect, seem morally compelled and beyond question. We must right this injustice toward the residents of the District just as Congress historically has righted other voting injustices that stretched back to the very founding of the Nation.

I will soon leave Congress after having had the great privilege of serving here for 24 years. Securing full voting rights for the 600,000 Americans who live in the District of Columbia is unfinished business, not just for me, but for the United States of America.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 625—RECOGNIZING THE JANUARY 12, 2013, OPENING OF THE UNITED STATES FREEDOM PAVILION: THE BOEING CENTER AT THE NATIONAL WORLD WAR II MUSEUM IN NEW ORLEANS, LOUISIANA, AND SUPPORTING PLANS FOR OTHER EDUCATIONAL PAVILIONS AND INITIATIVES

Ms. LANDRIEU (for herself and Mr. VITTER) submitted the following resolution:


Whereas section 813(c) of the Department of Defense Appropriations Act of 2004 (Public Law 108-187; 117 Stat. 1165) designated the National D-Day Museum as “America’s National World War II Museum”;

Whereas the National World War II Museum advances the mission of educating the public about the experience of the United States in World War II, covering all branches of the Armed Forces and the Merchant Marine, and documenting and highlighting achievements on both the battlefield and home front;

Whereas the exhibits and programs of the National World War II Museum portray why the War occurred, how the War was won, and what the War means today, and celebrate the spirit of the United States and enduring values displayed during the War;

Whereas the National World War II Museum emphasizes the diverse nature of the war effort of the United States, reflecting the contributions of women, African-Americans, Native Americans, and other groups that have been neglected in many accounts of World War II;

Whereas the 12,000 landing craft designed and built by Higgins Industries in New Orleans made amphibious invasions possible and
carried United States soldiers ashore in every theatre and campaign during the War; Whereas President Dwight D. Eisenhower, the former Supreme Commander of the Allied Forces in Europe, and General Andrew Jackson Higgins, the chief executive officer of Higgins Industries, as the ‘man who won the war for us,’ in a 1966 conversation with the prominent historian Stephen E. Ambrose, leading Ambrose to initiate plans for the National World War II Museum; Whereas the National D-Day Museum, now known as the ‘National World War II Museum’, has made great strides in the development of the facilities, exhibits, and programs at the Museum; Whereas the National World War II Museum, since the grand opening on June 6, 2000, one year after the 50th anniversary of the D-Day invasion of Normandy, France, has attracted more than 3,000,000 visitors from across the United States and around the world, and has reached millions more through Internet-based and other distance learning programs; Whereas World War II veterans and home front workers are now remembered as the ‘greatest generation’ because of the sacrifices of the veterans and home front supporters at a pivotal time in United States history, are passing away at a rapid rate, creating an urgent need to preserve the stories, and to pay tribute to the service of the veterans and home front supporters; Whereas Congress recognizes the need to preserve forever the knowledge and history of the most decisive achievement of the United States during the 20th century and to portray that history to citizens, scholars, visitors, and school children for generations to come; Whereas Congress appropriated funds in 1992 to authorize the design and construction of the National D-Day Museum to commemorate the epic 1944 Normandy invasion, and appropriated additional funds in 1996, 2000, 2001, 2002, 2003, and 2009 to help expand the Museum to cover the entire experience of the United States in World War II, and the transformational impact on the United States and the world; Whereas the World War II Memorial on the National Mall in Washington, DC, will always be a memorial where the living come to remember the sacrifices made during World War II; Whereas the National World War II Museum in New Orleans will always be the educational institution where people come to learn about the monumental struggle by the United States and its allies to defeat fascism; so that future generations can understand the role the United States played in the preservation and advancement of freedom in the middle of the 20th century; Whereas the State of Louisiana and thousands of donors, including foundations, companies, and Museum members in every State, have provided millions of dollars in other support to help build and advance the National World War II Museum, and hundreds of volunteers, many from the World War II era, have provided invaluable assistance to the Museum; Whereas the Board of Trustees of the National World War II Museum, national in scope and comprised of the Presidential Counsellors advisory group, featuring leading historians and museum professionals, provide effective guidance and oversight for the National World War II Museum; Whereas the National World War II Museum continues to add to and maintain 1 of the largest personal history collections in the United States representing the experiences of the men and women who fought in World War II and served on the home front, with more than 7,000 videotaped, oral, and written accounts in the collection, and plans to digitize the collection to vastly improve public access; Whereas the National World War II Museum is an official affiliate of the Smithsonian Institution, with a formal agreement to borrow Smithsonian artifacts for exhibits; Whereas the National World War II Museum collaborates with other museums and memorials in the United States and around the world; Whereas the National World War II Museum has added major facilities in recent years through donor support, including the Solomon Victory Theater complex, which features a 4D theater and Dome Cen- tere, a United Service Organization-styled entertainment venue, and the Kushner Restoration Pavilion, home to a major patrol torpedo boat restoration project; Whereas the National World War II Museum will open the United States Freedom Pavilion: The Boeing Center in January 2013, Whereas the Pavilion will feature aircraft such as the B-17 bomber and the P-51 fighter, the latter flown by the Tuskegee Airmen, and a submarine experience and exhibits honoring Medal of Honor recipients and other military leaders who served in World War II, and industries that became known as the ‘Arsenal of Democracy’; and Whereas other pavilions and interactive exhibits are planned or under development as the Museum anticipates the completion of the campus by 2016, including the Campaigns of Courage: European and Pacific Theaters Pavilion, the Liberation Pavilion, and a Union Station train experience in the original Louisiana Memorial Pavilion: Now, therefore, be it
Resolved, That the Senate—
(1) recognizes and applauds the planned January 12, 2013, opening of the United States Freedom Pavilion: The Boeing Center, an iconic pavilion funded in part by the Federal Government and a major feature of the institution designated by section 8134(c) of the Department of Defense Appropriations Act of 2004 (Public Law 108-87, 117 Stat. 1105) as ‘America’s National World War II Museum’; (2) recognizes the generous assistance from private individuals, corporations, foundations, the Federal Government, the State of Louisiana, and other partners committed to offering a fitting tribute to the achievements of the United States in World War II; and (3) expresses support for the mission of the National World War II Museum as vital to the preservation of democratic values, to the understanding of United States history and founding principles, and to the education of future generations about the relevance of the War experience to the past and future greatness of the United States.


Mr. WARNER (for himself, Mr. WEBB, and Mr. MCCAIN) submitted the following concurrent resolution; which was referred to the Committee on Armed Services:

S. CON. RES. 65

Whereas on November 4, 2012, the U.S.S. Enterprise returned to her homeport of Norfolk, Virginia, after completing the 25th and final deployment of the vessel; Whereas the U.S.S. Enterprise, the first nuclear powered aircraft carrier to serve the United States, is scheduled for inactivation in December 2012 after more than 51 years in active service to the Navy and the Nation; Whereas the U.S.S. Enterprise is the 8th vessel to bear that name and justly and rightfully maintained the honor and tradition of those vessels that previously bore the name U.S.S.; Whereas the U.S.S. Enterprise participated in the embargo of the island of Cuba ordered by President John Kennedy in the fall of 1962, helping to prevent an escalation of that crisis; Whereas the U.S.S. Enterprise conducted multiple deployments in support of combat operations during the Vietnam War; Whereas the U.S.S. Enterprise, upon receiving the news of the September 11, 2001, attacks on the United States while returning home from a six-month deployment, imme- diately reversed course and was deployed in the Arabian Sea; Whereas the U.S.S. Enterprise launched hundreds of air strikes into Afghanistan in support of Operation Enduring Freedom throughout October 2001 to destroy Taliban and al-Qaeda targets; Whereas the U.S.S. Enterprise deployed six times over the last 11 years to conduct combat operations in support of Operation Iraqi Freedom and Operation Enduring Freedom; and Whereas the U.S.S. Enterprise and the 10 Nimitz-class aircraft carriers of the Navy have proven the wisdom and value of nuclear powered aircraft carriers, which have played crucial roles across the range of military operations, from humanitarian assistance to combat operations, both operations in Iraq and Afghanistan since the beginnings of hostilities, providing, from the sea, unparalleled precision strike, close air support, and surveillance in support of ground combat operations; Now, therefore, be it
Resolved by the Senate (the House of Rep- resentatives agreeing thereto):
(1) congratulates the Navy and the many crews of the U.S.S. Enterprise (CVN 65) on having provided the United States an incal- culable service in international relations and engagement and in the prevention and winning of armed conflicts over the 51-year pe- riod of the service of the U.S.S. Enterprise; (2) recognizes the service of the 121 Sailors who made the ultimate sacrifice for their country while serving onboard U.S.S. Enterprise, including the 30 that were killed during Operation Enduring Freedom; (3) honors the service of the 20 U.S.S. Enter- prise Sailors who were held as Prisoners of War during the Vietnam War, the 3 who died in captivity, and the 5 that are still listed as missing-in-action; and (4) congratulates the nearly 100,000 current and former Sailors who have served on the U.S.S. Enterprise and thanks them for the selfless sacrifice they made in service to the United States.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3382. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3383. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.
SA 3384. Mr. McCaIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3385. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table.

SA 3386. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3387. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3388. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3389. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3390. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3391. Mr. COATS (for himself and Mr. ALEXANDER) submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3392. Mr. CARDIN (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3393. Mr. LEAHY submitted an amendment to the bill H.R. 1, supra.

SA 3394. Mr. BAUCUS (for himself and Mr. TSESTER) submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3395. Mr. REID proposed an amendment to the bill H.R. 1, supra.

SA 3396. Mr. REID proposed an amendment to amendment SA 3395 proposed by Mr. REID to the bill H.R. 1, supra.

SA 3397. Mr. REID proposed an amendment to amendment SA 3395 proposed by Mr. REID to the bill H.R. 1, supra.

SA 3398. Mr. REID proposed an amendment to amendment SA 3395 proposed by Mr. REID to the bill H.R. 1, supra.

SA 3399. Mr. REID proposed an amendment to amendment SA 3395 proposed by Mr. REID to the bill H.R. 1, supra.

SA 3400. Mr. REID proposed an amendment to amendment SA 3395 proposed by Mr. REID to the bill H.R. 1, supra.

SA 3401. Mr. REID proposed an amendment to amendment SA 3400 proposed by Mr. REID to the bill H.R. 1, supra.

SA 3402. Mr. REID proposed an amendment to amendment SA 3401 proposed by Mr. REID to the bill H.R. 1, supra.

SA 3403. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3404. Mr. MERKLEY (for himself, Ms. STRABLING, Mr. BAUCUS, Mr. WYDEN, Mr. FRANKEN, Mr. JOHNSON of South Dakota, and Mr. UdALL of New Mexico) submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3405. Mr. MERKLEY (for Mrs. MURRAY) proposed an amendment to the bill H.R. 657, to amend section 103, United States Code, to direct the Secretary of Veterans Affairs to develop a comprehensive policy to improve outreach and transparency to veterans and members of the armed forces through the provision of information on institutions of higher learning, and for other purposes.

SA 3406. Mr. MERKLEY (for Mr. KOHL (for himself and Mr. LEE)) proposed an amendment to the bill H.R. 6230, to amend title 18, United States Code, to provide for increased penalties for foreign and economic espionage, and for other purposes.

SA 3407. Mr. MERKLEY (for Mrs. MURRAY) proposed an amendment to the bill S. 3302, to amend section 406, to provide that deceased veterans with no known next of kin can receive a dignified burial, and for other purposes.

"TEXT OF AMENDMENTS"

SA 3382. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

After section 105, insert the following:

SEC. 1106. (a) PROHIBITION ON USE OF FUNDS FOR FUTURE DISASTER RECOVERY CONTRACTS NOT COMPETITIVELY AWARDED.—Amounts appropriated by this Act may not be obligated or expended for any contract awarded after the date of the enactment of this Act in support of disaster recovery that were awarded using other than competitive procedures as otherwise required by chapter 33 of title 41, United States Code, section 2304 of title 10, United States Code, and the Federal Acquisition Regulation.

(b) CURRENT NO-BID CONTRACTS.—

(1) REVIEW OF CONTRACTS.—Not later than 60 days after the date of enactment of this Act, Federal agencies shall conduct a review of all contracts to support disaster recovery that were awarded before the date of the enactment of this Act using other than competitive procedures in order to determine the following:

(A) Whether opportunities exist to achieve cost savings under such contracts.

(B) Whether the requirements being met by such contracts can be met using a new or existing contract awarded through competitive procedures.

(2) COMPETITIVE AWARD OF CONTRACTS.—If a Federal agency determines pursuant to the review under paragraph (1) that either subparagraph (A) or subparagraph (B) applies to a contract awarded using other than competitive procedures, the agency shall take appropriate actions with respect to the contract, whether to achieve cost savings under the contract, to use a new or existing contract awarded through competitive procedures to meet applicable requirements, or otherwise to discontinue the use of the contract.

SA 3383. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

On page 16, strike lines 17 through 20 and insert "Provided".

SA 3384. Mr. McCaIn (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

On page 82, lines 21 and 22, strike "to remain available until expended: Provided," and insert "to remain available until the earlier of the date on which such funds are expended or the date that is 2 years after the date of enactment: Provided further, That none of the funds provided under this heading may be used for capital improvements or other expenses that are not directly associated with Hurricane Sandy or ‘Tropical Storm Sandy: Provided further."

SA 3385. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

On page 24, lines 21, strike the period and insert the following: "Provided further,. That the amounts made available under this heading may not be used to assist a building, a mobile home, or any other property that is located in an area that has been identified by the Administrator of the Federal Emergency Management Agency as an area having special flood hazards and in which the sale of flood insurance has been made available under the National Flood Insurance Act of 1968, unless, on the date on which the disaster to which the assistance relates occurred, the building, mobile home, or personal property was covered by flood insurance in an amount at least equal to its devalued replacement cost (less estimated land cost) or to the maximum limit of coverage made available with respect to the particular type of property under the National Flood Insurance Act of 1968, whichever is less.".

SA 3386. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

On page 32, strike line 19 and all that follows through page 33, line 16, and insert the following: SEC. 665. In administering the funds made available to address any major disaster declared by the President during the period beginning on August 27, 2011 and ending on December 5, 2012, the Administrator of the Federal Emergency Management Agency shall establish a pilot program for the other communities under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172), under which the Administrator may waive all applicable requirements for, any regulation the Administrator administers to provide assistance, the
consistent with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), for the permanent relocation of State facilities, including administrative office buildings, medical facilities, and sewage, mechanical, electrical, and plumbing services, as a result of the major disaster, are subject to flood risk, and are otherwise eligible for repair, reconstruction, or replacement under section 406 of that Act, if the Administrator determines that such relocation is practicable, and will be cost effective or more appropriate than repairing, restoring, or replacing the facility in its pre-disaster location, and if such relocation will effectively mitigate the flood risk to the facility.

SA 3387. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

On page 16, strike lines 17 through 20 and insert the following:

"(2) AUTHORITY FOR OTHER EXPEDITED PROCE-EDURES.—The President may utilize expedit ed procedures in addition to those required under paragraph (1) for the purpose of providing assistance under this section, such as those under the Prototype Programmatic Agreement of the Federal Emergency Management Agency for the repair of multiple structures as a group and for an analysis of the cost-effectiveness and fulfillment of cost-share requirements for proposed hazard mitigation measures."

Provided, That the National Oceanic and At mouospheric Administration shall submit a spending plan to the Committees on Appropriations of the House of Representatives and the Senate within 45 days after the date of enactment of this Act: Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCURCHASE, ACQUISITION AND CONSTRUCTION

For an additional amount for "Procure-ment, Acquisition and Construction", $2,600,000, to remain available until September 30, 2015, to repair National Oceanic and Atmospheric Administration (NOAA) facilities damaged by Hurricane Sandy, $1,200,000, to remain available until September 30, 2015: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SCIENCE

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

CONSTRUCTION AND ENVIRONMENTAL COMPLIANCE AND RESTORATION

For an additional amount for "Construction and Environmental Compliance and Restoration":

For an additional amount for "Construction and Environmental Compliance and Restoration", $7,000,000, to repair at National Aeronautics and Space Administration facilities damaged by Hurricane Sandy, $2,600,000, to remain available until September 30, 2015: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE III

DEPARTMENT OF DEFENSE

DEPARTMENT OF DEFENSE—MILITARY OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and Maintenance, Navy", $5,350,000, to remain available until September 30, 2013, for necessary expenses related to the consequences of Hurricane Sandy: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and Maintenance, Navy", $40,015,000, to remain available until September 30, 2013, for necessary expenses related to the consequences of Hurricane Sandy: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", $9,500,000, to remain available until September 30, 2013, for necessary expenses related to the consequences of Hurricane Sandy: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", $3,165,000, to remain available until September 30, 2013, for necessary expenses related to the consequences of Hurricane Sandy: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Army National Guard", $1,365,000, to remain available until September 30, 2013, for necessary expenses related to the consequences of Hurricane Sandy: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.
For an additional amount for “Operation and Maintenance, Air National Guard”, $5,775,000, to remain available until September 30, 2014, for necessary expenses related to the consequences of Hurricane Sandy: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT

For an additional amount for “Procurement, Maintainance, Army”, $1,310,000, to remain available until September 30, 2014, for necessary expenses related to the consequences of Hurricane Sandy: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for “Defense Working Capital Fund”, $24,299,000,000, to remain available until September 30, 2014, for necessary expenses related to the consequences of Hurricane Sandy: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLe IV

DEPARTMENT OF DEFENSE CIVIL,
DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS—CIVIL,
OPERATION AND MAINTENANCE

For an additional amount for “Operation and Maintenance, Corps of Engineers (Civil)” , $4,830,000,000, to remain available until September 30, 2014, to repair U.S. Army Corps of Engineers projects and dredge Federal navigation channels damaged by the impacts of Hurricane Sandy: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for “Flood Control and Coastal Emergencies”, $340,000,000,000, to remain available until September 30, 2014, to support emergency operations, repairs and other activities in response Hurricane Sandy as authorized by law: Provided, That the amounts in this paragraph are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

DISASTER LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Disaster Loans Program Account” for the cost of direct loans authorized by section 7(b) of the Flood Control Act of 1985: provided for necessary expenses related to Hurricane Sandy and other disasters, $500,000,000, to remain available until expended: Provided, That such costs, including the administrative costs of operating the Disaster Loans Program Account, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That in addition, for administrative expenses to carry out the direct loan program authorized by section 7(b) of the Small Business Act in response to Hurricane Sandy and other disasters, $100,000,000, to remain available until expended, of which $50,000,000 is for direct administrative expenses of loan making and servicing to carry out the direct loan program, which may be transferred to and merged with the Appropriations for Salaries and Expenses; and of which $10,000,000 is for indirect administrative expenses for the direct loan program, which may be transferred to and merged with the Appropriations for Salaries and Expenses: Provided further, That such amounts are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLe VI

DEPARTMENT OF HOMELAND SECURITY

U.S. CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses” for necessary expenses related to the consequences of Hurricane Sandy, $1,548,899,000, to remain available until September 30, 2014: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That notwithstanding the transfer limitiation contained in section 251(b)(2)(D) of such Act, such funding may be transferred to other Coast Guard appropriations after notification as required in accordance with such section.

DISASTER RELIEF FUND

For an additional amount for the “Disaster Relief Fund” for major disasters declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $3,239,000,000, to remain available until September 30, 2014: Provided, That such amount is designated by the Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FEDERAL EMERGENCY MANAGEMENT AGENCY

GENERAL PROVISION—THIS TITLE

Sec. 601. (a) (Subsection (a) of section 1309 of the National Flood Insurance Act of 1968 (42 U.S.C. 4010a(a)) is amended—

(1) by inserting “(1)” after the subsection designation; and

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

“(2) Notwithstanding paragraph (1)—

“(A) clause (2) of the first sentence of such paragraph shall be applied, through September 30, 2017, by substituting ‘$725,000,000’ for ‘$1,500,000’; and

“(B) effective upon the submission by the Administrator to the Congress of a plan for specific actions to be taken in connection with the flood insurance program under this title that will provide for the repayment of any amounts borrowed pursuant to this paragraph before the expiration of the 10-year period that begins upon the date of enactment of this paragraph, a schedule for implementation of such actions, a schedule required under subsection (c) for such repayment, and a certification by the Administrator that the Administrator will adhere to such schedules, clause (A) of the first sentence of paragraph (1) shall be applied, through September 30, 2017, by substituting ‘$30,425,000,000’ for ‘$11,500,000’.”;

(b) the amount provided by this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 and as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010.
TITLE VII
DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE
CONSTRUCTION

For an additional amount for “Construction” for necessary expenses incurred to prepare for, respond to, and recover from Hurricane Sandy, $50,000,000, to remain available until September 30, 2014: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL PARK SERVICE
CONSTRUCTION

For an additional amount for “Construction” for necessary expenses incurred to prepare for, respond to, and recover from Hurricane Sandy, including the full scope of repairs to the Statue of Liberty and Ellis Island, $150,000,000, to remain available until September 30, 2014: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

BUREAU OF SAFETY AND ENVIRONMENTAL
OIL SPILL RESEARCH

For an additional amount for “Oil Spill Research” for necessary expenses related to the consequences of Hurricane Sandy, $35,000,000, to remain available until September 30, 2014: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ENVIRONMENTAL PROTECTION AGENCY
LEAKING UNDERGROUND STORAGE TANK FUND

For an additional amount for “Leaking Underground Storage Tank Fund” for necessary expenses related to the consequences of Hurricane Sandy, $50,000,000, to remain available until September 30, 2014: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE VIII
DEPARTMENT OF LABOR
EMPLOYMENT AND TRAINING ADMINISTRATION
TRAINING AND EMPLOYMENT SERVICES

For an additional amount for “Employment and Training Administration Training and Employment Services”, $50,000,000, for the dislocated workers assistance national reserve fund, $5,000,000, to remain available until September 30, 2014: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT OF HEALTH AND HUMAN SERVICES
ADMINISTRATION FOR CHILDREN AND FAMILIES
SOCIAL SERVICES BLOCK GRANT

For an additional amount for “Social Services Block Grant”, $500,000,000, for necessary expenses resulting from Hurricane Sandy in States for which the President declared a major disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, notwithstanding section 2003 and paragraph (8) of section 2005(a) of the Social Security Act: Provided, That, notwithstanding section 2002 of the SSA, the distribution of such amount shall be limited to the States of New York and New Jersey: Provided further, That funds appropriated in this paragraph are in addition to the entitlement granted under section 2002(a)(1) of the Social Security Act and shall not be available for such entitlement grants: Provided further, That the Secretary of Health and Human Services shall deduct such amount to the States of New York and New Jersey based on the number of registrants for Individual Assistance provided by the Federal Emergency Management Agency within the counties that received a Presidential major disaster declaration for the Federal Emergency Management Agency Individual Assistance related to Hurricane Sandy as of the date of enactment of this Act: Provided further, That in addition to the funds appropriated in the paragraph, the Senate, funds appropriated in this paragraph may be used for health services (including mental health services), and costs of renovating, repairing, or rebuilding health care facilities (including mental health facilities), child care facilities, or other social services facilities: Provided further, That funds appropriated in this paragraph shall be available for costs incurred up to 3 days prior to Hurricane Sandy’s October 29, 2012 landfall subject to Federal review of documentation of the cost of services provided: Provided further, That none of the funds appropriated in this paragraph shall be available for costs that are reimbursed by the Federal Emergency Management Agency or by insurance: Provided further, That, with respect to the Federal interest in real property acquired or on which construction or major renovation of facilities (as such terms are defined in 45 CFR 1309.3) is undertaken with these funds, procedures equivalent to those specified in 45 CFR 1309.2 shall apply: Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHILDREN AND FAMILY SERVICES PROGRAMS

For an additional amount for “Children and Families Services Programs” — $50,000,000, for making payments under the Head Start Act in States for which the President declared a major disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act as a result of Hurricane Sandy: Provided, That funds appropriated in this paragraph may be used for costs incurred for response activities for Hurricane Sandy:

Provided further, That such amount is designated by the Congress for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

VETERANS HEALTH ADMINISTRATION
RELATED AGENCIES

For an additional amount for “Military Construction, Army National Guard” — $20,057,000, to remain available until September 30, 2014, for necessary expenses related to the consequences of Hurricane Sandy: Provided, That such funds may be obligated or expended for planning and design and military construction projects not otherwise authorized by law: Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT OF VETERANS AFFAIRS

For an additional amount for “Medical Care Services”, $122,000,000, to remain available until September 30, 2014, for necessary expenses related to the consequences of Hurricane Sandy: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MEDICAL FACILITIES

For an additional amount for “Medical Facilities”, $6,000,000, to remain available until September 30, 2014, for necessary expenses related to the consequences of Hurricane Sandy: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.
expenses related to the consequences of Hurrican Sandy: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

CONSTRUCTION, MAJOR PROJECTS

For an additional amount for Construction, Major Projects, $207,000,000 to remain available until expended on December 31, 2017, for improvements and repairs to the Department of Veterans Affairs Medical Center in Manhattan, New York, as a consequence of damage caused by Hurrican Sandy: Provided, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and major medical construction not otherwise authorized by law: Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLe X
DEPARTMENT OF TRANSPORTATION

FEDERAL HIGHWAY ADMINISTRATION

EMERGENCY RELIEF PROGRAM

For an additional amount for the Emergency Relief Program as authorized under section 125 of title 23, United States Code, $444,300,000, to remain available until expended on December 31, 2017, for improvements and repairs to the Department of Veterans Affairs Medical Center in Manhattan, New York, as a consequence of damage caused by Hurrican Sandy: Provided, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and major medical construction not otherwise authorized by law: Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FEDERAL RAILROAD ADMINISTRATION

OPERATING SUBSIDY GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

For an additional amount for the Secretary to make grants to the National Railroad Passenger Corporation for costs and losses incurred as a result of Hurrican Sandy, $32,000,000, to remain available until expended: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FEDERAL TRANSPORT ADMINISTRATION

PUBLIC TRANSPORTATION EMERGENCY RELIEF PROGRAM

For the Public Transportation Emergency Relief Program as authorized under section 322 of title 49, United States Code, $3,600,000,000 to remain available until expended, for recovery and relief efforts in the areas most affected by Hurrican Sandy: Provided, That up to three-quarters of 1 percent of the funds retained for public transportation emergency relief shall be available for the purposes of administrative expenses and ongoing program management oversight as authorized by 42 U.S.C. 5301 et seq. and shall be in addition to any other appropriations for such purposes: Provided further, That, of the funds made available under this heading, $400,000,000 shall be transferred to the Office of Inspector General to support the oversight of activities funded under this heading: Provided further, That such amounts are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT FUND

For an additional amount for the "Community Development Fund" for necessary expenditures related to disaster relief, long-term recovery, restoration of infrastructure and housing, and economic revitalization in the most impacted and distressed areas resulting from the emergency requirement pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), due to the Secretary, is authorized under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.), to $2,000,000,000, to remain available until expended: Provided, That the Secretary shall establish a minimum allocation for each eligible State declared a major disaster due to Hurrican Sandy: Provided further, That the Secretary shall allocate such funds not less than 33 percent of the funds provided under this heading within 60 days after the enactment of this Act based on the best available data: Provided further, That prior to the obligation of funds, a grantee shall submit a plan to the Secretary for approval detailing the proposed use of all funds, including criteria for eligibility and how the use of these funds will address long-term recovery and restoration of infrastructure and housing and economic revitalization in the most impacted and distressed areas: Provided further, That the Secretary shall by notice specify the criteria for approval of such plans within 45 days of enactment thereof: Provided further, That such funds may not be used for activities reimbursable by, or for which funds are available by, the Federal Emergency Management Agency or the Army Corps of Engineers: Provided further, That the final paragraph under the heading Community Development Block Grants in title II of Public Law 105-276 (42 U.S.C. 5305 note) shall not apply to funds provided under this heading: Provided further, That funds allocated under this heading shall not be considered relevant to the non-disaster formula allocations made pursuant to 42 U.S.C. 5306: Provided further, That a grantee may use up to 5 percent of its allocation for administrative costs: Provided further, That the Secretary shall require that grantees have established procedures to ensure timely expenditure of funds and duplication of benefits as defined by 42 U.S.C. 5155 and prevent fraud and abuse of funds: Provided further, That the Secretary shall provide grantees with reasonable assurance of contracting and procurement processes and shall require grantees, in contracting or procuring for management and administration of prevention, mitigation, performance requirements and penalties into any such contracts or agreements and to maintain information with respect to performance on the contracts or agreements and administrative purposes: Provided further, That in administering the funds under this heading, the Secretary may waive, or specify alternative requirements and penalties into any such contracts or agreements and to maintain information with respect to performance on the contracts or agreements and administrative purposes: Provided further, That notwithstanding any waiver or alternative requirement and that such action is not inconsistent with the overall purposes of title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.); Provided further, That notwithstanding the previous proviso, recipients of funds provided under this heading that use such funds as supplement Federal assistance provided under sections 402, 403, 406, 407, or 502 of the Robert T. Staf ford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) may adopt, without review or public comment, any environmental review, approval, or permit required by any applicable Federal law or statute, if the Secretary determines that such action is necessary in order to ensure that the use of such funds is consistent with the overall purposes and requirements of title I of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), due to the Secretary, is authorized under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.), to $2,000,000,000, to remain available until expended: Provided further, That, the Secretary may, upon receipt of a request for release of funds and certification, immediately approve the release of funds for an additional amount for projects on the priority list if the Secretary determines that the project is being undertaken in a timely manner, and that a waiver granted by the Secretary may not reduce the percentage of funds which must be used for activities that benefit persons of low and moderate income to less than 50 percent, unless the Secretary specifically finds that there is a compelling need to further reduce or eliminate the percentage requirement: Provided further, That the Secretary shall publish in the Federal Register any waiver of any statute or regulation that the Secretary administers pursuant to title I of the Housing and Community Development Act of 1974 no later than 5 days before the effective date of such waiver: Provided further, That funds provided under this heading to for-profit enterprises that meet the definition of small business as defined by the Small Business Administration under 13 CFR part 121: Provided further, That notwithstanding the previous proviso, funds may be provided to a for-profit enterprise, that does not meet such definition of small business, but which provides a public benefit, is publicly regulated, and is otherwise eligible for assistance under 42 U.S.C. 5301 et seq., and the implementing regulations at 24 CFR Part 570.201(b): Provided further, That the funds made available under this heading, up to $10,000,000 may be transferred to "Program Office Salaries and Expenses, Community Planning and Development" for technical assistance and administrative costs (including information technology costs), related solely to administering funds available under this heading or funds made available under prior appropriations to the "Community Development Fund" for disaster relief, long-term recovery and emergency costs, for the emergency fee eligibility determinations for public housing agencies in an area for which the President declared a disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), to avoid significant adverse funding impacts that would otherwise result from this project.

SNC. 1001. For fiscal year 2013, upon request by a public housing agency and supported by documentation as required by the Secretary of Housing and Urban Development that demonstrates that the need for the adjustment would be for an emergency, the Secretary may make temporary adjustments to the Section 8 housing choice voucher annual renewal funding allocations and administrative fees eligibility for public housing agencies in an area for which the President declared a disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), to avoid significant adverse funding impacts that would otherwise result from this project.

SNC. 1002. The Departments of Transportation and Housing and Urban Development...
shall submit to the Committees on Appropriations of the House of Representatives and the Senate within 45 days after the date of the enactment of this Act a plan for implementation of the provisions in this chapter and updates to such plan on a biannual basis thereafter.

S. 1063. None of the funds provided in this Act to the Department of Transportation or the Department of Housing and Urban Development may be used to make a grant unless the Secretary of such Department, after consultation with the House and Senate Appropriations Committees, determines that the grantees on Appropriations not less than 3 full business days before any project, State or locality is selected to receive a grant award to take or policy that should be included, and that such grantee has been referred to the Department or a modal administration.

TITLE XI
GENERAL PROVISIONS—THIS ACT

Sec. 1101. Each amount appropriated or made available in this Act is in addition to amounts otherwise appropriated for the fiscal year involved.

Sec. 1102. Each amount designated in this Act by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be available only for the purposes designated in subsection (a) and subsequently so designates all such amounts and transmits such designations to the Congress.

Sec. 1103. (a) Not later than March 31, 2013, in accordance with guidance to be issued by the Office of Management and Budget (OMB), Federal agencies shall submit to OMB and to the Committee on Appropriations of the House of Representatives and of the Senate internal control plans for funds provided by this Act. (b) All programs and activities receiving funds under this Act shall be deemed to be "susceptible to significant improper payments" for purposes of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) (PIPA), notwithstanding section 2(a) of PIPA.

(c) In accordance with guidance to be issued by the Director of OMB, agencies shall identify those grants for which the funds provided by this Act should be expended by the grantees within the 24-month period following the agency's obligation of funds for the grant. In the case of such grants, the agency shall include a term in the grant that:

(1) requires the grantee to return to the agency any funds not expended within the 24-month period; and

(2) provides that the head of the agency may, and, for the information with the Director of OMB, subsequently issue a waiver of this requirement based on a determination by the head of the agency that exceptional circumstances exist that justify an extension of the period in which the funds must be expended.

Sec. 1104. (a) In carrying out activities funded under this Act, agencies shall consult with States, local and tribal governments, regional officials, and the public on the availability of Federal assistance to States, local and tribal governments to develop and implement plans to protect against and respond to terrorism and other threats to the national security of the United States. (b) Funds made available in this Act shall be available to develop, in partnership with States, local and tribal governments, regional officials, and the public, plans that are consistent with and support the implementation of the Emergency Management Act of 1996.

TITLE XII
CONGRESSIONAL RECORD — SENATE

December 19, 2012

SA 3392. Mr. CARDIN (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 901.

SA 3393. Mr. BAUCUS (for himself and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

Sec. 1. (a) As used in this section—

(1) the term "applicant" means an entity that is eligible to apply for assistance under a State public assistance grant under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) or the rules issued under that Act, as a result of the major disaster declaration of June 17, 2011 (44032 Federal Register (July 22, 2011)); and

(2) the terms "FEMA" and "Administrator" mean the Federal Emergency Management Agency and the Administrator thereof, respectively.

(b) FEMA shall obligate such Federal funds as are necessary, not later than 30 days after the date of submission of one or more Project Worksheets by an applicant, for engineering services related to the repair, restoration, reconstruction, or replacement of a public facility damaged by a major disaster and for associated expenses incurred by the applicant on or after April 3, 2011. Provided further, that FEMA shall make final payment of the Federal share of projects submitted on Project Worksheets by applicants, other than the Worksheets identified in subsection (a), not later than 60 days after the date of enactment of this Act.

SA 3395. Mr. REID proposed an amendment to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; as follows:

Strike all after the enacting clause, and insert in lieu thereof:

That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2013, and for other purposes, namely:

SUPPLEMENTAL APPROPRIATIONS FOR DISASTER ASSISTANCE

TITLE I
DEPARTMENT OF AGRICULTURE AGRICULTURAL PROGRAMS

FARM SERVICE AGENCY

EMERGENCY CONSERVATION PROGRAM

For necessary expenses for the "Emergency Conservation Program", $25,000,000, to remain available until expended, of which $15,000,000 is for expenses resulting from a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

EMERGENCY FOREST RESTORATION PROGRAM

For necessary expenses for the "Emergency Forest Restoration Program", $58,855,000, to remain available until expended, of which $49,010,000 is for expenses resulting from a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

CONSERVATION PROGRAMS

NATURAL RESOURCES CONSERVATION SERVICE
EMERGENCY WATERSHED PROTECTION PROGRAM

For necessary expenses for the "Emergency Watershed Protection Program", $125,055,000, to remain available until expended, of which $77,085,000 is for expenses resulting from a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): Provided, That unobligated balances of the "Emergency Watershed Protection Program" provided in Public Law 108–199, Public Law 109–234, and Public Law 110–28 shall be available for the purposes of such program and such disbursement and shall remain available until expended: Provided further, That such amounts are designated by the
Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DOMESTIC FOOD PROGRAMS
Foods and Nutrition Service
Commodity Assistance Program
For an additional amount for the emergency food assistance program as authorized by section 27(a) of the Food and Nutrition Act of 1965 (7 U.S.C. 2525), and section 204(a)(1) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7508(a)(1)), $15,000,000, to remain available through September 30, 2014: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT OF JUSTICE
General Administration
Office of Inspector General
For an additional amount for General Administration, Office of Inspector General, for necessary expenses related to the consequences of Hurricane Sandy, $20,000, to remain available until September 30, 2013: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Federal Bureau of Investigation
Salaries and Expenses
For an additional amount for Federal Bureau of Investigation, Salaries and Expenses, for necessary expenses related to the consequences of Hurricane Sandy, $1,000,000, to remain available until September 30, 2013: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Drug Enforcement Administration
Salaries and Expenses
For an additional amount for Drug Enforcement Administration, Salaries and Expenses, for necessary expenses related to the consequences of Hurricane Sandy, $1,000,000, to remain available until September 30, 2013: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Bureau of Alcohol, Tobacco, Firearms and Explosives
Salaries and Expenses
For an additional amount for Bureau of Alcohol, Tobacco, Firearms and Explosives, Salaries and Expenses, for necessary expenses related to the consequences of Hurricane Sandy, $20,000, to remain available until September 30, 2013: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

National Oceanic and Atmospheric Administration
Operations, Research, and Facilities
For an additional amount for Operations, Research, and Facilities, $737,000,000, to remain available until September 30, 2014, as follows—
(1) $8,200,000 to repair and replace ocean observing and coastal monitoring assets damaged by Hurricane Sandy;
(2) $10,000,000 to repair and improve weather forecasting capabilities and infrastructure;
(3) $150,000,000 to evaluate, stabilize and restore coastal ecosystems affected by Hurricane Sandy;
(4) $56,000,000 for mapping, charting, damage assessment, and marine debris coordination and remediation; and
(5) $150,000,000, for necessary expenses related to fishery disasters as declared by the Secretary of Commerce in calendar year 2012: Provided, That the National Oceanic and Atmospheric Administration shall submit a spending plan for all amounts on Appropriations of the House of Representatives and the Senate within 45 days after the date of enactment of this Act: Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Procurement, Acquisition and Construction
For an additional amount for Procurement, Acquisition and Construction, $109,000,000, to remain available until September 30, 2015, as follows—
(1) $47,000,000 for the Coastal and Estuarine Land Conservation Program to support State and local restoration in areas affected by Hurricane Sandy;
(2) $9,000,000 to repair National Oceanic and Atmospheric Administration (NOAA) facilities damaged by Hurricane Sandy;
(3) $4,200,000 for repairs and upgrades to NOAA hurricane reconnaissance aircraft; and
(4) $8,500,000 for improvements to weather forecast equipment and supercomputer infrastructure: Provided, That NOAA shall submit a spending plan to the Committees on Appropriations of the House of Representatives and the Senate within 45 days after the date of enactment of this Act: Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Science
National Aeronautics and Space Administration
Construction and Environmental Compliance and Restoration
For an additional amount for Construction and Environmental Compliance and Restoration for repair at National Aeronautics and Space Administration facilities damaged by Hurricane Sandy, $1,000,000, to remain available until September 30, 2013: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Related Agencies
Legal Services Corporation
Payment to the Legal Services Corporation
For an additional amount for Legal Services Corporation, Payment to the Legal Services Corporation, for purposes of the Legal Services Corporation Act by providing for necessary expenses related to the consequences of Hurricane Sandy, $1,000,000, to remain available until September 30, 2013: Provided, That the amount made available under this heading shall be used exclusively to provide the mobile resources, technology, and disaster coordinators necessary to provide storm-related services to the Legal Services Corporation client population and to the areas affected by Hurricane Sandy: Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That none of the funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 501, 502, 503, 504, 505, and 506 of Public Law 106-280 and all funds appropriated in this Act to the Legal Services Corporation shall be used to provide storm-related services to Legal Services Corporation clients and the areas affected by Hurricane Sandy: Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985:

Department of Defense
Department of Defense—Military Operation and Maintenance
Operation and Maintenance, Army
For an additional amount for Operation and Maintenance, Army, $5,370,000, to remain available until September 30, 2013, for necessary expenses related to the consequences of Hurricane Sandy: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Operation and Maintenance, Navy
For an additional amount for Operation and Maintenance, Navy, $40,615,000, to remain available until September 30, 2013, for necessary expenses related to the consequences of Hurricane Sandy: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Operation and Maintenance, Air Force
For an additional amount for Operation and Maintenance, Air Force, $8,500,000, to remain available until September 30, 2013, for necessary expenses related to the consequences of Hurricane Sandy: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Operation and Maintenance, National Guard
For an additional amount for Operation and Maintenance, National Guard, $2,445,000, to remain available until September 30, 2013, for necessary expenses related to the consequences of Hurricane Sandy: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.
$3,165,000, to remain available until September 30, 2013, for necessary expenses related to the consequences of Hurricane Sandy: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Air National Guard", $57,750,000, to remain available until September 30, 2013, for necessary expenses related to the consequences of Hurricane Sandy: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for "Procurement of Ammunition, Army", $3,310,000, to remain available until September 30, 2013, for necessary expenses related to the consequences of Hurricane Sandy: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for "Defense Working Capital Funds", $242,000,000, to remain available until September 30, 2013, for necessary expenses related to the consequences of Hurricane Sandy: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE IV

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL INVESTIGATIONS

For an additional amount for "Investigations" to expedite studies of flood and storm damage reduction related natural disasters, $50,000,000 at full Federal expense, to remain available until September 30, 2013, for necessary expenses expended: Provided, That $134,500,000 of the funds provided herein, the Secretary shall expedite and complete ongoing flood and storm damage reduction studies in areas that were impacted by Hurricane Sandy and Isaac in the North Atlantic and Mississippi Valley Divisions of the U.S. Army Corps of Engineers: Provided further, That using up to $15,000,000 of the funds provided herein, the Secretary shall support an interagency planning process in conjunction with State, local and Tribal officials to develop and implement a floodplain management program that will reduce the flood risk to vulnerable coastal populations, including innovative approaches to promote the long-term sustainability of the coastal ecosystems and communities to reduce the economic costs and risks associated with large-scale flood and storm events: Provided further, That using $60,000 of the funds provided herein, the Secretary shall conduct risk evaluation of the performance of existing projects constructed by the U.S. Army Corps of Engineers and impacted by Hurricane Sandy: Provided further, That the Secretary shall develop systems of determination of the effectiveness and making recommendations for improvements thereto: Provided further, That as a part of the study, the Secretary shall provide comprehensive protection to affected coastal areas and shall provide this report to the Committees on Appropriations of the House of Representatives and the Senate within 120 days of enactment of this Act: Provided further, That the amounts in this paragraph are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

CONSTRUCTION (INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Construction" to rehabilitate, repair and construct U.S. Army Corps of Engineers projects related to the consequences of natural disasters, $3,461,000,000, to remain available until expended: Provided, That $2,902,000,000 of the funds provided under this heading shall be used to reduce future flood risk in a manner that will support the long-term sustainability of the coastal ecosystem and communities and reduce the economic costs and risks associated with large-scale flood and storm events that occurred in 2012 along the Gulf Coast and Atlantic Coast within the boundaries of the North Atlantic and Mississippi Valley Divisions of the Corps that were affected by Hurricane Sandy and Isaac: Provided further, That efforts using these funds shall incorporate current science and engineering standards in constructing previously authorized Corps projects designed to reduce flood and storm damage risks and modifying existing Corps projects to meet these standards, with such modifications as the Secretary determines are necessary to incorporate these standards or to meet the goal of providing sustainable protection to flooding and storm damage risks: Provided further, That any project that is under study by the Corps for reducing flooding and storm damage risks and that the Corps studies demonstrate will cost-effectively reduce those risks is hereby authorized: Provided further, That local interests shall provide all lands, rights-of-way and other necessary actions and disposal areas (LERRDs) necessary for projects using these funds at no cost to the Government: Provided further, That the amounts in this paragraph are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for "Flood Control and Coastal Emergencies", $1,940,000,000, to remain available until expended to prepare for flood, hurricane, and other natural disasters and support emergency operations, reduce other adverse response to flood, hurricanes or other natural disasters as authorized by law: Provided, That $430,000,000 of the funds provided herein shall be utilized by the Corps to restore projects impacted by Hurricane Sandy in the North Atlantic Division of the U.S. Army Corps of Engineers to design and authorize projects: Provided further, That the provisions of section 902 of the Water Resources Development Act of 1986 shall not apply to funds provided under this heading: Provided further, That the amounts in this paragraph are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

EXPENSES

For an additional amount for "Expenses" to increase efforts to oversee emergency response and recovery activities related to natural disasters, $10,000,000, to remain available until expended: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.
December 19, 2012

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of 1985: Provided further, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

TITLE V

INDEPENDENT AGENCIES

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

FEDERAL BUILDINGS FUND

For an additional amount to be deposited in the Federal Buildings Fund, $7,000,000, to remain available until expended, notwithstanding 40 U.S.C. 3307, for necessary expenses related to the consequences of Hurricane Sandy, and other disasters, $5,000,000, to remain available until expended: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DISASTER LOANS PROGRAM ACCOUNT (INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Disaster Loans Program Account for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That a description of all property to be replaced, with associated costs, shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives no later than 90 days after the date of enactment of this Act.

For an additional amount for “Salaries and Expenses” for necessary expenses related to the consequences of Hurricane Sandy, $855,000: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That a description of all property to be replaced, with associated costs, shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives no later than 90 days after the date of enactment of this Act.

DEPARTMENT OF HOMELAND SECURITY

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS (INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Acquisition, Construction, and Improvements” for necessary expenses related to the consequences of Hurricane Sandy, $274,233,000, to remain available until September 30, 2017: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—THIS TITLE

SEC. 501. Section 411(a)(1) of the Small Business Investment Act of 1958 (15 U.S.C. 694a(a)(1)) is amended by striking “$2,000,000” and inserting “$3,000,000”: Provided further, That in addition, for administrative expenses to carry out the direct loan program authorized by section 7(b) of the Small Business Act in response to Hurricane Sandy and other disasters, $250,000,000, to remain available until expended, of which $250,000,000 is for direct administrative expenses of loan making and servicing of direct loan program, which may be transferred to and merged with the appropriations for Salaries and Expenses; and of which $10,000,000 is for direct administrative expenses of the direct loan program, which may be transferred to and merged with the appropriations for Salaries and Expenses: Provided further, That the Administrator, in administering the provisions of this Act, or no less than 7 days prior to and merged with the appropriations for Salaries and Expenses: Provided further, That the Administrator, in administering the provisions of this Act, or no less than 7 days prior to

CIVILIAN PERSONNEL

Small Business Administration

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, $230,000,000, to remain available until expended, of which $230,000,000 is for grants to or cooperative agreements with organizations to provide technical assistance, including, industry accelerators, supply chain support, commercialization, and workforce development: Provided further, That a description of all property to be replaced, with associated costs, shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives no later than 90 days after the date of enactment of this Act.

COAST GUARD

For an additional amount for “Salaries and Expenses” for necessary expenses related to the consequences of Hurricane Sandy, $300,000: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

For an additional amount for “Salaries and Expenses” for necessary expenses related to the consequences of Hurricane Sandy, $1,667,000: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

For an additional amount for “Salaries and Expenses” for necessary expenses related to the consequences of Hurricane Sandy, $1,667,000: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

For an additional amount for “Salaries and Expenses” for necessary expenses related to the consequences of Hurricane Sandy, $1,667,000: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

For an additional amount for “Salaries and Expenses” for necessary expenses related to the consequences of Hurricane Sandy, $1,667,000: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

For an additional amount for “Salaries and Expenses” for necessary expenses related to the consequences of Hurricane Sandy, $1,667,000: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

For an additional amount for “Salaries and Expenses” for necessary expenses related to the consequences of Hurricane Sandy, $1,667,000: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

For an additional amount for “Salaries and Expenses” for necessary expenses related to the consequences of Hurricane Sandy, $1,667,000: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

For an additional amount for “Salaries and Expenses” for necessary expenses related to the consequences of Hurricane Sandy, $1,667,000: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

For an additional amount for “Salaries and Expenses” for necessary expenses related to the consequences of Hurricane Sandy, $1,667,000: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

For an additional amount for “Salaries and Expenses” for necessary expenses related to the consequences of Hurricane Sandy, $1,667,000: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

For an additional amount for “Salaries and Expenses” for necessary expenses related to the consequences of Hurricane Sandy, $1,667,000: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.
pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 which shall be for major disasters declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); Provided further, That the total amount provided, $3,000,000,000 shall be transferred to the Department of Homeland Security and the General Accounting Office for audits and investigations related to disasters.

**Disaster Assistance Direct Loan Program**

For an additional amount for the cost of direct loans, $300,000,000, to remain available until expended, as authorized by section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) of which up to $4,000,000 is for administrative expenses to carry out the direct loan program: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $400,000,000: Provided further, That these amounts are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

**Science and Technology, Research, Development, Acquisition, and Oversight**

For an additional amount for “Research, Development, Acquisition, and Operations” for necessary expenses related to the consequences of Hurricane Sandy, $3,249,000, to remain available until September 30, 2017: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

**Domestic Nuclear Detection Office**

For an additional amount for “Systems Acquisition” for necessary expenses related to the consequences of Hurricane Sandy for replacing or repairing U.S. Customs and Border Protection facilities, $3,869,000, to remain available until September 30, 2015: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

**General Provisions—This Title**

Sec. 601. (a) Section 1309(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4018(a)) is amended by striking ‘‘$20,725,000,000’’ and inserting ‘‘$30,425,000,000’’.

(b) The amount provided by this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 and as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010.

**Effective Date.**—The amendment made by subsection (a) shall be considered to have taken effect on December 12, 2012.

Sec. 602. The Administrator of the Federal Emergency Management Agency, in cooperation with representatives of State, tribal, and local governments may give greater weight to the factors considered under section 251(b)(2)(B) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), in performing each maintenance activity (by category) for determining compliance with codes and standards under the Federal Emergency Management Agency, for major disasters declared on or after August 27, 2011, shall consider eligible the costs required to comply with Federal Flood Risk Management Permit process, including any design standards required to be met as a condition of permit issuance.

Sec. 603. For determinations regarding compliance with codes and standards under the Federal Emergency Management Agency Public Assistance program (42 U.S.C. 5172), of the Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172et seq.); Provided further, That of the total amount provided, $3,000,000,000 shall be for the administration of the Federal Emergency Management Agency, for major disasters declared on or after August 27, 2011, shall consider eligible the costs required to comply with Federal Flood Risk Management Permit process, including any design standards required to be met as a condition of permit issuance.

Sec. 604. Notwithstanding any other provision of law, the Administrator of the Federal Emergency Management Agency may recommend to the President an increase in the Federal cost required to be met as a condition of permit work under section 406 and of emergency work under section 403 and section 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172), under which the Administrator may waive, or specify alternative requirements for, any regulation the Administrator administers to provide assistance, consistent with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), for the permanent relocation of State facilities, including educational buildings and medical facilities, laboratories, and related operating infrastructure (including heat, sewage, mechanical, electrical, and plumbing), that are significantly damaged as a result of the major disaster, are subject to flood risk, and are otherwise eligible for repair, restoration, reconstruction, or replacement under section 406 of that Act, if the Administrator determines that such relocation is practicable, and will be cost effective or more appropriate than repairing, restoring, reconstructing, or replacing the facility in its pre-disaster location, and if such relocation will effectively mitigate the flood risk to the facility.

Sec. 605. (a) Determinations.—In this section—

(i) the term ‘‘Administrator’’ means the Administrator of the Federal Emergency Management Agency; and

(ii) the term ‘‘covered hazard mitigation land’’ means—

(A) acquired and deeded restricted under section 404(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(b)(2)(B) before, on, or after the date of enactment of this Act; and

(B) that is located—

(i) in a West North Central State; and

(ii) in a community that—

(I) is participating in the National Flood Insurance Program on the date on which a State, local, or tribal government submits an application requesting to construct a permanent flood risk reduction levee under subsection (b); and

(II) certifies to the Administrator and the Chief of Engineers that the community will continue to participate in the National Flood Insurance Program;

(b) Authorization.—(1) Subsection (a) is amended—

(i) in a West North Central State; and

(ii) in a community that—

(I) is participating in the National Flood Insurance Program on the date on which a State, local, or tribal government submits an application requesting to construct a permanent flood risk reduction levee under subsection (b); and

(II) certifies to the Administrator and the Chief of Engineers that the community will continue to participate in the National Flood Insurance Program;

Sec. 606. (a) Determinations.—In this section—

(i) the term ‘‘Administrator’’ means the Administrator of the Federal Emergency Management Agency; and

(ii) the term ‘‘covered hazard mitigation land’’ means—

(A) acquired and deeded restricted under section 404(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(b)(2)(B) before, on, or after the date of enactment of this Act; and

(B) that is located—

(i) in a West North Central State; and

(ii) in a community that—

(I) is participating in the National Flood Insurance Program on the date on which a State, local, or tribal government submits an application requesting to construct a permanent flood risk reduction levee under subsection (b); and

(II) certifies to the Administrator and the Chief of Engineers that the community will continue to participate in the National Flood Insurance Program;

(b) Authorization.—(1) Subsection (a) is amended—

(i) in a West North Central State; and

(ii) in a community that—

(I) is participating in the National Flood Insurance Program on the date on which a State, local, or tribal government submits an application requesting to construct a permanent flood risk reduction levee under subsection (b); and

(II) certifies to the Administrator and the Chief of Engineers that the community will continue to participate in the National Flood Insurance Program;

Sec. 607. The Administrator of the Federal Emergency Management Agency shall cancel the liquidated balances of all remaining uncancelled or partially cancelled loans disbursed under the Community Disaster Loan Act of 2005 (Public Law 109–88) and the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Katrina Recovery, 2005, as amended by section 4502 of the U.S. Troop Readiness, Veterans’ Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28) to the extent that revenues of the local government during the period following the major disaster are insufficient to meet the budget of the local government, including any disaster-related expenses of a municipal character. In calculating a community’s revenues while determining cancellation, the Administrator shall include revenue from local districts and any other revenues that are required by law to be disbursed to other units of local government or used for specific purposes by the General Fund. In calculating a community’s expenses, the Administrator shall include...
views under the National Environmental Policy
Act and historic preservation reviews under the National Historic Preservation
Act are completed on an expeditious basis; and

(2) the shortest existing applicable pro-
cess under the National Environmental
Policy Act and the National Historic
Preservation Act shall be used.

(2) AUTHORITY FOR OTHER EXPEDITED
PROCEDURES.—The President may utilize ex-
pedited procedures in addition to those re-
quired under paragraph (1) for the purpose
of providing assistance under this section, such
as those under the Prototype Programmatic
Agreement of the Federal Emergency Man-
agement Agency for coordination of mul-
tiple structures as a group and for an anal-
ysis of the cost-effectiveness and fulfill-
ment of cost-share requirements for proposed
hazard mitigation measures.

(e) ADVANCE ASSISTANCE.—The President
may provide no more than 25 percent of the
amount of the estimated cost of hazard miti-
gation measures to a State grantee eligible
for a grant under this section before eligible
costs are incurred.

(2) ESTABLISHMENT OF CRITERIA RELATING TO AD-
MINISTRATION OF ADVANCE ASSISTANCE BY STATES.—
Section 404(c)(2) of the Robert T. Stafford Disaster Relief and Emer-
gency Assistance Act (42 U.S.C. 5170c(c)(2)) is amended by inserting ''Until such time as the Adminis-
trator promulgates regulations to implement this paragraph, the Admin-
istrator may waive notice and comment rule-
making if the Administrator determines
that proceeding so is necessary to expeditiously im-
plement this section and may carry out the al-
ternative procedures under this section as a pilot program with the pro-
cedures submitted under paragraph (1).''.

(3) APPLICABILITY.—The authority under
the amendments made by this subsection shall apply to

(A) any major disaster or emergency
declared under the Robert T. Stafford Disaster Relief and Emergency Assistance
Act (42 U.S.C. 5121 et seq.) on or after the date of en-
actment of this Act; and

(B) a major disaster or emergency declared
before the date of enactment of this Act for which the pres-
tive action has not ended on the date of en-
actment of this Act.

(c) PUBLIC ASSISTANCE PROGRAM ALTER-
NATIVE PROCEDURES.—Section IV of the Robert T. Stafford Disaster Relief and Emer-
gency Assistance Act (42 U.S.C. 5170 et seq.) is amended
by redesignating section 425 (42 U.S.C. 5189e) relating to essential service providers,
as added by section 607 of the SAFE Port Act
(Public Law 109-547, 120 Stat. 1911) as section 427; and

(2) by adding at the end the following:

''SEC. 428. PUBLIC ASSISTANCE PROGRAM ALTER-
NATIVE PROCEDURES.

(1) IN GENERAL.—The Administrator of the Federal Emergency Management
Agency may approve projects under the alternative procedures adopted under this section for—

(A) any major disaster or emergency
declared on or after the date of enactment of this section; and

(2) any project relating to a major dis-
aster declared before the date of enact-
mation of this section for which con-
struction has not begun on the date of enact-
mation of this section.

(b) APPLICABILITY.—The Administrator, in co-
ordination with States, tribal, and local gov-
ernments, and owners or operators of private non-
profit facilities, may adopt alternative procedures under this section provided under sections 403(a)(3)(A), 406, 407, and 502(a)(5).

(c) GOALS.—Any procedures adopted
under subsection (b) shall further the goals of

(1) reducing the costs to the Federal
Government of providing assistance;

(2) increasing flexibility in the admin-
istration of such assistance;

(3) expediting the provision of such assis-
tance to States, tribal, and local govern-
ments, and to owners or operators of private non-
profit facilities; and

(4) providing financial incentives and dis-
incentives for the State, tribal, or local gov-
ernment, or owner or operator of a private nonprofit facility for the timely and cost-
effective completion of projects with such as-
sistance.

(d) VOLUNTARY PARTICIPATION.—Partici-
pation in alternative procedures adopted under this section shall be at the election of a
State, tribal, or local government, or owner or operator of a private nonprofit fa-
cility consistent with procedures determined by the Administrator.

(e) REQUIREMENTS FOR PROCEDURES.—The alternative procedures adopted under sub-
section (b) shall include—

(1) for repair, restoration, and replace-
ment of damaged facilities under section 406

(A) making grants on the basis of fixed
estimates, if the State, tribal, or local gov-
ernment, or owner or operator of the private non-
profit facility agrees to be responsible for any actual costs that exceed the
estimates adopted under the procedures;

(B) providing an option for a State, tribal,
or local government, or owner or operator of
a private nonprofit facility to elect to re-
ceive an in-lieu contribution, without reduc-
ton, on the basis of estimates of—

(i) the cost of repair, restoration, recon-
nstruction, or replacement of a public facility,
owned or controlled by the State, tribal, or
local government or the owner or operator of
a private nonprofit facility; and

(ii) management expenses;

(C) consolidating, to the extent deter-
mined appropriate by the Administrator, the
facilities of a State, tribal, or local govern-
ment, or owner or operator of a private non-
profit facility as a single project based upon
the estimates adopted under the procedures;

(D) if the actual costs of a project com-
pared to the procedures, to the extent deter-
estimated costs thereof, the Administrator
may permit a grantee or subgrantee to use
all or part of the excess funds for purposes of

(i) cost-effective activities that reduce the
risk of future damage, hardship, or suf-
ferring from a major disaster; and

(ii) other activities to improve future
Public Assistance operations or planning;

(E) in determining eligible cost under sec-
tion 406, the Administrator shall make avail-
able, at an applicant’s request and where the Federal Emergency Management
Agency or the certified cost estimate prepared by the applicant’s professionally licensed engineers
was determined an eligible Federal share for a project of not less than $5,000,000, an inde-
pendent expert panel to validate the esti-
imated eligible cost consistent with applica-
tion regulations and policies implementing
this section;

(F) in determining eligible cost under sec-
ction 406, the Administrator shall, at the ap-
plicant’s request, for projects properly con-
ducted and certified cost estimates prepared by professionally licensed engineers (mu-
tually agreed upon by the Administrator and
applicant), to the extent that such esti-
mates comply with applicable regulation,
policy, and guidance; and

(G) for debris removal under sections 406, 407, and 502, as the President shall determine

(A) making grants on the basis of fixed
estimates to provide financial incentives and

(2) reducing the costs to the Federal
Government of providing assistance;

(3) increasing flexibility in the admin-
istration of such assistance;

(4) expediting the provision of such assis-
tance to States, tribal, and local govern-
ments, and to owners or operators of private non-
profit facilities; and

(5) providing financial incentives and dis-
incentives for the State, tribal, or local gov-
ernment, or owner or operator of a private nonprofit facility for the timely and cost-
effective completion of projects with such as-
sistance.

(d) VOLUNTARY PARTICIPATION.—Partici-
pation in alternative procedures adopted under this section shall be at the election of a
State, tribal, or local government, or owner or operator of a private nonprofit fa-
cility consistent with procedures determined by the Administrator.

(e) REQUIREMENTS FOR PROCEDURES.—The alternative procedures adopted under sub-
section (b) shall include—

(1) for repair, restoration, and replace-
ment of damaged facilities under section 406

(A) making grants on the basis of fixed
estimates, if the State, tribal, or local gov-
ernment, or owner or operator of the private non-
profit facility agrees to be responsible for any actual costs that exceed the
estimates adopted under the procedures;

(B) providing an option for a State, tribal,
or local government, or owner or operator of
a private nonprofit facility to elect to re-
ceive an in-lieu contribution, without reduc-
ton, on the basis of estimates of—

(i) the cost of repair, restoration, recon-
nstruction, or replacement of a public facility,
owned or controlled by the State, tribal, or
local government or the owner or operator of
a private nonprofit facility; and

(ii) management expenses;

(C) consolidating, to the extent deter-
mined appropriate by the Administrator, the
facilities of a State, tribal, or local govern-
ment, or owner or operator of a private non-
profit facility as a single project based upon
the estimates adopted under the procedures;

(D) if the actual costs of a project com-
pared to the procedures, to the extent deter-
estimated costs thereof, the Administrator
may permit a grantee or subgrantee to use
all or part of the excess funds for purposes of

(i) cost-effective activities that reduce the
risk of future damage, hardship, or suf-
ferring from a major disaster; and

(ii) other activities to improve future
Public Assistance operations or planning;

(E) in determining eligible cost under sec-
section 406, the Administrator shall make avail-
able, at an applicant’s request and where the Federal Emergency Management
Agency or the certified cost estimate prepared by the applicant’s professionally licensed engineers
was determined an eligible Federal share for a project of not less than $5,000,000, an inde-
pendent expert panel to validate the esti-
imated eligible cost consistent with applica-
tion regulations and policies implementing
this section;

(F) in determining eligible cost under sec-
section 406, the Administrator shall, at the ap-
plicant’s request, for projects properly con-
ducted and certified cost estimates prepared by professionally licensed engineers (mu-
tually agreed upon by the Administrator and
applicant), to the extent that such esti-
mates comply with applicable regulation,
policy, and guidance; and

(G) for debris removal under sections 406, 407, and 502, as the President shall determine

(A) making grants on the basis of fixed
estimates to provide financial incentives and
disincentives for the timely or cost-effective completion if the State, tribal, or local government, or owner or operator of the private nonprofit facility agrees to be responsible to pay for any actual costs that exceed the estimate;

(2) Amount.—After the Administrator submits the report required under paragraph (1), the President shall direct the Administrator to—

(A) immediately establish a threshold for eligibility under this section in an appropriate amount, without regard to chapter 5 of title 5, United States Code; and

(B) adjust annually to reflect changes in the Consumer Price Index for all Urban Consumers published by the Department of Labor.

(3) Review.—Not later than 3 years after the date on which the Administrator establishes a threshold under paragraph (2), and every 3 years thereafter, the President, acting through the Administrator, shall review the threshold for eligibility under this section.

(e) Essential Assistance.—Section 403 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b) is amended by adding at the end the following:

"(d) Salaries and Benefits.—(1) In general.—The President may reimburse a State, tribal, or local government for costs relating to pay and benefits (including overtime and hazardous duty pay) for permanent employees of the State, tribal, or local government conducting emergency protective measures under this section, provided such work is not typically performed by such employees and the type of work may otherwise be carried out by contract or agreement with private organizations, firms, or individuals.

(2) Overtime.—The guidelines for reimbursement for costs under paragraph (1) shall assure that no State, tribal, or local government is denied reimbursement for overtime payments that are required pursuant to the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.)."

(f) Unified Federal Review.—Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended by subsection (e), is amended by adding at the end the following:

"SEC. 429. UNIFIED FEDERAL REVIEW.

(1) In general.—Not later than 18 months after the date of enactment of the Disaster Recovery Act of 2012, and in consultation with the Council on Environmental Quality and the Advisory Council on Historic Preservation, the President shall establish an expedited and unified interagency review process to ensure compliance with environmental and historic requirements under Federal law relating to disaster recovery projects, in order to expedite the recovery process, consistent with applicable law.

(2) CONTENTS.—The review process established under this section shall include mechanisms to expeditiously address delays that may occur during the recovery from a major disaster, and shall be updated as appropriate, consistent with applicable law.

(3) PROCEDURES.—

(I) Definitions.—In this subsection—

(A) "Advisory Council on Historic Preservation" means the Advisory Council on Historic Preservation established under the National Historic Preservation Act (16 U.S.C. 1401 et seq.);

(B) "Catalog of Federal Domestic Assistance" means the Catalog of Federal Domestic Assistance published by the Department of Labor;

(C) "-American Council on Historic Preservation" means the American Council on Historic Preservation established under section 106 of the National Historic Preservation Act (16 U.S.C. 171 et seq.);

(D) "Department of Labor" means the Department of Labor;

(E) "consumer price index" means the Consumer Price Index for All Urban Consumers published by the Department of Labor;

(F) "Congressional Review Act" means the Congressional Review Act (5 U.S.C. 801 et seq.); and

(G) "Congress" means the Congress of the United States.

(II)--(III) only set aside a decision of the Federal Emergency Management Agency made its initial decision;

(III) only set aside a decision of the Federal Emergency Management Agency found to be arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;

(IV) in the case of a finding of material fact adverse to the claimant made on first appeal, only set aside or reverse such finding if the finding is clearly erroneous;

(V) request an independent review panel to expeditiously issue a written decision for any alternative dispute resolution under this subsection and disposed of the other party of a dispute relating to the independent review panel, including an adequate number of independent experts qualified to review and resolve disputes under this section;

(VI) direct that if an independent review panel for any alternative dispute resolution under this subsection determines that the basis upon which a party submits a request for alternative dispute resolution is frivolous, the independent review panel shall direct the party to pay the reasonable costs of the Federal Emergency Management Agency to the independent review panel.

(D) Funds Received.—Any funds received by the Federal Emergency Management Agency under the authority under this subsection shall be deposited to the credit of the appropriation or appropriations available for the eligible assistance in dispute on the date on which the funds are received.

(3) sunset.—A request for review by an independent review panel under this subsection may not be made after December 31, 2015.

(4) Report.—

(A) In general.—Not later than 270 days after the determination of eligibility for this subsection pursuant to paragraph (3), the Comptroller General of the United States..."
shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, a report on the effectiveness of the program under this subsection.

(B) CONTENTS.—The report submitted under paragraph (A) shall include:

(1) a determination of the availability of data required to complete the report;

(2) an assessment of the effectiveness of the program under this subsection, including an assessment of whether the program expedited or delayed the disaster recovery process;

(3) an assessment of whether the program increased or decreased costs to administer section 403, 406, or 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act;

(iv) an assessment of the procedures and safeguards that the independent review panels established to ensure objectivity and accuracy, and the extent to which they followed those procedures and safeguards;

(v) a recommendation as to whether any aspect of the program under this subsection should be maintained as independent authority; and

(vi) recommendations for any modifications to the authority or the administration of the authority under this subsection in order to improve the disaster recovery process.

(h) INDIVIDUAL ASSISTANCE FACTORS.—In order to determine the effectiveness of the program under this subsection, the Administrator of the Federal Emergency Management Agency, in consultation with the Federal Coordinating Council, may request an independent review of the cost of assistance and the impact of the program on affected individuals.

(1) IN GENERAL.—The President may not provide direct assistance under this clause with respect to a major disaster after the end of the 18-month period beginning on the date of declaration of the major disaster by the President, except that the President may extend that period if the President determines that due to extraordinary circumstances the extension would be in the public interest.

(2) REFERENCES.—In implementing assistance authorized by the President under this subsection, the President shall give effect to the recommendations of the Independent Review Panel established by the President, in consultation with the Administrator of the Federal Emergency Management Agency, as appropriate.

(i) TEMPORARY HOUSING.—Section 408(c)(1)(B) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(c)(1)(B)) is amended—

(1) by redesignating clauses (i) and (iii) as clauses (ii) and (iv), respectively;

(2) by inserting after clause (ii) the following:

''(ii) LEASE AND RENTAL OF RECOVERY UNITS FOR TEMPORARY HOUSING.—''

'(1) IN GENERAL.—The President shall establish criteria for making determinations under paragraph (1)(B).

'(2) CRITERIA FOR MAKING DETERMINATIONS.—The President shall establish criteria for making determinations under paragraph (1)(B).

'(c) COST SHARE ADJUSTMENTS FOR INDIAN TRIBAL GOVERNMENTS.—''

'(1) IN GENERAL.—The President may make payments for temporary housing assistance to an Indian tribal government under this Act, if the President determines that the waiver or adjustment is necessary and appropriate.

'(2) REFERENCES.—Section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191) is amended by adding at the end the following:

''(b) TEMPOARY HOUSING.—Section 408(c)(1)(B) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(c)(1)(B)) is amended—

'(1) IN GENERAL.—The President may make payments for temporary housing assistance to an Indian tribal government under this Act, if the President determines that the waiver or adjustment is necessary and appropriate.

'(2) REFERENCES.—In implementing assistance authorized by the President under this subsection, the President shall give effect to the recommendations of the Independent Review Panel established by the President, in consultation with the Administrator of the Federal Emergency Management Agency, as appropriate.

'(3) COST SHARE ADJUSTMENTS FOR INDIAN TRIBAL GOVERNMENTS.—''

'(1) IN GENERAL.—The President may make payments for temporary housing assistance to an Indian tribal government under this Act, if the President determines that the waiver or adjustment is necessary and appropriate.

'(2) REFERENCES.—In implementing assistance authorized by the President under this subsection, the President shall give effect to the recommendations of the Independent Review Panel established by the President, in consultation with the Administrator of the Federal Emergency Management Agency, as appropriate.
information on interest rates, repayment terms, securitization requirements, and
the ability of affected local governments to
qualify for such loans;
(5) the availability of Federal resources to
directly address the budgetary impacts of Hurricane Sandy upon local
governments;
(6) the ability of the Community Disaster Loan
Program authorized under subchapter V of
the Robert T. Stafford Disaster Relief and
Emergency Assistance Act (42 U.S.C. 5184) to
effectively and expeditiously address budget-
ary impacts of Hurricane Sandy and other
disasters upon local governments, including—
(A) an assessment of the current statutory
limits on loan amounts;
(B) the regulations, policies, and proce-
dures governing program mobilization to
communities in need and expeditious pro-
cessing of loan applications;
(C) information on interest rates, repay-
ment terms, securitization requirements, and
ability of affected local governments to
qualify for such loans;
(D) criteria governing the cancellation of
such loans, including appropriate classifica-
tion of available revenues and eligible ex-
penditures as consistent with customary local government budgetary practices and State or local laws that affect the
specific budgetary practices of local gov-
ernments affected by Hurricane Sandy and
other disasters;
(E) repayment terms and timeframes on
loans that do not qualify for cancellation;
(F) options for Congressional consideration
related to legislative modifications of this
program, and any other applicable provisions of
Federal law, in order to address the budg-
etary impacts of Hurricane Sandy and other
disasters upon local governments; and
(G) recommendations on steps the Federal
Emergency Management Agency may take
in order to more effectively administer,
effectiveness, communications, and speed;
and
(6) potential consequences of Federal ac-
tion or inaction to address the budgetary im-
pacts of Hurricane Sandy upon local govern-
ments.
(A) APPLICABILITY.—Unless otherwise
specified, this section and the amendments
made by this section shall apply for—
(1) any major disaster or emergency de-
clared under the Robert T. Stafford Disaster
Relief and Emergency Assistance Act (42
U.S.C. 5121 et seq.) on or after the date of en-
actment of this Act; and
(2) any emergency declared before the
date of enactment of this Act for which the
period for processing requests for assistance has not ended on the date
of enactment of this Act.

TITILE VII
DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE
CONSTRUCTION
For an additional amount for “Construction” for necessary expenses incurred to pre-
pare for, respond to, and recover from Hurri-
cane Sandy, $78,000,000, to remain available
until expended: Provided, That this amount is designated by the Congress as being
for an emergency requirement pursuant to section
251(b)(2)(A)(i) of the Balanced Budget and

NATIONAL PARK SERVICE
HISTORIC PRESERVATION FUND
For an additional amount for the “Historic
Preservation Fund” for necessary expenses
related to the consequences of Hurricane Sandy, $50,000,000, to remain available
until September 30, 2015, including costs to states necessary to complete compliance activities
required by section 106 of the National His-
toric Preservation Act and costs needed to administer the program: Provided, That
grants shall only be available for areas that have received a major disaster declaration
pursuant to the Robert T. Stafford Disaster
Relief and Emergency Assistance Act (42
U.S.C. 5121 et seq.): Provided further, That
individual grants shall not be subject to a non-
Federal share as defined in section 251(b)(2)(A)(i) of the Balanced Budget and

ENVIRONMENTAL PROTECTION AGENCY
ENVIRONMENTAL PROGRAMS AND MANAGEMENT
For an additional amount for “Environmental Programs and Management” for nec-
 essary expenses related to the consequences of Hurricane Sandy, $2,000,000, to remain available until expended: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and

HAZARDOUS SUBSTANCE SUPERSURF
For an additional amount for “Hazardous Substance Supersurf” for necessary ex-
 penses related to the consequences of Hurri-
cane Sandy, $3,000,000, to remain available until expended: Provided, That such
amount is designated by the Congress as being
for an emergency requirement pursuant to section
251(b)(2)(A)(i) of the Balanced Budget and

LEAKING UNDERGROUND STORAGE TANK FUND
For an additional amount for “Leaking Underground Storage Tank Fund” for nec-
 essary expenses related to the consequences of Hurricane Sandy, $3,000,000, to remain available until expended: Provided, That such
amount is designated by the Congress as being
for an emergency requirement pursuant to
section 251(b)(2)(A)(i) of the Balanced Budget

STATE AND TRIBAL ASSISTANCE GRANTS
For an additional amount for “State and Tribal Assistance Grants”, $810,000,000, to
remain available until expended, of which
$700,000,000 shall be for capitalization grants for the Clean Water State Revolving Funds
under section 104 of the Federal Water Pollu-
tion Control Act, and of which $110,000,000 shall be for capitalization grants under sec-
tion 319 of the Safe Drinking Water Act: Provided, That notwithstanding section 604(a) of the Federal Water Pollution Control Act and section 1452(a)(1)(D) of the Safe Drinking Water Act, funds appropriated herein shall be provided to States that have received a major disaster declaration pursu-
ant to the Robert T. Stafford Disaster Relief
and Emergency Assistance Act (42 U.S.C.
5121 et seq.) for Hurricane Sandy: Provided
further, That no eligible state shall receive
less than two percent of such funds: Provided
further, That the funds appropriated herein shall not be subject to the matching or cost share
requirements of sections 602(b)(2), 602(b)(3) or
202 of the Federal Water Pollution Control Act
nor the matching requirements of section
1452(e) of the Safe Drinking Water Act: Provided
further, That notwithstanding the requirements of section 603(d) of the Federal Water Pollution Control Act, funds appropriated herein, each State shall use not less than 50 percent of the amount of its cap-
italization grants to provide additional sub-
sidies or other incentives in the form of forgiveness of principal, negative interest loans or grants or any combination of these: Provided further, That such funds appropriated herein shall only be used for such purposes whose purpose is to reduce flood damage risk and
vulnerability or to enhance resiliency to rapid hydrologic change or a natural disaster in treatment works as defined in section 212
of the Federal Water Pollution Control Act
or any eligible facilities under section 1452 of
the Safe Drinking Water Act, and for other effec-
tives at such wastewater treatment works or fa-
cilities necessary to further such purposes:
Provided further, That the definition of treatment works in section 212 of the Federal Water Pollution Control Act, and subject to the purposes described herein, the funds appropriated herein shall be available
for the purchase of land and easements neces-
sary for the siting of eligible treatment works projects: Provided further, That the Administrator may retain up to $1,000,000 of the funds appropriated herein for manage-
ment and oversight costs and such amounts of
this section: Provided further, That such amounts are designated by the Congress as being for an emergency requirement pursuant to
section 251(b)(2)(A)(i) of the Balanced Budget

CONSTRUCTION
For an additional amount for “Construction” for necessary expenses incurred to pre-
pare for, respond to, and recover from Hurri-
cane Sandy, $348,000,000, to remain available
until expended: Provided, That such amount is designated by the Congress as being
for an emergency requirement pursuant to section
251(b)(2)(A)(i) of the Balanced Budget and

BUREAU OF SAFETY AND ENVIRONMENTAL
ENFORCEMENT
CONSTRUCTION
For an additional amount for “Oil Spill Research” for necessary expenses related to
the consequences of Hurricane Sandy, $5,000,000, to remain available until expended:
Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section
251(b)(2)(A)(i) of the Balanced Budget and

DEPARTMENTAL OPERATIONS
OFFICE OF THE SECRETARY
(INCLUDING TRANSFER OF FUNDS)
For an additional amount for “Departmental Operations” and any Department of the Interior central office for
necessary expenses related to the con-
sequences of Hurricane Sandy and for other activities related to storms and natural dis-
asters, $150,000,000, to remain available until expended: Provided, That funds appropriated herein shall be used to restore and rebuild parks, refuges, and other public assets; in-
crease the resiliency and capacity of coastal habitat and infrastructure to withstand fu-
ture storms and reduce the amount of dam-
age caused by such storms; protect natural
resources in the coastal and non-coastal areas of State, tribal and local governments: Provided further, That the Secretary may transfer these funds to any other account in the Department and may expend such funds by direct expendi-
ture, grants, or cooperative agreements, in-
cluding grants to or cooperative agreements with States, Tribes, and municipalities, to
carry out the purposes provided herein: Pro-
vided further, That the Secretary shall sub-
mit to the Committees on Appropriations of the House of Representatives and the Senate a
detailed spending plan for the amounts
provided herein within 60 days of enactment of this Act: Provided further, That such
amount is designated by the Congress as being
for an emergency requirement pursuant to
section 251(b)(2)(A)(i) of the Balanced Budget and

ENVIRONMENTAL PROTECTION AGENCY
ENVIRONMENTAL PROGRAMS AND MANAGEMENT
For an additional amount for “Environmental Programs and Management” for nec-
ecessary expenses related to the consequences of Hurricane Sandy, $728,000,000, to remain avail-
able until expended: Provided, That such amount is designated by the Congress as being
for an emergency requirement pursuant to
section 251(b)(2)(A)(i) of the Balanced Budget and
For an additional amount for “Salaries and Expenses” for necessary expenses related to the consequences of Hurricane Sandy, $2,000,000, to remain available until expended: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE VIII
DEPARTMENT OF LABOR, EMPLOYMENT AND TRAINING ADMINISTRATION, TRAINING AND EMPLOYMENT SERVICES
(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Training and Employment Services”, $50,000,000, for the dislocated workers assistance national reserve for necessary expenses resulting from Hurricane Sandy, which shall be available from the date of enactment of this Act through September 30, 2013: Provided, That the Secretary of Labor may transfer up to $3,000,000, to be made available to any other Department of Labor account for other Hurricane Sandy reconstruction and recovery needs, including worker protection activities: Provided further, That funds appropriated in this paragraph are in addition to the entitlement grants authorized by section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT OF HEALTH AND HUMAN SERVICES
ADMINISTRATION FOR CHILDREN AND FAMILIES
(SOCIAL SERVICES BLOCK GRANT)

For an additional amount for “Social Services Block Grant”, $100,000,000, for necessary expenses resulting from Hurricane Sandy in States for which the President declared a major disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, notwithstanding section 2003 and paragraphs (1) and (4) of section 2005(a) of the Social Security Act: Provided, That, notwithstanding section 2002 of the Social Security Act, the distribution of such amount shall be limited to States directly affected by these events: Provided further, That none of the funds appropriated in this paragraph shall be available for such entitlement grants: Provided further, That in addition to other uses permitted by title XX of the Social Security Act, funds appropriated in this paragraph may be used for necessary expenses (including mental health services), and for costs of renovating, repairing, or rebuilding health care facilities (including mental health facilities), of any non-Federal public health and other health services facilities: Provided further, That notwithstanding paragraphs (2) and (8) of section 2005(a) of the Social Security Act, a State may use up to 10 percent of its allotment of funds appropriated in this paragraph to supplement any other funds available for the following purposes: (1) health care provider payments (as defined by the Secretary): (a) payments to compensate employees of health care providers who incurred a direct result of Hurricane Sandy, and (b) payments to support the viability of health care providers with facilities that were substantially damaged or otherwise lost as a direct result of Hurricane Sandy: Provided further, That funds appropriated in this paragraph may be transferred by the Secretary to accounts which are reimbursed by the Federal Emergency Management Agency or by insurance: Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RELATED AGENCY
SMITHSONIAN INSTITUTION

For an additional amount for “Salaries and Expenses” for necessary expenses related to the consequences of Hurricane Sandy, $3,500,000, to remain available until expended: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.


**DEPARTMENTAL ADMINISTRATION**

**INFORMATION TECHNOLOGY SYSTEMS**

For an additional amount for “Information Technology Systems”, $580,000, for necessary expenses related to the consequences of Hurricane Sandy: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

**CONSTRUCTION, MAJOR PROJECTS**

For an additional amount for “Construction, Major Projects”, $207,000,000 to remain available until expended, for renovations and repairs to the Department of Veterans Affairs Medical Center in Manhattan, New York, as a consequence of damage caused by Hurricane Sandy: Provided, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and major medical facility construction not otherwise authorized by law: Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

**TITLE X**

**DEPARTMENT OF TRANSPORTATION**

**FEDERAL AVIATION ADMINISTRATION**

**FACILITIES AND EQUIPMENT**

(TEMPORARY AND AIRWAY TRUST FUND)

For an additional amount for “Facilities and equipment”, $30,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended, for necessary expenses related to the consequences of Hurricane Sandy: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

**FEDERAL HIGHWAY ADMINISTRATION**

**FEDERAL-AID HIGHWAYS**

**EMERGENCY RELIEF PROGRAM**

For an additional amount for the Emergency Relief Program authorized under section 123(b) of title 23, United States Code, $921,000,000, to remain available until expended: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

**FEDERAL RAILROAD ADMINISTRATION**

**GRANTS TO THE NATIONAL RAIL PASSENGER CORPORATION**

For an additional amount for the Secretary to make grants to the National Railroad Passenger Corporation for costs and losses incurred as a result of Hurricane Sandy: $1,000,000,000, to remain available until expended: Provided, That the Secretary may retain up to one-half of 1 percent of funds retained for public transportation emergency relief for the purposes of administrative expenses and ongoing program management oversight as authorized under section 9001 of title 24, United States Code, to carry out any mitigation projects related to reducing risk of damage from future disasters in areas impacted by Hurricane Sandy: Provided further, That notwithstanding any other provision of law, the Federal share for all projects funded under this heading for repairs, reconstruction or mitigation of transportation infrastructure in areas impacted by Hurricane Sandy shall be 90 percent: Provided further, That the final paragraph under the heading for repairs, reconstruction or mitigation of transportation infrastructure in areas impacted by Hurricane Sandy shall be 90 percent: Provided further, That up to three-quarters of 1 percent of the funds retained for public transportation emergency relief for the purposes of administrative expenses and ongoing program management oversight as authorized under section 9001 of title 24, United States Code, shall be for the purposes of administrative expenses and oversight of activities funded under this heading: Provided further, That such amounts are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

**COMMUNITY PLANNING AND DEVELOPMENT**

**COMMUNITY DEVELOPMENT FUND**

For an additional amount for the “Community Development Fund” for necessary expenses related to disaster relief, long-term recovery, restoration of infrastructure and housing, economic revitalization, and mitigation in the most impacted and distressed areas resulting from a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), due to Hurricane Sandy, for activities authorized under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.), and notwithstanding the previous proviso, recipients of funds provided under this heading shall not apply to funds provided under this heading $10,783,000,000, to remain available until expended, of which at least $2,000,000,000 shall be used for mitigation projects to reduce future risk and vulnerabilities: Provided, That the Secretary shall establish a minimum allocation for each eligible State declared a major disaster due to Hurricane Sandy: Provided further, That, of the amount provided under this heading, $500,000,000 shall be used to address the unmet needs of impacted areas for disaster recovery and disaster relief, as declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), or for small, economically distressed areas with overcrowded or inadequate housing, economic revitalization, and mitigation in the most impacted and distressed areas resulting from a major disaster declared in 2011 or 2012: Provided further, That funds shall be awarded directly to the State or unit of general local government as a grantee at the discretion of the Secretary: Provided further, That the Secretary shall allocate to grantees not less than 33 percent of the funds provided under this heading within 60 days after the enactment of this Act based on the best available data: Provided further, That prior to the obligation of funds, a grantee shall submit a plan to the Secretary for approval detailing the proposed use of all funds, including criteria for eligibility and how the use of these funds will address long-term recovery and mitigation of infrastructure and housing and economic revitalization in the most impacted and distressed areas: Provided further, That the Secretary shall by notice specify the criteria for approval for projects within 45 days of enactment of this Act: Provided further, That such funds may not be used for activities reimbursable by, or for which funds are made available by, the Federal Emergency Management Agency or the Army Corps of Engineers: Provided further, That the final paragraph under the heading “Community Development Block Grants in title II of Public Law 106-276 (42 U.S.C. 5305 note) shall not apply to funds provided under Emergency Management Assistance grants: Provided further, That funds allocated under this heading shall not be considered relevant to the non-disaster formula allocations made pursuant to 42 U.S.C. 5306: Provided further, That a grantee may use up to 5 percent of its allocation for administrative costs: Provided further, That the Secretary shall require that grantees have established, in accordance with the expenditure of funds and prevent any duplication of benefits as defined by 42 U.S.C. 5155 and prevent fraud and abuse of funds: Provided further, That the Secretary shall require grantees to provide technical assistance on contracting and procurement processes and to maintain information with respect to performance on the use of any funds for management and administrative purposes: Provided further, That if administering the programs under this heading, the Secretary may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds (except for requirements related to fair housing, non-discrimination, labor standards, and the environment), pursuant to a determination by the Secretary that good cause exists for the waiver or alternative requirement and that such action is not inconsistent with the overall purposes of title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) and notwithstanding the proviso under any provision of law, fraudulent or abusive, which is categorically excluded from further review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or the project is categorically excluded from further review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.): Provided further, That a waiver granted by the Secretary may not reduce the percentage of funds which must be expended on activities that benefit people living in areas of low and moderate income to less than 50 percent, unless the Secretary specifically finds that
there is a compelling need to further reduce or eliminate the percentage requirement:
appropriated funds for disaster relief, long-term recovery, or emergency expenses: Provided further, That the amounts provided under this heading are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 1103. Not later than March 31, 2013, the President shall issue guidance to Federal agencies for the fiscal year ending September 30, 2011, and for other purposes; as follows:

The President of the United States shall continue delivery of vital services and maintain normal conditions of urban development, and no Federal agency may assist such enterprises except as otherwise authorized by law, that does not meet such definition of small business, but which provides a public benefit, is publicly regulated, and is otherwise eligible for assistance under 42 U.S.C. 5301 et seq., and the implementing regulations at 24 CFR Part 570.201(i); Provided further, That of the funds made available under this heading are designated by the Congress as emergency requirement pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 1104. (a) In carrying out activities funded by this Act, Federal agencies, in partnership with States, local communities and tribes, shall inform plans for response, recovery, and rebuilding to reduce vulnerabilities from and build long-term resiliency to future extreme weather events, sea level rise, and coastal flooding. In carrying out activities funded by this title that involve repairing, rebuilding, or restoring infrastructure and restoring land, project sponsors shall consider, where appropriate, the increased risks and vulnerabilities associated with future extreme weather events, sea level rise and coastal flooding.

(b) Funds made available in this Act shall be available to develop, in partnership with State, local and tribal officials, regional projections and assessments of future risks and vulnerabilities to extreme weather events, sea level rise and coastal flooding that may be used for the planning referred to in subsection (a), and to encourage coordination and facilitate long-term community resiliency.

SEC. 1105. Recipients of Federal funds dedicated to reconstruction efforts under this Act shall, to the greatest extent practicable, ensure that reconstruction efforts maximize the utilization of technologies designed to mitigate future power outages, continue delivery of vital services and maintain the flow of water to facilities critical to public health, safety and welfare. The Secretary of Housing and Urban Development shall be chair of the Hurricane Sandy Rebuilding Task Force and shall promulgate guidelines to implement this requirement. This Act may be cited as the "Disaster Relief Appropriations Act, 2013".
In the amendment, strike "2 days" and insert "1 day".

SA 3403. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

Sec. . Increased Embassy Security

Funds appropriated under the heading "Administration, State, and Foreign Affairs" for title II of Division I of Public Law 112-74 and as carried forward under Public Law 112-175, may be transferred to, and merged with, any such funds appropriated under such title and heading: Provided, That such transfers shall be subject to the regular notification procedures of the Committees on Appropriations.

SA 3404. Mr. MERKLEY (for himself, Mr. STARENOW, Mrs. McCASKILL, Mr. BAUCUS, Mr. FRANKEN, Mr. JOHNSON of South Dakota, and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

GENERAL PROVISIONS—THIS CHAPTER

Sec. 101. (a) Section 531 of the Federal Crop Insurance Act (7 U.S.C. 1508) is amended—

(1) in subsection (c)(1), by striking "The Secretary shall use such sums as are necessary from the Trust Fund" and inserting "Of the funds of the Commodity Credit Corporation, the Secretary shall use such sums as are necessary for fiscal year 2012";

(2) in subsection (d)(2), by striking "The Secretary shall use such sums as are necessary from the Trust Fund" and inserting "Of the funds of the Commodity Credit Corporation, the Secretary shall use such sums as are necessary for fiscal year 2012";

(3) in subsection (e)(1) —

(A) by striking "The Secretary shall use such sums as are necessary from the Trust Fund" and inserting "Of the funds of the Commodity Credit Corporation, the Secretary shall use such sums as are necessary for fiscal year 2012";

(B) by striking "per year from the Trust Fund" and inserting "for fiscal year 2012";

(4) in subsection (f)(2)(A), by striking "by striking the Secretary shall use such sums as are necessary from the Trust Fund" and inserting "of the funds of the Commodity Credit Corporation, the Secretary shall use such sums as are necessary for fiscal year 2012";

(5) in subsection (i), by striking "September 30, 2011" and inserting "September 30, 2011" and clause (b), which shall be September 30, 2011";

(b) This section is designated by Congress as being for an emergency requirement pursuant to—


(2) section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-198; 2 U.S.C. 933(g));

S 102. (a) Section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) is amended—

(1) in subsection (a) —

(A) by striking paragraph (1) and inserting the following:

"(1) In General.—

(i) (A) COVERAGES.—In the case of an eligible crop described in paragraph (2), the Secretary of Agriculture shall operate a non-insured crop disaster assistance program to provide coverage based on individual yields (other than for value-loss crops) equivalent to—

(II) catastrophic risk protection available under section 508(b) of the Federal Crop Insur- ance Act (7 U.S.C. 1508(b)); or

(iii) additional coverage available under subsections (c) and (h) of section 508 of that Act (7 U.S.C. 1508) that does not exceed 65 percent.

(B) ADMINISTRATION.—The Secretary shall carry out this section through the Farm Service Agency (referred to in this section as the 'Agency').

(ii) in paragraph (2)—

(I) in clause (1), by striking "and" after the semicolon at the end;

(ii) in clause (2), by striking "and" after the semicolon at the end;

(iii) by redesignating clause (i) as clause (i); and

(III) by inserting after clause (i) the following:

"(ii) for which additional coverage under subsections (c) and (h) of section 508 of that Act (7 U.S.C. 1508) that does not exceed 65 percent;

(C) by striking "$1,875" and inserting "$2,500";

(D) by inserting "$750" and inserting "$1,750"; and

(E) by adding at the end the following:

"(1) PAYMENT EQUIVALENT TO ADDITIONAL COVERAGE.—

"(i) IN GENERAL.—The Secretary shall make available to a producer eligible for noninsured assistance under this section a payment equivalent to additional coverage under subsections (c) and (h) of section 508 of the Federal Crop Insurance Act (7 U.S.C. 1508) that does not exceed 65 percent, computed by multiplying—

"(A) the quantity that is less than 50 to 65 percent of the established yield for the crop, as determined by the Secretary, specified in increase in the average market price for the crop, as determined by the Secretary;

"(II) the yield, as determined by the Secretary; and

"(IV) the average market price, as determined by the Secretary, in exchange for a premium that is 50 percent of the premium determined for a producer under paragraph (2); and

"(II) ADDITIONAL AVAILABILITY.—

"(A) IN GENERAL.—As soon as practicable, the Secretary shall make availability to producers of an otherwise eligible crop described in subsection (a)(2) that suffered losses—

"(i) to a 2012 annual fruit crop grown on a bush or tree; and

"(ii) in a county covered by a declaration by the Secretary of a natural disaster for production losses due to a freeze or frost.

"(B) ASSISTANCE.—The Secretary shall make assistance available under subparagraph (A) in an amount equivalent to assistance available under paragraph (1), less any fees not previously paid under paragraph (2).

(b) Effective October 1, 2017, subsections (a) and the amendments made by subsection (a) (other than the amendments made by clauses (i)(I) and (ii) of subsection (a)(1)(B)) are repealed.

(2) Effective October 1, 2017, section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) shall be applied and administered as if subsection (a) and the amendments made by subsection (a) (other than the amendments made by clauses (i)(I) and (ii) of subsection (a)(1)(B)) had not been enacted.

(c) This section is designated by Congress as being for an emergency requirement pursuant to—


(2) section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-198; 2 U.S.C. 933(g)).

SA 3405. Mr. MERKLEY (for Mrs. MURRAY) proposed an amendment to the bill H.R. 4057, to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to develop a comprehensive policy to improve outreach and transparency to veterans and members of the Armed Forces through the provision of information on institutions of higher learning, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. COMPREHENSIVE POLICY ON PROVIDING EDUCATION INFORMATION TO VETERANS.

(a) COMPREHENSIVE POLICY REQUIRED.—

(1) IN GENERAL.—Chapter 36 of title 38, United States Code, is amended by adding at the end the following new section:

"(1) COMPREHENSIVE POLICY ON PROVIDING EDUCATION INFORMATION TO VETERANS.

(1)(A) COMPREHENSIVE POLICY REQUIRED.—The Secretary shall develop a comprehensive
policy to improve outreach and transparency to veterans and members of the Armed Forces through the provision of information on institutions of higher learning.

(b) In developing the policy required by subsection (a), the Secretary shall include each of the following elements:

(1) Effective and efficient methods to inform veterans and members of the Armed Forces about opportunities for postsecondary education and training opportunities based on criteria selected by the veteran or member.

(2) A central mechanism for tracking and verifying feedback from students and State approving agencies regarding the quality of instruction, recruiting practices, and post-graduation employment placement of institutions of higher learning that

(A) allows institutions of higher learning to verify feedback and address issues regarding feedback before the feedback is published;

(B) protects the privacy of students, including by not publishing the names of students; and

(C) publishes only feedback that conforms with criteria for relevancy that the Secretary shall determine.

(3) The merit of and the manner in which a State approving agency shares with an accrediting agency or association recognized by the Secretary of Education under subpart 2 of part H of title IV of the Higher Education Act of 1965 (20 U.S.C. 1092h) information regarding the State approving agency’s evaluation of an institution of higher learning.

(4) Description of the information provided to individuals participating in the Transition Assistance Program under section 1144 of title 10 relating to institutions of higher learning.

(5) Effective and efficient methods to provide veterans and members of the Armed Forces with information regarding postsecondary education and training opportunities based on criteria selected by the veteran or member.

(c) POSTSECONDARY EDUCATION INFORMATION.—(1) The Secretary shall ensure that the information provided pursuant to subsection (b)(5) includes:

(A) an explanation of the different types of accreditation available to educational institutions of higher learning;

(B) a description of Federal student aid programs; and

(C) for each institution of higher learning, the most recent academic year for which information is available:

(i) whether the institution is public, private nonprofit, or proprietary for-profit;

(ii) the name of the national or regional accrediting agency that accredits the institution, including the contact information used by the agency to receive complaints from students;

(iii) information on the State approving agency, including the contact information used by the agency to receive complaints from students;

(iv) whether the institution participates in any programs under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.);

(v) the tuition and fees;

(vi) the median amount of debt from Federal student loans under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) held by individuals upon completion of programs of education at the institution of higher learning (as determined from information collected by the Secretary of Education);

(vii) the cohort default rate, as defined in section 435(m) of the Higher Education Act of 1965 (20 U.S.C. 1085(m)), of the institution;

(viii) the cohort default rate, as defined in section 435(m) of the Postsecondary Education Data System of the Secretary of Education;

(ix) whether the institution provides students with technical support, academic support, and career services, including career counseling and job placement; and

(x) the information regarding the institution’s policies related to transfer of credit from other institutions of higher learning required by section 485(h)(1) of the Higher Education Act of 1965 (20 U.S.C. 1092(h)(1)) and provided to the Secretary of Education under section 132(i)(3)(V) of such Act (20 U.S.C. 1015a(1)(V)).

(2) To the extent practicable, the Secretary shall provide the information described in paragraph (1) by including hyperlinks on the Internet website of the Department to other Internet websites that contain such information, including the Internet website of the Department of Education, in a form that is comprehensive and easily understood by veterans, members of the Armed Forces, and other individuals.

(D) If the Secretary of Veterans Affairs requires, for purposes of providing information pursuant to subsection (b)(5), information that has been reported, or information that has not been reported, by an institution of higher learning to the Secretary of Veterans Affairs, the Secretary of Defense, the Secretary of Labor, or the Secretary of Education, the Secretary of Veterans Affairs shall submit to the appropriate committees of Congress a report that includes—

(1) a description of the policy developed by the Secretary under section 3695(a) of title 38, United States Code, as added by subsection (a);

(2) a plan of the Secretary to implement such policy; and

(3) the results of the survey conducted under subsection (b), including whether the Secretary plans to implement the tools described in such subsection.

DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term "appropriate committees of Congress" means—

(A) the Committee on Veterans' Affairs and the Committee on Education, Labor, and Pensions of the Senate; and

(B) the Committee on Veterans' Affairs and the Committee on Education and the Workforce of the House of Representatives.

(2) COMMERCIAL OFFICE.—The term "commercially available off-the-shelf" has the meaning given that term in section 194 of title 41, United States Code.

(3) POSTSECONDARY EDUCATION AND TRAINING OPPORTUNITIES.—The term "postsecondary education and training opportunities" means any postsecondary program of education, including apprenticeships and on-the-job training, for which the Secretary of Veterans Affairs provides assistance to a veteran or member of the Armed Forces.

SEC. 2. PROHIBITION ON CERTAIN USES OF DOCUMENTS BY EDUCATIONAL INSTITUTIONS.

Section 3696 of title 38, United States Code, is amended by adding at the end the following new subsection:

(d) The Secretary shall not approve under this chapter any course offered by an educational institution if the educational institution provides any commission, bonus, or other incentive payment based directly or indirectly on success in securing enrollments or financial aid to any persons or entities engaged in any student recruiting or admission activities in or in making decisions regarding the award of student financial assistance.

(2) To the degree practicable, the Secretary shall carry out paragraph (1) in a manner that is consistent with the Secretary of Education’s enforcement of section 487(a)(20) of the Higher Education Act of 1965 (20 U.S.C. 1094(a)(20)).

SEC. 2. DEDICATED POINTS OF CONTACT FOR SCHOOL CERTIFYING OFFICIALS.

Section 3681 of title 38, United States Code, is amended by adding at the end of the following new subsection:

(d) Not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall conduct a market survey to determine the availability of the following:

(1) A commercially available off-the-shelf online tool that provides a veteran or member of the Armed Forces to assess whether the veteran or member is academically ready to engage in postsecondary education and training opportunities based on criteria selected by the veteran or member would need any remedial preparation before beginning such opportunities.

(2) A commercially available off-the-shelf online tool that provides a veteran or member of the Armed Forces with a list of providers of postsecondary education and training opportunities based on criteria selected by the veteran or member.
certifications to the Secretary under this section with assistance in preparing and submitting such reports or certifications.

SEC. 4. LIMITATION ON AWARDS AND BONUSES TO STAFF AND OFFICES OF DEPARTMENT OF VETERANS AFFAIRS.

For fiscal year 2013, the Secretary of Veterans Affairs may not pay more than $395,000,000 in awards or bonuses under chapter 45 or 53 of title 5, United States Code, or any other awards or bonuses authorized under such title.

SA 3406. Mr. MERKLEY (for Mr. KOHL, (for himself and Mr. LEE)) proposed an amendment to the bill H.R. 6029, to amend title 18, United States Code, as increased penalties for foreign and economic espionage, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION I. SHORT TITLE.
This Act may be cited as the “Foreign and Economic Espionage Penalty Enhancement Act of 2012”.

SEC. 2. PROTECTING U.S. BUSINESSES FROM ECONOMIC ESPIONAGE.
(a) FOR OFFENSES COMMITTED BY INDIVIDUALS.—Section 1831(a) of title 18, United States Code, is amended, in the matter after paragraph (5), by striking “not more than $500,000” and inserting “not more than $5,000,000”.

(b) FOR OFFENSES COMMITTED BY ORGANIZATIONS.—Section 1831(b) of title 18, United States Code, is amended by striking “not more than $10,000,000” and inserting “not more than $10,000,000 or 3 times the value of the stolen trade secret to the organization, including expenses for research and design and other costs of reproducing the trade secret that the organization has thereby avoided”.

SEC. 3. REVIEW BY THE UNITED STATES SENTENCING COMMISSION.
(a) IN GENERAL.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall review and, if appropriate, amend the Federal sentencing guidelines and policy statements applicable to persons convicted of offenses relating to the transmission or attempted transmission of a stolen trade secret outside of the United States or economic espionage, in order to reflect the intent of Congress that penalties for such offenses under the Federal sentencing guidelines and policy statements appropriately, reflect the potential and actual harm caused by these offenses, and provide adequate deterrence against such offenses.

(b) REQUIREMENTS.—In carrying out this section, the United States Sentencing Commission shall—

(1) consider the extent to which the Federal sentencing guidelines and policy statements appropriately account for the simple misappropriation of a trade secret, including the sufficiency of the existing enhancement for these offenses to address the seriousness of this conduct;

(2) consider whether additional enhancements in the Federal sentencing guidelines and policy statements are appropriate to account for—

(A) the transmission or attempted transmission of a stolen trade secret outside of the United States; and

(B) the transmission or attempted transmission of a stolen trade secret outside of the United States that is committed or attempted by a person acting on behalf of a foreign government, foreign instrumentality, or foreign agent;

(3) ensure the Federal sentencing guidelines and policy statements reflect the seriousness of these offenses and the need to deter such conduct;

(4) ensure reasonable consistency with other relevant directives, Federal sentencing guidelines and policy statements, and related Federal statutes;

(5) make any necessary conforming changes to the Federal sentencing guidelines and policy statements; and

(6) ensure that the Federal sentencing guidelines and policy statements reflect the purpose of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.

(b) CONSULTATION.—In carrying out the review required under this section, the Commission shall consult with individuals or groups representing law enforcement, owners of trade secrets, victims of economic espionage offenses, the United States Department of Justice, the United States Department of Homeland Security, the United States Department of State and the Office of the United States Trade Representative.

(d) REVIEW.—Not later than 180 days after the date of enactment of this Act, the Commission shall report its consideration and review under this section.

SA 3407. Mr. MERKLEY (for Mrs. BROWN) proposed an amendment to the bill S. 3202, to amend title 18, United States Code, to ensure that deceased veterans with no known next of kin can receive a dignified burial, and for other purposes, as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.
(a) SHORT TITLE.—This Act may be cited as the “Dignified Burial and Other Veterans’ Benefits Improvement Act of 2012”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; title of contents.
Sec. 2. Scoring of budgetary effects.

TITLES I—CEMETARY MATTERS

Sec. 101. Furnishing caskets and urns for deceased veterans with no known next of kin.
Sec. 102. Veterans freedom of conscience protection.
Sec. 103. Improved communication between Department of Veterans Affairs and examiners and funeral directors.
Sec. 104. Identification and burial of unclaimed or abandoned human remains.
Sec. 105. Exclusion of persons convicted of committing certain sex offenses from interment or memorialization in national cemeteries.
Sec. 106. Restoration, operation, and maintenance of Clark Veterans Cemetery and from receiving certain burial rights.
Sec. 107. Report on compliance of Department of Veterans Affairs with regulations for the furnishing of a casket or urn for the burial of a deceased veteran in a national cemetery.
Sec. 108. Caskets and urns.

TITLES II—HEALTH CARE

Sec. 201. Establishment of open burn pit registry.
Sec. 202. Transportation of beneficiaries to and from facilities of Department of Veterans Affairs.
Sec. 203. Extension of reduced pension for deceased veterans with no known next of kin to beneficiaries.
Sec. 204. Extension of report requirement for Special Committee on Post-Traumatic-Stress Disorder.

TITLES III—OTHER MATTERS

Sec. 301. Off-base transition training for veterans and their families.
Sec. 302. Requirement that judges on United States Court of Appeals for Veterans Claims reside within 50 miles of District of Columbia.
Sec. 303. Designation of Trinaka Davis Veterans Village.
Sec. 304. Designation of William “Bill” Kling Department of Veterans Affairs Outpatient Clinic.
Sec. 305. Designation of Mann-Grandstaff Department of Veterans Affairs Medical Center.
Sec. 306. Designation of David F. Winder Department of Veterans Affairs Community Based Outpatient Clinic.

TITLES IV—BUDGETARY EFFECTS

Sec. 401. Scoring of budgetary effects.

TITLES V—FUNDING INCREASES FOR DECEASED VETERANS WITH NO KNOWN NEXT OF KIN

Sec. 501. Funding increases for deceased veterans with no known next of kin.

TITLES VI—VETERANS FREEDOM OF CONSCIENCE PROTECTION

Sec. 601. Freedom of conscience protection.

TITLES VII—CEMETARY MATTERS

Sec. 701. Caskets and urns for deceased veterans with no known next of kin.
Sec. 702. Veterans freedom of conscience protection.
Sec. 703. Improved communication between Department of Veterans Affairs and examiners and funeral directors.
Sec. 704. Identification and burial of unclaimed or abandoned human remains.
Sec. 705. Exclusion of persons convicted of committing certain sex offenses from interment or memorialization in national cemeteries.
Sec. 706. Restoration, operation, and maintenance of Clark Veterans Cemetery and from receiving certain burial rights.
Sec. 707. Report on compliance of Department of Veterans Affairs with regulations for the furnishing of a casket or urn for the burial of a deceased veteran in a national cemetery.
Sec. 708. Caskets and urns.

TITLES VIII—HEALTH CARE

Sec. 801. Establishment of open burn pit registry.
Sec. 802. Transportation of beneficiaries to and from facilities of Department of Veterans Affairs.
Sec. 803. Extension of reduced pension for deceased veterans with no known next of kin to beneficiaries.
Sec. 804. Extension of report requirement for Special Committee on Post-Traumatic-Stress Disorder.

TITLES IX—OTHER MATTERS

Sec. 901. Off-base transition training for veterans and their families.
Sec. 902. Requirement that judges on United States Court of Appeals for Veterans Claims reside within 50 miles of District of Columbia.
Sec. 903. Designation of Trinaka Davis Veterans Village.
Sec. 904. Designation of William “Bill” Kling Department of Veterans Affairs Outpatient Clinic.
Sec. 905. Designation of Mann-Grandstaff Department of Veterans Affairs Medical Center.
Sec. 906. Designation of David F. Winder Department of Veterans Affairs Community Based Outpatient Clinic.

TITLES X—BUDGETARY EFFECTS

Sec. 1001. Scoring of budgetary effects.

December 19, 2012
used by the family of the deceased veteran for contemplation, prayer, mourning, or reflection; and

(3) With respect to the interment or funeral, memorial service, or ceremony of a deceased veteran at a national cemetery, the Secretary shall notify the next of kin or other agent of a deceased veteran—

(b) INTERIM IMPLEMENTATION.—The Secretary may carry out paragraphs (1) through (5) of section 2404(h) of such title, as added by subsection (a), before the Secretary prescribes regulations pursuant to paragraph (4) of such section, as so added.

(b) CEMETERIES.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives a report on the implementation of section 2404(h) of such title, as added by subsection (a). Such report shall include a certification of whether the Secretary is in compliance with all of the provisions of such section.

SEC. 103. IMPROVED COMMUNICATION BETWEEN DEPARTMENT OF VETERANS AFFAIRS AND MEDICAL EXAMINERS AND FUNERAL DIRECTORS.

(a) In General.—Chapter 24 of title 38, United States Code, is amended by adding at the end the following new section:

``2414. Communication between Department of Veterans Affairs and medical examiners and funeral directors

''(a) PROHIBITION AGAINST.—With respect to each deceased veteran described in subsection (b) who is transported to a national cemetery for burial, the Secretary shall ensure that the local medical examiner, funeral director, county service group, or other entity responsible for the body of the deceased veteran before such transportation submits to the Secretary the following information:

"(1) Whether the deceased veteran was cremated.

"(2) The steps taken to ensure that the deceased veteran has no next of kin.

"(3) A person—

''(A) who has been convicted of a Federal or State crime causing the person to be a tier III sex offender for purposes of the Sex Offender Registration and Notification Act (42 U.S.C. 16901 et seq.);

''(B) who, for such crime, is sentenced to a minimum of life imprisonment; and

who is convicted of a more serious offense than a person whose sentence was commuted by the President or Governor of a State, as the case may be.

(c) EFFECTIVE DATE.—Section 2414 of title 38, United States Code, as added by subsection (a), shall take effect on the date of the enactment of this Act.

SEC. 104. IDENTIFICATION AND BURIAL OF UNCLAIMED OR ABANDONED HUMAN REMAINS.

(a) IDENTIFICATION OF UNCLAIMED OR ABANDONED HUMAN REMAINS.—The Secretary of Veterans Affairs shall cooperate with veteran service organizations to assist entities in possession of unclaimed or abandoned human remains in determining if any such remains are the remains of veterans or other individuals eligible for burial in a national cemetery under the jurisdiction of the Secretary.

(b) BURIAL OF UNCLAIMED OR ABANDONED HUMAN REMAINS.—(1) FUNERAL EXPENSES.—Section 2302(a)(2) of title 38, United States Code, is amended by striking "was a veteran of any war or was discharged or released from active military service for a disability incurred or aggravated in line of duty, whose body is held by a State (or a political subdivision of a State), and".

(2) TRANSPORTATION COSTS.—Section 2308 of such title is amended—

(A) by striking "Where a veteran" and all that follows through "of the deceased veteran", and inserting "of the deceased veteran described in subsection (a)(2), before the Secretary prescribes regulations pursuant to paragraph (4) of such section, as so added.

(b) DECEASED VETERAN DESCRIBED.—A deceased veteran described in this subsection is any of the following veterans:

"(1) a veteran who dies as the result of a service-connected disability.

"(2) a veteran, while in receipt of disability compensation (or who but for the receipt of retirement pay or pension under this title, would have been entitled to compensation).

"(3) a veteran who the Secretary determines is eligible for funeral expenses under section 2303 of this title by virtue of the Secretary, before the Secretary has no next of kin or other person claiming the body of such veteran pursuant to subsection (a)(2)(A) of such section.

(c) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date that is one year after the date of the enactment of this Act.

SEC. 105. EXCLUSION OF PERSONS CONVICTED OF COMMITTING CERTAIN SEX OFFENSES FROM INTERMENT OR MEMORIALIZATION IN NATIONAL CEMETERIES.

(a) PROHIBITION AGAINST.—Section 2411(b) of title 38, United States Code, is amended by adding at the end the following new paragraph:

"(4) A person—

"(A) who has been convicted of a Federal or State crime causing the person to be a tier III sex offender for purposes of the Violent Felon Offender Registration and Notification Act (42 U.S.C. 16901 et seq.);

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2413 the following new item:

``2414. Communication between Department of Veterans Affairs and medical examiners and funeral directors (a) PROHIBITION AGAINST.—With respect to each deceased veteran described in section 2413, the Secretary shall ensure that the local medical examiner, funeral director, county service group, or other entity responsible for the body of the deceased veteran before such transportation submits to the Secretary the following information:

"(1) Whether the deceased veteran was cremated.

"(2) The steps taken to ensure that the deceased veteran has no next of kin.

"(3) A person—

"(A) who has been convicted of a Federal or State crime causing the person to be a tier III sex offender for purposes of the Sex Offender Registration and Notification Act (42 U.S.C. 16901 et seq.);

"(B) who, for such crime, is sentenced to a minimum of life imprisonment; and

(c) EFFECTIVE DATE.—Section 2414 of title 38, United States Code, is amended by adding at the end the following new paragraph:

"(4) A person—

"(A) who has been convicted of a Federal or State crime causing the person to be a tier III sex offender for purposes of the Sex Offender Registration and Notification Act (42 U.S.C. 16901 et seq.);

"(B) who, for such crime, is sentenced to a minimum of life imprisonment; and

Who is convicted of a more serious offense than a person whose sentence was commuted by the President or Governor of a State, as the case may be.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to interments and funeral ceremonies that occur on or after the date of the enactment of this Act.

SEC. 106. RESTORATION, OPERATION, AND MAINTENANCE OF CLARK VETERANS CEMETERY BY AMERICAN BATTLE MONUMENTS COMMISSION.

(a) In General.—After an agreement is made between the Government of the Republic of the Philippines and the United States Government, Clark Veterans Cemetery in the Republic of the Philippines shall be restored, for purposes of section 2414 of title 38, United States Code, as a cemetery for which it was decided under such section that the cemetery will become a permanent cemetery. The American Battle Monuments Commission shall restore, operate, and maintain Clark Veterans Cemetery (to the extent the Commission considers appropriate) under such section in cooperation with the Government of the Republic of the Philippines.

(b) LIMITATION ON FUTURE BURIALS.—Burials at the cemetery described in subsection (a) after the date of the agreement described in subsection (a) shall be limited to eligible veterans, as determined by the Commission, whose burial does not incur any cost to the Commission.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission—

(1) $5,000,000 for site preparation, design, planning, construction, and associated administrative costs for the restoration of the cemetery described in subsection (a); and

(2) amounts necessary to operate and maintain the cemetery described in subsection (a).

SEC. 107. REPORT ON COMPLIANCE OF DEPARTMENT OF VETERANS AFFAIRS WITH INDUSTRY STANDARDS FOR CASSETS AND URNS.

(a) In General.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives a report on the compliance of the Department of Veterans Affairs with industry standards for caskets and urns.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) a description of the industry standards for caskets and urns.

(2) An assessment of compliance with such standards at national cemeteries administered by the Department with respect to caskets and urns used for the interment of those eligible for burial at such cemeteries.

TITLE II—HEALTH CARE

SEC. 201. ESTABLISHMENT OF OPEN BURN PIT REGISTRY.

(a) ESTABLISHMENT OF REGISTRY.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall—

(A) establish and maintain an open burn pit registry eligible burn pit registry for eligible individuals who may
have been exposed to toxic airborne chemicals and fumes caused by open burn pits; (B) include any information in such registry that the Secretary of Veterans Affairs determines necessary to ascertain and monitor the health effects of the exposure of members of the Armed Forces to toxic airborne chemicals and fumes caused by open burn pits; (C) develop a public information campaign to inform eligible individuals about the open burn pit registry, including how to register and the benefits of registering; and (D) periodically notify eligible individuals of significant developments in the study and treatment of conditions associated with exposure to toxic airborne chemicals and fumes caused by open burn pits.

(2) COORDINATION.—The Secretary of Veterans Affairs shall coordinate with the Secretary of Labor to develop a public information campaign to assist eligible individuals in learning about the registry and the benefits of registering; and to provide information on the health effects of the exposure of members of the Armed Forces to toxic airborne chemicals and fumes caused by open burn pits.

(b) REPORT TO CONGRESS.—

(1) REPORTS BY INDEPENDENT SCIENTIFIC ORGANIZATION.—The Secretary of Veterans Affairs shall submit to Congress not later than two years after the date on which the registry under subsection (a) is established, an initial report containing the following:

(A) An assessment of the effectiveness of actions taken by the Secretaries to collect and maintain information on the health effects of exposure to airborne chemicals and fumes caused by open burn pits.

(B) Recommendations to improve the collection and maintenance of such information.

(2) COORDINATION.—Using established and previously published epidemiological studies, recommendations regarding the most effective and prudent means of addressing the medical needs of eligible individuals with respect to conditions that are likely to result from exposure to open burn pits.

(c) LOCATIONS.—

(A) INITIAL REPORT.—Not later than two years after the date on which the registry under subsection (a) is established, the Secretary of Veterans Affairs shall submit to Congress an initial report prepared under paragraph (a), a follow-up report containing the following:

(i) An update to the initial report described in subparagraph (A).

(ii) An assessment of whether and to what extent the content of the registry established under subsection (a) is current and scientifically up-to-date.

(B) FOLLOW-UP REPORT.—Not later than five years after completing the initial report described in subparagraph (A), the follow-up report containing the following:

(i) An update to the initial report described in subparagraph (A).

(ii) An assessment of whether and to what extent the content of the registry established under subsection (a) is current and scientifically up-to-date.

(2) SUBMITTAL TO CONGRESS.—

(A) INITIAL REPORT.—Not later than two years after the date on which the registry under subsection (a) is established, the Secretary of Veterans Affairs shall submit to Congress the initial report prepared under paragraph (1)(A).

(B) FOLLOW-UP REPORT.—Not later than five years after submitting the report under subparagraph (A), the Secretary of Veterans Affairs shall submit to Congress the follow-up report prepared under paragraph (1)(B).

(c) DEFINITIONS.—In this section:

(1) ELIGIBLE INDIVIDUAL.—The term ‘eligible individual’ means any individual who, on or after September 11, 2001—

(A) was deployed in support of a contingency operation while serving in the Armed Forces; and

(B) during such deployment, was based or stationed at a location where an open burn pit was used.

(2) OPEN BURN PIT.—The term ‘open burn pit’ means a stationary or mobile incinerator or other equipment specifically designed and manufactured for the burning of solid waste.

SEC. 202. TRANSPORTATION OF BENEFICIARIES TO DEPARTMENT OF VETERANS AFFAIRS FACILITIES.

(a) IN GENERAL.—Chapter 1 of title 38, United States Code, is amended by inserting after section 111A the following new section:

‘‘111A. Transportation of individuals to and from Department facilities.

‘‘(a) TRANSPORTATION BY SECRETARY.—(1) The Secretary may transport any person to or from a Department facility or other place in connection with vocational rehabilitation, counseling required by the Secretary pursuant to chapter 34 or 35 of this title, or for the purposes of diagnosis, treatment, or care.

(2) The authority granted by paragraph (1) shall expire on the date that is one year after the date of the enactment of this section.

(b) CONFORMING AMENDMENT.—Subsection (h) of section 111 of such title is—

(1) transferred to the 111A of such title, as added by subsection (a);

(2) redesignated as subsection (b);

(3) inserted after subsection (a) of such section; and

(4) amended by inserting ‘‘TRANSPORTATION BY THIRD-PARTIES.—’’ before ‘‘The Secretary’’.

(c) CEREMONIAL AMENDMENT.—The table of sections at the beginning of chapter 1 of such title is amended by inserting after the item relating to section 111 the following new item:

‘‘111A. Transportation of individuals to and from Department facilities.’’.

SEC. 203. EXTENSION OF REDUCED PENSION FOR CERTAIN VETERANS COVERED BY MEDICAID PLANS.

Section 505 of title 38, United States Code, is amended by striking ‘‘November 30, 2016’’ and inserting ‘‘November 30, 2018’’.

SEC. 204. EXTENSION OF REPORT REQUIREMENT FOR SPECIAL COMMITTEE ON POST-TRAUMATIC-STRESS DISORDER.

Title 38, United States Code, is amended—

(1) by striking the last sentence of section 111A. Transportation of individuals to and from Department facilities; and

(2) by striking the last sentence of section 111A. Transportation of individuals to and from Department facilities.

SEC. 205. EXTENSION OF REDUCED PENSION FOR CERTAIN VETERANS COVERED BY MEDICAID PLANS FOR SERVICES FURNISHED BY NURSING FACILITIES.

(a) IN GENERAL.—The amendment made by subsection (a) of section 111A of title 38, United States Code, is extended to the extent of the otherwise applicable reduction.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that is 180 days after the date of the enactment of this Act.

(c) REMOVAL.—Section 7253(f)(1) is amended by striking ‘‘the place where a recall-eligible retired judge resides’’ and inserting ‘‘the place where a recall-eligible retired judge resides or the office of the Court of Appeals for Veterans Claims shall be in the Washington, D.C., metropolitan area’’.

(d) RESIDENCIES.—Except as provided in paragraph (2), the official duty station of each judge while in active service shall be the principal office of the Court of Appeals for Veterans Claims.

SEC. 206. REQUIREMENT THAT JUDGES ON UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS ARE RESIDENT WITHIN 50 MILES OF DISTRICT OF COLUMBIA.

(a) RESIDENCY REQUIREMENT.—

(1) IN GENERAL.—Section 7255 is amended to read as follows:

‘‘7255. Offices, duty stations, and residences.

‘‘(a) PRINCIPAL OFFICE.—The principal office of the Court of Appeals for Veterans Claims shall be in the Washington, D.C., metropolitan area. Judges may sit at any place within the United States.

(2) OFFICIAL DUTY STATIONS.—(1) Except as provided in paragraph (2), the official duty station of each judge while in active service shall be the principal office of the Court of Appeals for Veterans Claims.

(2) The place where a recall-eligible retired judge maintains the actual abode in which such judge customarily lives shall be considered the recall-eligible retired judge’s official duty station.

(b) REMOVAL.—Section 7253(f)(1) is amended by striking ‘‘the place where a recall-eligible retired judge resides or the office of the Court of Appeals for Veterans Claims shall be in the Washington, D.C., metropolitan area’’.

(2) Paragraph (1) shall not apply to recall-eligible retired judges of the Court of Appeals for Veterans Claims.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Subsection (c) of section 7255, as amended by subsection (a), and the amendment made by subsection (b) shall take effect on the date that is 180 days after the date of the enactment of this Act.

(2) APPLIABILITY.—The amendment made by subsection (b) shall apply with respect to judges confirmed on or after January 1, 2012.
Mr. MERKLEY. I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 493, H.R. 6029.

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

The amendment (No. 3406) was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 4057), as amended, was read the third time and passed.

FOREIGN AND ECONOMIC ESPIONAGE PENALTY ENHANCEMENT ACT OF 2012

Mr. MERKLEY. I ask unanimous consent that the Senate proceed to the consideration of H.R. 4057, the "Foreign and Economic Espionage Penalty Enhancement Act of 2012.

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

The legislative clerk read as follows:

A bill (H.R. 6029) to amend title 18, United States Code, to provide for increased penalties for foreign and economic espionage, and for other purposes.

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

Mr. MERKLEY. I ask unanimous consent that a Kohl-Lee substitute amendment which is the desk copy of the amendment which was agreed to; the bill, as amended, be read a third time and passed; the motions to reconsider be laid upon the table with no intervening action or debate; and that any related statements be printed in the Record.

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

The amendment (No. 3406) was agreed to.

(Amendment is printed in today's Record under "Text of Amendments.")

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 4057), as amended, was read the third time and passed.
attempted transmission of a stolen trade secret outside of the United States or economic espionage, in order to reflect the intent of Congress that penalties for such offenses appropriately account for the simple misappropriation of a trade secret, including the sufficiency of the existing enhancement for these offenses to address the seriousness of this conduct;
(2) consider whether additional enhancements in the Federal sentencing guidelines and policy statements are appropriate to account for—
(A) the transmission or attempted transmission of a stolen trade secret outside of the United States; and
(B) the transmission or attempted transmission of a stolen trade secret outside of the United States that is committed or attempted to be committed for the benefit of a foreign government, foreign instrumentality, or international organization;
(3) ensure the Federal sentencing guidelines and policy statements reflect the seriousness of these offenses and the need to deter such conduct;
(4) ensure reasonable consistency with other relevant directives, Federal sentencing guidelines and policy statements, and related Federal statutes;
(5) make any necessary conforming changes to the Federal sentencing guidelines and policy statements; and
(6) ensure that the Federal sentencing guidelines adequately meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.
(c) CONSULTATION.—In carrying out the review required under this section, the Commission shall consult with individuals or groups representing law enforcement, owners of trade secrets, victims of economic espionage offenses, the United States Department of Justice, the United States Department of Homeland Security, the United States Department of State and the Office of the United States Trade Representative.
(d) REVIEW.—Not later than 180 days after the date of this Act, the Commission shall complete its consideration and review under this section.
The amendment was ordered to be engrossed and the bill to be read a third time.
The bill (H.R. 6029), as amended, was read the third time and passed.

MEASURES DISCHARGED
Mr. MERKLEY. Mr. President, I ask unanimous consent that the Homeland Security and Governmental Affairs Committee be discharged from the following postal naming bills on en bloc and that the said bills, and any other pertinent, be referred to the Committee on Post Office and Civil Service on en bloc: H.R. 3477, H.R. 3670, H.R. 3912, H.R. 5738, H.R. 5837, H.R. 5954, S. 3630, and S. 3662.

The PRESIDING OFFICER. Without objection, is it so ordered?
Mr. MERKLEY. I ask unanimous consent that the bills be read a third time and passed en bloc, with no intervening action or debate, and that any related statements be printed in the RECORD.

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

The bills (H.R. 3477, H.R. 3670, H.R. 3912, H.R. 5738, H.R. 5837, and H.R. 5954) were ordered to a third reading, were read the third time and passed.

The bills (S. 3630 and S. 3662) were ordered to be engrossed for a third reading, were read the time and passed, as follows:
S. 3630
(To designate the facility of the United States Postal Service located at 218 North Milwaukee Street in Waterford, Wisconsin, as the "Captain Rhett W. Schiller Post Office")
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CAPTAIN RHETT W. SCHELLER POST OFFICE.
(a) DESIGNATION.—The facility of the United States Postal Service located at 218 North Milwaukee Street in Waterford, Wisconsin, shall be known and designated as the "Captain Rhett W. Schiller Post Office".
(b) REFERENCES.—Any reference in a law, map, chart, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Captain Rhett W. Schiller Post Office".

S. 3662
(To designate the facility of the United States Postal Service located at 6 Nichols Street in Westminster, Massachusetts, as the "Lieutenant Ryan Patrick Jones Post Office Building")

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 "Lieutenant Ryan Patrick Jones Post Office Designation Act".

SEC. 2. FINDINGS.
Congress finds the following:
(1) First Lieutenant Ryan Patrick Jones volunteered to serve the United States in the Army;
(2) Lieutenant Jones earned his rank, the Army Achievement Medal, the Purple Heart, the Bronze Star, the Iraqi Freedom Medal, the Combat Action Badge, and the War on Terrorism Badge through his dedication to the highest ideals of the United States;
(3) Lieutenant Jones chose from a young age to generously volunteer his talents to his community, and was recognized with academic, social, and athletic leadership positions throughout his life;
(4) Lieutenant Jones committed himself to excellence in all aspects of his life, including earning a Bachelor of Science degree, with honors, in civil and environmental engineering;
(5) While earning his engineering degree at Worcester Polytechnic Institute, Lieutenant Jones was awarded a Reserve Officers' Training Corps scholarship;
(6) that Lieutenant Jones faithfully and expertly led his fellow soldiers as a platoon leader in the Army's First Infantry Division while deployed to Iraq in 2007;
(7) Lieutenant Jones made the ultimate sacrifice for the United States on May 2, 2007, when he was killed in action by an improvised explosive device set by the enemy;
(8) Lieutenant Jones' spirit of generosity has been commemorated by organizations ranging from the Commonwealth of Massachusetts to the Boston Celtics.

(9) It is fitting that the life of Lieutenant Jones should be further memorialized for future generations by naming the post office in Westminster, Massachusetts, in his honor.

SEC. 3. LIEUTENANT RYAN PATRICK JONES POST OFFICE BUILDING.
(a) DESIGNATION.—The facility of the United States Postal Service located at 6 Nichols Street in Westminster, Massachusetts, shall be known and designated as the "Lieutenant Ryan Patrick Jones Post Office Building".

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

Mr. MERKLEY. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 537, S. 2318.

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

The legislative clerk read as follows:
A bill (S. 2318) to authorize the Secretary of State to pay a reward to combat transnational organized crime and for information concerning foreign nationals wanted by international criminal tribunals, and for other purposes:

The Senate proceeded to consider the bill which had been reported from the Committee on Foreign Relations, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.
This Act may be cited as the "Department of State Rewards Program Update and Technical Corrections Act of 2012".

SEC. 2. FINDINGS; SENSE OF CONGRESS.
(a) FINDINGS.—Congress makes the following findings:
(1) The Department of State's existing rewards programs permit the payment of reward for information leading to the arrest or conviction of—
(A) individuals who have committed, or attempted or conspired to commit, certain acts of international terrorism;
(B) individuals who have committed, or attempted or conspired to commit, certain narcotics-related offenses; and
(C) individuals who have been indicted by international criminal tribunals.

(2) The Department of State considers the rewards program to be "one of the most valuable assets the U.S. Government has in the fight
against international terrorism.’’. Since the program’s inception in 1984, the United States Government has rewarded over 60 people who provided actionable information that, according to the Department of State, would help convict international terrorist attacks or help convict individuals involved in terrorist attacks.

(3) The program has been credited with providing international and national criminal tribunals with the identification of individuals and organizations involved in international terrorism, including the arrest of Ramzi Yousef, who was convicted in the 1993 bombing of the World Trade Center, the deaths of Uday and Qusay Hussein, who United States military forces located and killed in Iraq after receiving information about their locations, and the arrests or deaths of several members of the Abu Sayyaf group responsible for the kidnappings and deaths of United States citizens and Filipinos in the Philippines.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the rewards program of the Department of State should be expanded in order to—

(1) address the growing threat to important United States interests from transnational criminal activity, such as intellectual property rights piracy, money laundering, trafficking in persons, and cybercrime; and

(2) target other individuals indicted by international, hybrid, or mixed tribunals for genocide, war crimes, or crimes against humanity.

SEC. 3. NATIONAL CRIMINAL TRIBUNAL REWARDS. Section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708) is amended—

(1) in subsection (a)(2), by inserting “serious violations of international humanitarian law, transnational organized crime,” after “international narcotics trafficking’’;

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking “Attorney General” and inserting “heads of other relevant departments or agencies’’;

(B) in paragraphs (4) and (5), by striking “paragraph (1), (2), or (3)” both places it appears and inserting “paragraph (1), (2), (3), (8), or (9)”;

(C) in paragraph (6)—

(i) by inserting “or transnational organized crime group” after “terrorist organization’’; and

(ii) by striking “or” at the end;

(D) in paragraph (7)—

(i) in the matter preceding subparagraph (A), by striking “an international narcotics production or transnational narcotics trafficking” and inserting “or transnational organized crime group, including or used by and a group of international narcotics production or international narcotics trafficking”;

(ii) in subparagraph (A), by inserting “or transnational organized crime” after “international terrorism’’; and

(iii) in subparagraph (B)—

(I) by inserting “or transnational organized crime group” after “terrorist organization’’; and

(II) by striking the period at the end and inserting a semicolon; and

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

“(8) the arrest or conviction in any country of any individual for participating in, primarily outside the United States, transnational organized crime;

“(9) the arrest or conviction in any country of any individual conspiring to participate in, or attempting to participate in transnational organized crime; or

“(10) the arrest or conviction in any country, or the transfer to or conviction by an international criminal tribunal (including a hybrid or mixed tribunal), of any foreign national accused of war crimes, crimes against humanity, or genocide, as defined under the statute of such tribunal.’’

(3) in subsection (g), by adding at the end the following new paragraph:

“(2) ADVANCE NOTIFICATION FOR INTERNATIONAL CRIMINAL TRIBUNAL REWARDS.—Not less than 15 days before publicly announcing that a reward may be offered for a particular foreign national accused of war crimes, crimes against humanity, or genocide, the Secretary of State shall submit to the appropriate congressional committees a report, which may be classified, which shall include—

(A) a description of the nature and extent of the threat posed by such foreign national is in the national interests of the United States’’; and

(4) in subsection (h)—

(A) by redesigning paragraphs (5) and (6) as paragraphs (7) and (8), respectively; and

(B) by inserting after paragraph (4) the following new paragraphs:

“(5) TRANSNATIONAL ORGANIZED CRIME.—The term ‘transnational organized crime’ means—

“(A) racketeering activity (as such term is defined in section 1961 of title 18, United States Code) that involves the use, training, managing, or directing of two or more persons in furtherance of a pattern of racketeering activity or other criminal activity that has as an objective the.cybercrime; and

“(B) an organization, Twiggs, Richard, and others were convicted in a conspiracy case.

(2) By inserting after paragraph (4) the following new paragraph:

“(c) CANCELLING AWARD.—If any award under this section—

(A) to be paid to any person has been paid, the Secretary of State shall—

(I) notify the appropriate congressional committee or committees; and

(II) cancel the award in whole or in part.

(3) Transnational organized crime group means a group of persons that includes one or more citizens of a foreign currency, exists for a period of time, and acts in concert with the aim of engaging in transnational organized crime.

SEC. 4. TECHNICAL CORRECTION. Section 36(c)(1) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708) is amended by striking “shall be authorized by the Department of State to pay rewards of not more than $50,000” and inserting “shall be authorized by the Secretary of State to pay rewards authorized pursuant to this Act in an amount that is intended to obtain, directly or indirectly, a financial or other material benefit.”

(6) TRANSNATIONAL ORGANIZED CRIME GROUP.—The term ‘transnational organized crime group’ means a group of persons that includes one or more citizens of a foreign country, exists for a period of time, and acts in concert with the aim of engaging in transnational organized crime.

Mr. MERKLEY. I further ask the committee-reported substitute amendment be agreed to, the bill as amended be read a third time, and the Senate immediately proceed to a voice vote on passage of the bill as amended.

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

The committee amendment in the nature of a substitute was agreed to, the bill as amended was ordered to be engrossed for a third reading, was read the third time, and passed.

IMPROVING VETERANS ACCESS TO FEDERAL SURPLUS PERSONAL PROPERTY

Mr. MERKLEY. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of S. 3698, which was submitted earlier today.

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

The legislative clerk read as follows:

A bill (S. 3698) to amend title 40, United States Code, to improve veterans service organizations access to federal surplus personal property.

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

Mr. MERKLEY. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the Record.

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

The bill (S. 3698) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3698

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 “Formerly Owned Resources for Veterans to Express Thanks (FOR VETS) Act of 2012” or the “FOR VETS Act of 2012.”

SEC. 2. VETERANS ACCESS TO FEDERAL EXCESS AND SURPLUS PERSONAL PROPERTY. Section 549(c)(3) of title 40, United States Code, is amended—
OBSERVING THE 100TH BIRTHDAY OF ROSA PARKS

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 618 and the Senate proceed to its immediate consideration.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 618) observing the 100th birthday of civil rights icon Rosa Parks and commemorating her legacy.

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

Mr. LEVIN. Mr. President, over a half century ago, Rosa Parks sparked a revolution in American race relations when she decided that she would no longer tolerate the humiliation and demoralization of racial segregation on a bus. The strength and spirit of this courageous woman captured the consciousness of not only the American people but the entire world. Her stand on that December day in 1955 was not an isolated incident but part of a lifetime of struggle for equality and justice. Twelve years earlier, in 1943, Rosa Parks had been arrested for violating race practice. Twelve years later, in 1955, Rosa Parks was arrested for violating another one of the city’s bus related segregation laws requiring blacks to pay their fares at the front of the bus then get off of the bus and re-board from the rear of the bus. The driver of that bus was the same driver with whom she would have her confrontation years later.

Rosa Parks, by her quiet courage, symbolizes all that is vital about non-violent protest, as she endured threats of death and persisted as an advocate for the simple, basic lessons she taught the Nation and from which the Nation has benefitted immeasurably. The bus boycott which Rosa Parks began was the beginning of an American revolution that elevated the status of African Americans nationwide and introduced to the world a young leader who would one day have a national holiday declared in his honor, the Reverend Martin Luther King, Jr.

February 4, 2013, marks the 100th Anniversary of the birth of Rosa Parks. It is a daunting occasion. I am immensely proud to be joined by 56 bipartisan cosponsors of S. Res. 618, which was just adopted unanimously by the Senate, observing the 100th birthday of Rosa Parks and commemorating her legacy. I am especially pleased to have had the input of Senators STABENOW, SESSIONS, and ALEXANDER in the drafting of this resolution, which is befitting one who so significantly contributed to the barriers of legal discrimination against African Americans, and equality for us all.

Although Rosa Parks will be forever associated with a day in Montgomery, AL, she lived most of her life in my home state of Michigan, and we proudly claim her as our own. She continued to dedicate her life to advancing equal opportunity and to educating our youth about the past struggles for freedom, from slavery up to the civil rights movement of the 1960s.

In 1987, Rosa Parks and Elaine Steele co-founded the Rosa and Raymond Parks Institute for Self-Development. Its primary focus has been working with young people across the country and the world as part of the “Pathways to Freedom” program. With the work of the Institute, we can truly say that in addition to having played a major role in shaping America’s past and present, Rosa Parks is continuing to help shape America’s future.

In the spirit of the enormous contributions of Rosa Parks to this Nation, the Henry Ford Museum of Dearborn will commemorate the 100th birthday of Rosa Parks by calling for a national day of courage; and sponsoring a program that highlights her contributions to the civil rights movement. The activities will include a day-long celebration, with both virtual and on-site activities featuring nationally-recognized speakers, musical and dramatic interpretative performances, a panel presentation of “Rosa’s Story” and a reading of the tale “Quiet Strength,” and will feature the actual bus on which Rosa Parks sat as the centerpiece in commemorating Rosa Parks’ extraordinary life and accomplishments, and affording everyone the opportunity to board the bus and sit in the seat that Rosa Parks refused to give up.

Mr. President, in November of 2005, upon her passing, Rosa Parks became the first woman in the history of the United States to lie in honor in the Capitol Rotunda. And, a few years earlier on June 15, 1999, Rosa Parks was recognized by the Architect of the Capitol to commission a statue of Rosa Parks, which will soon be placed in the U.S. Capitol, making her the second African American woman to receive such an honor.

Mr. President, the cosponsors of the resolution (S. Res. 618), Senator STABENOW, Sessions, ALEXANDER, LANDRIEU, COCHRAN, HARKIN, SHELBY, CORNYN, BOXER, MURRAY, COBURN, KERRY, HUTCHISON, GILLIBRAND, Mr. LEAHY, SANDERS, REID, MIKULSKI, DURBIN, PRYOR, NELSON of Florida, BROWN of Ohio, LIEBERMAN, Mr. CONRAD, LUTENBERG, KOHL, CANTWELL, McCASKILL, WYDEN, COONS, BAUCUS, WHITEHOUSE, MANCHIN, BENTNET, CARDIN, HAGAN, CASEY, BINGOCH, MENENDEZ, WARNER, of New Mexico, KLOBUCHAR, INOUYE, CORKER, JOHNSON of South Dakota, FRANKEN, ROCKEFELLER, UDALL of Colorado, BLUMENTHAL, AKARA, REED, SHAHEEN, WYDEN, BUCEN, LIEBERMAN, and GRASSLEY.

Mr. MERKLEY. Mr. President, I am pleased the Senate will agree to S. Res. 618, a resolution observing the 100th birthday of civil rights icon Rosa Parks, and commemorating her legacy. It is hard to believe that 57 years have passed since Rosa Parks refused to give up her seat on a public bus, a heroic act for a young woman from Tuskegee, AL, who joined so many in the fight for civil rights. I am proud of the progress this country has made toward equality for all, in large part thanks to the work and inspiration of leaders like Rosa Parks, although we as a Nation have more work to do.

Rosa’s brave act of defiance inspired a city-wide boycott and national movement, and she remains an important symbol of the civil rights movement to this day. Her legacy reminds Vermonters and Americans all over the country that one brave voice can shine a light on injustice and challenge society to accept nothing less than freedom and equality for all mankind.

In 2006 I was proud to work to reauthorize one of the most important civil rights laws in our history and to have that voting rights legislation bare Rosa Parks’ name. Unfortunately, some are trying to overturn that protective and important law despite the continuing threat to the right to vote. As we commemorate her birth 100 years ago, I hope we can all agree that threats to civil rights are not a relic of the past. To honor Rosa Parks’ memory, we must continue to ensure that all Americans can vote and have their vote counted. I thank Senator LEVIN for submitting this resolution and am proud to join him in commemorating the legacy of Rosa Parks.

Mr. MERKLEY. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be placed in the Record.

The resolution (S. Res. 618) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

WHEREAS Rosa Louise McCauley Parks was born on February 4, 1913, in Tuskegee, Alabama, the first child of James and Leona (Hampton) McCauley; Whereupon Rosa Parks dedicated her life to the cause of universal human rights and truly embodied the love of humanity and freedom; Whereas Rosa Parks was arrested on December 1, 1955, in Montgomery, Alabama, for...
Whereas the 12,000 landing craft designed and built by Higgins Industries in New Orleans, Louisiana, and supporting plans for other educational pavilions and initiatives.

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

Mr. MERKLEY. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to the measure be printed in the Record.

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

OPENING OF THE UNITED STATES FREEDOM PAVILION

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Senate agree to the immediate consideration of S. Res. 625 submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 625) recognizing the January 12, 2013, opening of the United States Freedom Pavilion; The Boeing Center at the National World War II Museum in New Orleans, Louisiana, and supporting plans for other educational pavilions and initiatives.

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

Mr. MERKLEY. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to the measure be printed in the Record.

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

The resolution (S. Res. 625) was agreed to.

The preamble, with its preamble, reads as follows:

Whereas historians Stephen E. Ambrose and Gordon H. "Nick" Mueller, among others, founded the National D-Day Museum as "America’s National World War II Museum":

Whereas the National World War II Museum advances the mission of educating the public about the experience of the United States in World War II, covering all branches of the United States Armed Forces, the European Theatre, North Africa, and the Pacific, and documenting and highlighting activities on both the battlefield and home front;

Whereas the exhibits and programs of the National World War II Museum portray why the War occurred, how the War was won, and what the War means today, and celebrate the contributions of women, African-Americans, Hispanic-Americans, Asian-Americans, Native-Americans, and other groups that have been neglected in many accounts of World War II;

Whereas the 12,000 landing craft designed and built by Higgins Industries in New Orleans, Louisiana, and supporting plans for other educational pavilions and initiatives;

Whereas the 12,000 landing craft designed and built by Higgins Industries in New Orleans, Louisiana, and supporting plans for other educational pavilions and initiatives;

Whereas the National World War II Museum, now known as the "National World War II Museum", has made great strides in the development of the facilities, exhibits, and programs at the Museum;

Whereas the National World War II Museum, since the grand opening on June 6, 2000, which was the 56th anniversary of the D-Day invasion of Normandy, France, has attracted more than 3,000,000 visitors from across the United States and around the world, and has reached millions more through Internet-based and other distance learning programs;

Whereas World War II veterans and home front supporters, recognized as the "greatest generation" because of the sacrifices of the United States in World War II, are a pivotal time in United States history, are passing away at a rapid rate, creating an urgent need to preserve the stories, and to pay tribute to the service of the veterans and home front supporters;

Whereas Congress recognizes the need to preserve forever the history of the most decisive achievement of the United States during the 20th century and to portray that history to citizens, scholars, students, and school children for generations to come;


Whereas the World War II Memorial on the National Mall in Washington, DC, will always be the symbolic memorial where people come to remember the sacrifices made during World War II;

Whereas the National World War II Museum in New Orleans will always be the educational institution where people come to learn about the United States against would-be oppressors, so that future generations can understand
the role the United States played in the preservation and advancement of freedom in the middle of the 20th century;

Whereas the State of Louisiana and thousands of donors, including foundations, companies, and Museum members in every State, have contributed millions of dollars and other support to help build and advance the National World War II Museum, and hundreds of volunteers, many from the World War II era, have provided invaluable assistance to the Museum;

Whereas the Board of Trustees of the National World War II Museum, national in scope, and the Presidential Counselors advisory group, featuring leading historians and museum professionals, provide effective guidance and oversight for the National World War II Museum;

Whereas the National World War II Museum continues to add to and maintain 1 of the largest personal history collections in the United States, representing the experiences of the men and women who fought in World War II and served on the home front, with more than 7,000 videotaped, oral, and written accounts in the collection, and plans to digitize the collection to vastly improve public access;

Whereas the National World War II Museum is an official affiliate of the Smithsonian Institution, with a formal agreement to borrow Smithsonian artifacts for exhibits;

Whereas the National World War II Museum collaborates with other museums and memorials in the United States and around the world;

Whereas the National World War II Museum has added major facilities in recent years through donor support, including the Solomon Victory Theater complex, which features a 4-D theater, the Stage Door Canteen, a United Service Organization-styled entertainment venue, and the Kushner Restoration Pavilion, home to a major patrol torpedo boat restoration project;

Whereas the National World War II Museum will open the United States Freedom Pavilion: The Boeing Center in January 2013;

Whereas the Pavilion will feature aircraft such as the B-17 bomber and the P-51 fighter, the latter flown by the Tuskegee Airmen, and a submarine experience and exhibits honoring Medal of Honor recipients, government leaders who served in World War II, and industries that became known as the “Arsenal of Democracy”; and

Whereas other major pavilions and interactive exhibits are planned or under development as the Museum anticipates the completion of the campus by 2016, including the Campagnes of Courage: European and Pacific Theaters Pavilion, the Liberation Pavilion, and a Union Station train experience in the original Louisiana Memorial Pavilion: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and applauds the planned January 12, 2013, opening of the United States Freedom Pavilion: The Boeing Center, an iconic pavilion funded in part by the Federal Government and a major feature of the institution designated by section 8134(c) of the Department of Defense Appropriations Act of 2004 (Public Law 108-87; 117 Stat. 1105) as “America’s National World War II Museum”;

(2) recognizes the generous assistance from private individuals, corporations, foundations, the Federal Government, the State of Louisiana, and other public entities committed to offering a lasting tribute to the achievements of the United States in World War II; and

(3) expresses support for the mission of the National World War II Museum as vital to the preservation of democratic values, to the understanding of United States history and founding principles, and to the education of future generations about the relevance of the War experience to the past and future greatness of the United States.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 108-398, as amended by Public Law 109-87, and upon the recommendation of the Republican leader, in consultation with the Ranking Members of the Senate Committee on Armed Services and the Senate Committee on Finance, appoints the following individuals to the United States-China Economic Security Review Commission: Robin Cleveland of Virginia for a term expiring December 31, 2014, Dennis C. Shea of Virginia for a term expiring December 31, 2014, and James M. Talent of Missouri, for a term expiring December 31, 2013. The Chair, on behalf of the President pro tempore, pursuant to Public Law 106-398, as amended by Public Law 108-7, and upon the recommendation of the Majority Leader, in consultation with the Chairman of the Senate Committee on Armed Services and the Senate Committee on Finance, appoints the following individual to the United States-China Economic Security Review Commission: Katherine Tobin of Virginia for a term beginning January 1, 2013 and expiring December 31, 2014.

ORDERS FOR THURSDAY, DECEMBER 20, 2012

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Senate completes its business today, it adjourn until 11 a.m. on Thursday, December 20, 2012; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate resume consideration of H.R. 1, the legislative vehicle for the emergency supplemental appropriations bill.

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

PROGRAM

Mr. MERKLEY. Tonight the majority leader filed cloture on the substitute amendment and the emergency supplemental bill. We will work on an agreement for amendments to the bill. The filing deadline for all first-degree amendments is 1 p.m. tomorrow.

Senator INOUYE will lie in state in the Capitol Rotunda tomorrow. Senators will gather in the Senate Chamber at 9:35 a.m. tomorrow morning to proceed to the viewing together.

ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. MERKLEY. 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 10:11 a.m., adjourned until Thursday, December 20, 2012, at 11 a.m.
DEPARTMENT OF LABOR ACTIVITIES ON OREGON FARMS

HON. GREG WALDEN
OF OREGON
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 18, 2012

Mr. WALDEN. Mr. Speaker, following is the letter I referred to earlier today.

CONGRESS OF THE UNITED STATES,
Washington, DC., August 17, 2012.
Hon. HILDA L. SOLIS,
Secretary, U.S. Department of Labor,
Washington, DC.

DEAR MADAM SECRETARY: In the last two weeks, we have received reports about Department of Labor (DOL) activities on Oregon farms which raise significant questions. Specifically, we have been made aware of three issuances of “hot goods” orders (HGO) by DOL to sanction violations of the Fair Labor Standards Act (FLSA) since August 2nd. Depending on the case, these HGOs can prevent perishable farm products from being shipped off-farm, and effectively shut down harvest activity while the order is in place. We absolutely do not condone violations of the FLSA. However, in a phone call with Congressman Kurt Schrader and DOL representative on Monday, August 13th, 2012, the DOL asserted that a HGO could only be considered after thorough investigation, due process opportunities for response by the employer, and a finding that the violations were willful, egregious, and/or repeated. Indeed, DOL’s website states that restraining the shipment of goods is to be used after a thorough process.

“When all the fact-finding steps have been completed, the employer and/or the employer’s representative will be told whether violations have occurred and, if so, what the violations are and how to correct them. If back wages are owed, the employer will be asked to pay the back wages and the employer will be required to compute the amounts due... In the absence of an employer voluntarily correcting the violations, the Wage and Hour Division may seek to restrain the shipment of the goods.”

We are concerned that Oregon farmers have presented us with a narrative and supporting documentation that indicates that DOL may have abandoned the normal due process mechanisms and remedies in favor of a significant sanction. In one case, a farmer was told that the HGO would only be lifted after a large sum was paid to DOL and after he signed a consent judgment. The consent judgment included a waiver of any recourse if findings of fact or law later exonerated him. It required a waiver of the right to contest the finding. All this took place before the farmer was ever informed in writing what the allegations were.

We are not asking you to address these specific cases and cannot verify their credibility, but rather, we are writing to ask you for additional clarification of DOL procedures and practices for issuing HGOs on agricultural enterprises and enforcing the FLSA, including:

- Is it the policy of the DOL to not disclose alleged violations to employers before issuing hot goods orders?
- What test or standard is the DOL using to determine the need for a hot goods order?

Why does the DOL ask employers to waive rights for future findings of fact or law in its consent judgments?

What opportunity is there for an employer to respond without having his/her perishable crop under threat?

On farms and elsewhere throughout the economy, DOL is in a unique position in communicating and enforcing rules and laws to protect all working people. Statutes and rules give the Department the tools necessary to apply remedies commensurate with the severity and/or frequency of violations of the law. It is our hope that the fairness and due process provided by law is available to all employees alike.

Please consider this request consistent with all applicable laws and regulations. We thank you for your consideration and look forward to your response.

Sincerely,
KURT SCHRAEDER,
PETER DEFazio,
RON WYDEN,
GREG WALDEN,
JEFF MERKLEY,
SUZANNE BONAMICI.

IN RECOGNITION OF SAN MATEO COUNTY SUPERVISOR ROSE JACOBS GIBSON

HON. JACKIE SPEIER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 18, 2012

Ms. SPEIER. Mr. Speaker, I rise to honor San Mateo County Supervisor Rose Jacobs Gibson upon her retirement from the San Mateo County Board of Supervisors.

While on the board, Supervisor Gibson initiated the East Palo Alto Crime Reduction Task Force, a collaborative effort between law enforcement and community groups. This effort successfully reinforced the accomplishments of her city service and led to the adoption of additional measures to reduce violence.

Today, this task force stresses four strategies to create a healthier East Palo Alto: Prevention, Intervention, Enforcement, Sustainability. These are all strategies championed by Rose Jacobs Gibson and they include the activities of clean up, gang intervention, a Police Activities League, and a re-entry program for ex-offenders. East Palo Alto is a healthier place for all residents thanks to Rose Jacobs Gibson and her leadership.

Supervisor Gibson also continued her efforts to reduce crime by helping to create the Domestic Violence Council. The council is a permanent instrument to educate policymakers in our county about this critically important subject. She co-chaired the first Women’s Criminal Justice Summit, a forum that identified many ways that existing resources could be used to improve the outcomes of our criminal justice system. She is a strong advocate for programs that prepare incarcerated women to lead independent, productive lives once they re-enter the community.

Supervisor Gibson sits on the board of the Housing Endowment and Regional Trust (HEART) of San Mateo County and is a policy leader in the development of affordable housing within our community. HEART has assisted in developing nearly every major affordable housing development in our county since its founding. Supervisor Gibson was instrumental in designing San Mateo County’s housing element and can always be counted upon to advocate for the elemental right to decent housing for every human being.

Public health has always been a significant part of Supervisor Gibson’s agenda. She initiated a countywide summit on health disparities, an event that led to the creation of several health-focused task forces. The task forces, in turn, identified strategies to reduce childhood obesity and drug and alcohol abuse. As one example of a brick-and-mortar impact in our community, the Ravenswood Family Health Clinic was founded in East Palo Alto as a result of a team of advocates, including most notably Supervisor Gibson. This facility is a linchpin in community healthcare in East Palo Alto.

Supervisor Gibson also served on the East Palo Alto City Council from 1992 to 1999. She was Mayor in 1995 and 1996. She and her many allies in the community were instrumental in reducing the crime rate and in helping to restore community faith in law enforcement.

While on the city council, Rose Jacobs Gibson supported the shutdown of a toxic chemical plant and as a member of the Board of Supervisors she demanded an investigation of toxic contaminants in our county parks. She regularly worked with our transportation agency to improve public transit for her district’s residents and she worked as a member of a team of community leaders to secure funding and approvals for school improvements throughout her district.

Rose Jacobs Gibson will be remembered fondly in San Mateo County as a leader who was eloquent and forceful, gracious and principled, visionary and practical. San Mateo County has been the beneficiary of Supervisor Gibson’s public service at so many levels and in so many ways that it is difficult to sum up the achievements of a lifetime in a single recitation of her accomplishments. I respectfully end these comments with a simple observation about Rose Jacobs Gibson: She has left her mark, and generations yet to come will live better lives because of her service.

IDENTIFY TROUBLED YOUTH NEEDING HELP AND SUPPORT

HON. MARCY KAPTUR
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 18, 2012

Ms. KAPTUR. Mr. Speaker, in our continuing efforts to turn the tragic events at Newtown to high purpose, I include two articles from the USA Today newspaper, one entitled “A Boy Lost in the Shadows”, and another, “Newtown Puts Mental Services in Spotlight.”
These articles remind me of a conversation a few years ago with a caring grade school teacher from my own district who became quite frustrated with the local school system’s inability to help her manage the behavior of a child in her elementary classroom. The child, several years ago, became uncontrollable, moving about the classroom, throwing tantrums, screaming loudly, often falling to the floor, thus causing great confusion in the class. Despite the teacher’s repeated attempts to help the child, it became obvious professional help was needed. A complicating factor became family members who were in denial that anything out of the ordinary was actually occurring with the child, despite the constant disruption, acting out, anger, and anti-social behavior that the child was demonstrating. After repeated attempts that took three years, and let me emphasize three years, the teacher was able to have the child referred to behavioral specialists and placed in a more appropriate learning environment. That situation alone made me wonder about the manner in which we as a society make help available to children who exhibit destructive behaviors that are harmful to themselves and potentially to others.

Mr. Speaker, as a society, we seem to lack the methods to identify troubled youth and put them on a proper path to healing, if healing is possible. Too often, a child is left floundering due to our collective inabilities to help them find a constructive path forward. For example, many of our local boards of education often are not properly equipped to identify and assist children who are uncivil or who are completely alienated from their surroundings. Some families, too, seem unaware of their child’s behaviors as unusual or potentially destructive. While I inserted in the RECORD yesterday reports, some parents are so overwhelmed in caring for children with special behavioral conditions, they simply don’t know what else to do. Then again, too often there is no one to call to help.

Through the Commission President Obama proposed be formed to address the conditions that led to Newtown’s tragedy, surely that Commission should invite a cross section of families and the people of Newtown before he would do anything for you,” Tambascio said. "He’s just one kid who slipped through the cracks.

Lanza grew up in Sandy Hook in a sprawling colonial house with his parents, Nancy and Peter, and an older brother, Ryan, 24. His parents divorced in 2009 after a long separation, and his father has remarried. Family friends and relatives say much of his education was home-based. He attended Reed Intermediate School for sixth grade and appears in a 2003 yearbook photo. In the a 2006 yearbook for Newtown Middle School, Lanza is listed in the seventh-grade without a picture under “camera shy,” but he isn’t listed in the eighth-grade class the next year. His name surfaces at Newtown High School in 2008, where he has not been seen since.

Marsha Moskowitz of Sandy Hook drove the school bus that took Lanza to Newtown Middle. She remembers him as “quiet, shy and reserved.”

His mother clashed with school officials and eventually removed Adam from public school and home-schooled him, her former husband and son, Ryan. She’s a good person, goodhearted. She did. She’s a good person, goodhearted. She turned to her son, Ryan, the older son, bused table at the restaurant for two years. He is outgoing and personable, younger son, Tambascio said. Ryan, who was the complete opposite of his brother,” she said. Adam “always had his face down. He would never look you in the eye.”

Police say the three guns used in the massacre were purchased legally and registered to Nancy Lanza, whom friends described as a gun and shooting aficionado. Tambascio said shooting was “a hobby.”

“She had nothing to do with what her son did. She was a good person, goodhearted. She would do anything for you.” Tambascio said.

Nancy Lanza “liked the single-mindedness of shooting,” her landscaper, Dan Holmes told The Washington Post. Holmes said she mentioned taking her son to the firing range to practice. Holmes never entered the house or saw her son, but she did once bring an assault rifle outside to show him, he told the Post.

The shooter’s father, Peter Lanza of Stamford, said the family is “in a state of disbelief.”

“We, too, are asking why,” he said in a written statement. “Like so many of you, we are saddened, but struggling to make sense of what has transpired.”

The Lanza’s neighbors on Yogananda Street say it’s puzzling that on such a close-knit block where residents throw barbecues for newcomers, so few of them knew Adam Lanza or had ever seen him.

“It’s a mystery. Nobody knows them, which is odd for this neighborhood.” Len Strochicka said. “Everyone knows each other through the children, the school bus. The community here is kids.’’

Neighbor Dave Lapp said he had little to tell the FBI and State Police when they called on Friday night. “We walked by their house with the dog every day, and we don’t know them. We’ve never even seen them,’’ Lapp said.

Dunn, Adam Lanza’s classmate, fears that may have been at the root of the problem. “Maybe if someone had tried to reach out to Adam—maybe he needed a friend. Maybe this wouldn’t have happened,’’ Dunn said. “He’s just one kid who slipped through the cracks.

There are hundreds of multiple-casualty shootings a year, says forensic psychologist Dewey Cornell, director of the Virginia Youth Violence Project. People have become so desensitized that they pay no attention, he says, yet mental illness contributes to domestic violence, child abuse, drug addiction, homelessness and Incarceration. Investing in mental health care could help prevent tragedies, he says.

“Mental health has shrunk down to the level of short-term crisis management,” Cornell says. “We can’t think about the gunman in the parking lot and what to do with him. We have to get involved a lot earlier.”

Schools and communities “have to cut their mental health services to the bone. We’re paying a price for it.”

CONDEMNING THE HORRIFIC ATTACKS IN NEWTOWN, CONNECTICUT, AND EXPRESSING SUPPORT AND PRayers FOR ALL THose IMPACTED BY THIS TRAGEDY

SPEECH OF
HON. LAURA RICHARDSON
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Monday, December 17, 2012

Ms. RICHARDSON. Mr. Speaker, I rise today with a heart full of sorrow over the horrific violence at Sandy Hook Elementary School in Newtown, Connecticut, which
IN RECOGNITION OF BRUCE BODAKEN
HON. JACKIE SPEIER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 18, 2012
Ms. SPEIER. Mr. Speaker, I rise to honor my friend and true visionary Bruce Bodaken, who many years ago brought his passion to expand health insurance coverage to all Americans to Blue Shield of California. Bruce is now retiring after a remarkable ten-year tenure of outstanding service as Chairman, President and CEO of Blue Shield.

Bruce is not your typical health plan CEO. In fact, I was prepared not to like him when we first met more than ten years ago. He has a Masters degree in philosophy and was teaching that subject at the University of Colorado when he shifted his career to health care. The man who will take over Bruce’s role in January 2013, Paul Markovich, currently COO of Blue Shield, calls him their “resident philosopher.”

Under Bruce’s leadership, Blue Shield became one of the fastest growing health plans in California, with a total membership today of 3.5 million and 4,800 employees. In 2002, Bruce became the first health plan CEO in the country to propose a plan for universal coverage. His plan became a template for the Affordable Care Act enacted by Congress in 2010. I share Bruce’s belief that health care is a right, not a privilege.

Bruce launched the Blue Shield of California Foundation which has given over $150 million in grants during the last five years to support community clinics, children’s health initiatives, domestic violence programs, leadership training and policy research. It was named one of the country’s most generous, corporate foundations by BusinessWeek in 2010.

In a remarkable move, Bruce oversaw the company’s precedent setting step to cap profits at two percent of revenue and return the differences to its customers. Last year that difference amounted to almost $500 million. Bruce also serves on the board and executive committee of America’s Health Insurance Plans (AHIP) and the BlueCross and BlueShield Association board. He is a member of the Institute of Medicine’s Roundtable on Value & Science-Driven Health Care and serves on the board of directors of the California Business Roundtable, WageWorks, and the University of California, Berkeley’s Health Services Management Program.

He joined Blue Shield in 1994 as president and chief operating officer. Previously, he served as senior vice president and associate chief operating officer of FHP International Corporation in Southern California.

A native of Iowa, Bruce earned his BA from Colorado State University and his MA from the University of Colorado, both in philosophy.

Bruce says that his education has deeply influenced his career and world perspective. When he received the Lifetime Achievement Award from the San Francisco Business Times this year, he said that his training in philosophy, logic, communications and thinking about big questions had an application particularly in a world that was changing to a new model of health care.

In his retirement, Bruce is looking forward to dedicating more time to his family and friends and his favorite past time—tennis.

Mr. Speaker, I ask the House of Representatives to rise with me to honor Bruce Bodaken, a compassionate leader, big thinker and tireless advocate. His fight to cover all the uninsured isn’t over and hasn’t always been easy, but he will not give up. His commitment reminds me of something his most inspirational icon, Nelson Mandela, once said: “When the water starts boiling, it is foolish to turn off the heat.”

CELEBRATING THE 85TH BIRTHDAY OF HIS MAJESTY KING BHUMIBOL ADULYADEJ OF THAILAND
HON. DANA ROHRABACHER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 18, 2012
Mr. ROHRABACHER. Mr. Speaker, we join our Thai friends in celebrating this important occasion, and extend our best regards to His Majesty for his good health and a happy birthday.

IN RECOGNITION OF CHRISTINE KROLIK
HON. JACKIE SPEIER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 18, 2012
Ms. SPEIER. Mr. Speaker, I rise to honor Christine Krolik, retiring Hillsborough city council member, former mayor, and tireless advocate for our public schools and many community organizations.

Christine moved to Hillsborough in 1995 with her husband Jeff and two sons, John and Billy. She immediately immersed herself in work to improve the public school system by advocating for smaller class sizes. She combined two of her outstanding talents in this effort: singing and fundraising. While she chaired the Scrip Committee from 1996–2000, she launched the Scripettes singers to promote sales. The four Scripettes performed jazzy versions of holiday songs including “Jingle Bell Rock,” “Have Yourself a Merry Little Christmas” and “Swingin’ at Santa’s Place.” Today the group calls itself Singing Set and continues to delight people at civic functions from singing the National Anthem at Giants’ games to warming up the crowd at Hillsborough’s Light Up the Town celebrations.

Christine’s boundless energy has been successfully put to use as co-chair of Hillsborough Concourse events in 2001, co-chair of the Measure B campaign to benefit Hillsborough’s public schools in 2002, and the Citizens Communication Advisory Committee appointed by the mayor to help the city council and town staff communicate with residents about issues affecting the town, also in 2002. Christine was first elected to the city council in 2004. From 2006–2008, she served as vice mayor, and from 2008–2010 she served as mayor. During her 10-term, she oversaw Hillsborough’s Centennial, a flawless, orchestrated celebration featuring marching bands, floats and vintage cars, and the dedication of Centennial Park. That year Christine was appropriately honored for her countless contributions as Hillsborough Citizen of the Year.

Christine is a firm believer that a strong sense of community is vital in a city and improves quality of life. While mayor, she embarked on an ambitious agenda to develop a
Hillsborough emergency preparedness program, the Hillsborough Neighborhood Network, an outdoor movie night, adult classes at Town Hall and the first ever Hillsborough Memorial Day Parade.

Her remarkable contributions to the Town have been matched by her generous support of many important community organizations. Christine serves as president and board member of InVasion/Shelter Network providing transitional housing to homeless families, veterans and single adults. She is past president and present board member of Hillbarn Theatre providing valuable cultural programming in the county.

A native of Philadelphia, Christine earned her BA in Theater from Arcadia University, and she is a graduate of the conservatory at Circle-in-the-Square School of Theatre in New York. She is an accomplished actress in amateur productions and has played memorable roles such as Adelaide in Guys and Dolls and Dolly in Hello, Dolly.

The vitality, creativity and enthusiasm that Christine has brought to the city council for eight years will be missed. She has created a standard of community engagement which will be an inspiration to her successors.

Mr. Speaker, I ask the House of Representatives to rise with me to honor one of the finest local elected officials of San Mateo County, Christine Krolik. I am honored to call her one of my best friends. She has dedicated herself to the betterment of her fellow residents and our beautiful town. At a white elephant Christmas party a year ago, Christine fought for a superman costume—a fitting symbol of a person who has committed her life to helping other survive and thrive.

BARONA BAND OF MISSION INDIANS LAND TRANSFER CLARIFICATION ACT OF 2012

SPEECH OF
HON. LAURA RICHARDSON
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Monday, December 17, 2012

Ms. RICHARDSON. Mr. Speaker, I rise today in support of S. 3193, which amends the Native American Technical Corrections Act of 2004 to revise the description of the land to be held in trust for the Barona Band of Mission Indians of California. This noncontroversial bill states that the parcel of private, non-Indian land that is excluded from the revised description was not intended to be held in trust for the Band or considered to be part of its reservation.

As a member of the Native American Caucus, I have worked with my colleagues in Congress to address the needs of Native Americans. California is home to nearly one hundred federally recognized tribes. I have made it a priority of mine in Congress to safeguard the interests of our tribes.

After thousands of years of peaceful life in the region, known today as San Diego County, Native American life was abruptly changed in the late 1700s. More than 200 years of hardship for Native Americans began with the arrival of the Spanish military and the establishment of the first presidio and mission in 1769.

In 1875, the Federal Government established the Capitan Grande Reservation for the native people living in the area at that time. About 40 years later in 1932, the city literally bought the Capitan Grande Reservation to build a reservoir and the people were removed from their land.

In 1932, without a homeland but with some federal monies allotted from the sale, a group of the Capitan Grande tribal members purchased the Barona Ranch which today is the Barona Indian Reservation near Lakeside, about 30 miles northeast of San Diego. For many years living without electricity and other services, the tribal members tried to create a living through farming.

Until the early 1990s, the Barona Tribe was still struggling economically in the backwoods of San Diego County. In 1994, the tribe, with the consulting guidance of Venture Catalyst, opened the Barona Casino “Big Top,” and this property eventually became the world-class Barona Valley Ranch Resort and Casino.

The casino has become the means to a restoration of self-sufficiency, prosperity and renewed hope. Unemployment and welfare dependency have dropped from 70 percent to zero on the reservation.

Mr. Speaker, the Barona Band of Mission Indians has a long and strong tradition that continues to this day. I urge my colleagues to join me in supporting this legislation.

TRIBUTE TO JERRY BROWN
HON. GREG WALDEN
OF OREGON
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 18, 2012

Mr. WALDEN. Mr. Speaker, it is with great pride that I rise today to pay special tribute to Hood River County Chief Deputy Sheriff Jerry Brown. Chief Deputy Brown joined Sheriff Joe Wampler in retirement from the Hood River County Sheriff’s Office on January 1, 2013, capping a career in law enforcement and public service going back to the 1970’s. Chief Deputy Brown has dedicated his life to duty, honor, and service to the citizens and visitors of Hood River County, Oregon.

Jerry Brown has served his county and his community for decades. He is not only a long-time veteran of law enforcement, but also he is a veteran of the U.S. Marine Corps who served our country in Vietnam. In 1978 he took the reins of “The Next Door,” a non-profit organization in Hood River that provides care and support for children and families in the area. During his time with The Next Door, Jerry coordinated week-long hikes and camping trips for youth, diligently fundraised, and secured accreditation through the Youth Care Association. His efforts helped form the program into a model for other areas to follow that endures to this day.

The pull to serve and protect citizens of my hometown, Hood River, Oregon, drew Jerry to his full-time career in law enforcement. He started as a patrolman with Hood River Police Department and spent 20 years working to ensure the community’s safety. During his career with Hood River Police Department, Jerry also served as a detective, sergeant, and attained the rank of lieutenant before joining the sheriffs office.

For the past six years, Jerry has served as Sheriff Wampler’s chief deputy, lending his knowledge and experience to the position. The positive impact Chief Deputy Brown has made on the sheriff’s office, and his community, will continue to inspire others to serve their nation, state, and community long into the future.

Mr. Speaker, I ask that my fellow colleagues join me in recognizing Jerry Brown. He has earned the thanks of a grateful nation for his service and the thanks of our community for his unwavering commitment. Please join me in wishing Chief Deputy Sheriff Jerry Brown a very long and happy retirement.

IN RECOGNITION OF GINNY SILVA JAQUIT

HON. JACKIE SPEIER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 18, 2012

Ms. SPEIER. Mr. Speaker, I rise to honor Dr. Ginny Silva Jaquit, a close friend, former colleague and remarkable public servant who is retiring today from serving an interim term on the Pacifica City Council. When the city needed her, Ginny stepped up to the plate and brought her professionalism and experience to the council. In the 30 plus years I have known Ginny, she has always risen to the occasion.

Ginny is no stranger to the Pacifica City Council. She served on it from 1980–1992, including three terms as mayor. The highlights from her tenure were the creation of the city’s best known event, the Pacifica Fog Fest, and the Community Center, both of which greatly enhanced the wonderful sense of community in Pacifica. Ginny served on the Pacifica Fog Fest founding board from 1985 to 1992 and after she left the council, she was on the Fog Fest Organizing Group from 2000–2010.

She worked closely with the Golden Gate National Recreation Area to acquire Sweeney Ridge, a spectacular hiking area of ridges and ravines between Pacifica and San Bruno that slope down to the San Francisco Bay on one side and the Pacific Ocean on the other. She helped turn the Sanchez Art Center into re-ality. The city worked closely with local artists and residents to purchase an abandoned elementary school and transform it into the invaluable art and educational center it is now. Ginny was also instrumental in the establishment of the Redevelopment Agency in Rockaway Beach and a Commercial Development Task Force and Plan. She served on the San Mateo County Civil Grand Jury and on the Pacifica Task Force for Sharp Park Golf Course.

Today she continues to give her time and energy to the Board of Directors of Pacificans Care, the Rotary Club of Pacifica, the Presidio Golf Club and the City of Pacifica Beautification Task Force.

Ginny was born in Gustine, California and grew up in the Sunnyvale, Cupertino area. She earned her BS in Recreation from San Jose State University, her MS in Recreation Administration from San Francisco State University, and her Ed.D in Education from the University of San Francisco.

She taught in SFSU’s Recreation and Leisure Department for 27 years, was the department chair for three years and is a Professor Emerita.

She and her husband Robin of 38 years live on Pedro Point. In her spare time she enjoys the arts, playing golf, cooking and traveling.
Mr. Speaker, I ask the House of Representatives to rise with me to honor Dr. Ginny Jaquith for her past and continuing service to the residents of Pacifica. Her tireless commitment and dedication have made this beloved coastal town a better and more beautiful place for everyone.

TRIBUTE TO CHANCELLOR TIMOTHY P. WHITE

HON. KEN CALVERT
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 18, 2012

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to southern California and higher education are exceptional. The University of California has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work. Chancellor Timothy P. White is one of these individuals. After four years of service to the University of California, Riverside (UCR), he will be leaving the University of California to take a new post as Chancellor of the California State University system.

Chancellor White was born in Buenos Aires, Argentina. He later immigrated to northern California, and is a first-generation college student who has matriculated within every college system in California. After beginning at Diablo Valley Community College, he earned a Bachelor of Science from Fresno State University, a Master’s from Cal State Hayward (East Bay), and a Ph.D. in Exercise Physiology at the University of California, Berkeley. He previously held positions as Professor and Chair of the Department of Human Biodynamics at UC Berkeley, and as Professor and Chair of the Department of Movement Science and research scientist in the Institute of Gerontology at the University of Michigan. White had previously served as Dean, Provost, and Executive Vice President at Oregon State University, and came to UCR from the University of Idaho, where he had been President since August 2004. There he established a strategic direction to further the university’s role as the state’s land-grant and flagship research university. He is internationally recognized for his work in muscle plasticity, injury, and aging.

One of the many accomplishments during Chancellor White’s tenure at UCR was the University’s successful receipt of “preliminary accreditation” from the Liaison Committee on Medical Education, the nation’s premier accrediting body for educational programs leading to the M.D. degree in U.S. and Canadian medical schools. This was UCR’s second attempt to gain accreditation for an independent, four-year medical school. This momentous achievement was made possible due to the tremendous efforts of Chancellor White and the future Dean of the Medical School, Dr. G. Richard Olds, in partnership with local, state and federal officials, as well as community and business leaders. UCR will be able to recruit students for the charter class of 50 medical students, which begins in August 2013.

UCR has also gained national and international recognition for excellence in research, teaching and service under Chancellor White’s leadership. UCR is ranked among the top 200 campuses around the globe in both the Shanghai Jiao Tong Academic Ranking of World Universities and the Times Higher Education rankings, and was recognized for its exceptional commitment to public service by Washington Monthly. Other accomplishments include the creation of a strategic plan to guide the institution, the announcement of the new School of Public Policy, growth of campus enrollment to almost 21,000 students, and new levels of achievement and accomplishment by faculty and students alike. In addition, under Chancellor White, Riverside was selected to host the new UCPath project, which will consolidate basic human resources operations across the entire UC system as a permanent cost-saving measure.

I have come to know Chancellor White well through many years working together on a variety of educational issues in Riverside. I can personally attest to the Chancellor’s incredible work-ethic, professionalism, and positive attitude. He is married to Dr. Karen N. White, who is an Associate of the Chancellor and an assistant clinical Professor for the UCR Bio-medical Sciences Program. She has been a great advocate on behalf of our veterans through the Operation Education Scholarship Program, which she founded and established on the UCR campus in 2010. They have four sons.

In light of all Chancellor White has done for the University of California and the Inland Empire, it is only fitting that he be honored as he continues his service to higher education. Chancellor White’s tireless passion for public service and higher education has contributed immensely to our region and the state and I am proud to call him a fellow community member, American and friend. I know that many community members are grateful for his service and salute him as he moves onto the next phase of his life.

IN HONOR OF ROBERT M. LIGHTFOOT, JR. ON HIS APPOINTMENT TO THE ASSOCIATE ADMINISTRATOR OF NASA

HON. ROBERT B. ADERHOLT
OF ALABAMA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 18, 2012

Mr. ADERHOLT. Mr. Speaker, today I congratulate Robert M. Lightfoot, Jr., on the appointment of his appointment as the Associate Administrator for NASA, the agency’s highest-ranking civil servant position. As he is the first native Alabamian to hold this position, I am pleased to stand before this body of Congress to recognize his contributions to NASA and our country.

He previously was director of NASA’s Marshall Space Flight Center in Huntsville, Ala. Named to the position in August 2009, he headed one of NASA’s largest field installations, which plays a critical role in NASA’s space operations, exploration and science missions. Mr. Lightfoot managed a broad range of propulsion, scientific and space transportation activities contributing to the nation’s space program.

From 2007 to 2009, Mr. Lightfoot was Deputy Director of the Marshall Space Flight Center. Lightfoot served as manager of the Space Shuttle Propulsion Office at Marshall from 2005 to 2007, where he was responsible for overseeing the manufacture, assembly and operation of the primary shuttle propulsion elements: the main engines, external tank, solid rocket boosters and reusable solid rocket motors.

Mr. Lightfoot received a bachelor’s degree in mechanical engineering in 1986 from the University of Alabama. In October 2007, he was named Distinguished Departmental Fellow for the University of Alabama, Department of Mechanical Engineering. He was selected as a University of Alabama College of Engineering fellow in 2009. Lightfoot serves on the University of Alabama Mechanical Engineering Advisory Board. In 2010, he was inducted into the State of Alabama Engineering Hall of Fame.

Mr. Lightfoot has received numerous awards during his NASA career, including a NASA Outstanding Leadership medal in 2007 for exemplary leadership of the Shuttle Propulsion Office, assuring safety for the return to flight of the space shuttle. In 2006, he was awarded the Presidential Rank Award for Meritorious Executives, and in 2010 he received the Presidential Rank Award for Distinguished Executives—the highest honors attainable for federal government work. In 2000, Mr. Lightfoot received the Spacelift Leadershight Award, which recognizes leaders who exemplify characteristics necessary for success. In 1999, NASA’s astronaut corps presented him with a Silver Snoopy Award, which honors individuals who have made key contributions to the success of human spaceflight missions. He also received the NASA Exceptional Achievement Medal in 1996 for significant contributions to NASA’s mission.

We are thankful for the years of dedication and hard work by Robert Lightfoot. We wish him and his family the best in this new role of service to our country.

IN RECOGNITION OF THOMAS KASTEN

HON. JACKIE SPEIER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 18, 2012

Ms. SPEIER. Mr. Speaker, I rise to honor Thomas Kasten who has served on the Hillsborough City Council for twelve years, including two terms as mayor. The residents of our town are very fortunate to have benefitted from the expertise and leadership of such an outstanding businessman and manager.

Tom, first elected to the city council in 2000, is serving as the mayor’s policy commis- sioner. He balanced the budget both years and left the town in good financial condition. With his leadership skills he was able to calm a heated controversy about increased garbage and water rates that brought out large and vocal groups of residents. He also oversaw the approval of the largest single capital expenditure plan in the town’s history to replace the substan- tial portion of the 100-year old sewer system. During his first term as mayor from 2004—2006, Tom had to deal with the town’s fight over MacMansions replacing small ranch homes. He established a Strong Neighborhoods Charter Change Study Committee and included leaders from both sides of the controversy to develop adjust- ments to the building code.
Tom also chaired the board of directors of the City/County Association of Governments (C/CAG) of San Mateo County and is now the vice chair of its legislative committee. He sits on the board of directors of the Housing Endowment and Regional Trust of San Mateo County (HEART) and served on its nominating and bylaws committees. Previously, he served on the board of the Peninsula Traffic Congestion Relief Alliance. In 2007, Tom was the chair of the Regional Housing Needs Allocation Policy Advisory Committee for San Mateo County and is currently chairing its policy committee.

Tom honed his business skills during his 34-year long career at Levi Strauss & Co., where he was the president of the youthwear, men's jeans, and womenswear divisions. In addition, he served as executive vice president of new business development in which capacity he took the company private after 14 years as a public company. Tom was responsible for all information technology for Levi Strauss United States. Today, he continues his connection to Levis Strauss & Co. and serves on the Investment Committee.

Tom has lectured at some of our finest universities, including Stanford, Berkeley, UCLA and San Francisco State University, and he has been a keynote speaker at countless business conferences in the United States and abroad. He is also a frequent guest on television and radio and has been quoted in many magazines such as Fortune and Fast Company. Computerworld Magazine named Tom one of the “Premier 100 Information Technology Leader in the U.S.” in 2000.

Tom is very active in his Jewish community and volunteers his time and expertise with the Jewish Community Federation of the San Francisco Bay Area and the Jewish Home Foundation.

Originally from Portland, Oregon, Tom received his BS and MBA in Marketing from the University of California at Berkeley.

Tom and his wife, Kendra, have lived in Hillsborough 28 years. They have two children, Jeffrey and Alyssa.

Mr. Speaker, I ask the House of Representatives to rise with me to honor Thomas Kasten who has tirelessly devoted his time and energy to the residents of Hillsborough.

HONORING THE LIFE AND SERVICE OF BISHOP WALTER P. SULLIVAN

HON. ERIC CANTOR
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 18, 2012

Mr. CANTOR. Mr. Speaker, I would like to take this opportunity to remember and honor the life of Bishop Walter F. Sullivan, whose recent death saddens the many people whose lives he touched throughout his time as bishop of the Catholic Diocese of Richmond.

Bishop Sullivan served in churches throughout Virginia since he was ordained in 1953. As the longest-serving bishop in the Richmond diocese’s 192-year history, he made a lasting impact in and outside of the Catholic Church. Bishop Sullivan was an advocate for the underprivileged and welcomed people of all faiths with open arms. During his time as bishop, the diocese established various new parishes, advisory committees for the youth, women, and minorities, homes for the elderly, and retreat centers.

Bishop Sullivan also commissioned the first public Holocaust memorial in Virginia, “Rachel Weeping for Her Children,” which celebrated its 25th anniversary in April. Acts like this made Bishop Sullivan a hero and champion to many. He spent a life helping others, and he will be greatly missed.

Mr. Speaker, though we mourn the death of Bishop Walter Sullivan, we come together to pay tribute to and honor the life and work of such an important figure in our history.

CONGRATULATING JIM TURNER ON 40 YEARS OF RADIO HOSTING

HON. DANIEL WEBSTER
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 18, 2012

Mr. WEBSTER. Mr. Speaker, I take this opportunity to recognize a gentleman who has had a mainstay in the Central Florida community for many years. After 40 years with NewsTalk WDBO as one of Central Florida’s most respected and beloved news hosts, Jim Turner has announced his plan to retire.

Mr. Turner joined WDBO in 1972 and has hosted the station’s morning segment since 1985. He is respected not only in the Central Florida community but throughout the country. In 2004 he was awarded by his peers in the National Association of Broadcasters the prestigious Marconi Award for Personality of the Year.

Founded in 1924 as a physics project of Rollins College, WDBO is today one of Central Florida’s great news and talk radio stations. During his tenure as the morning show host, Turner headed the station’s transformation from music to information and talk. Jim Turner’s daily presence on WDBO’s morning talk segment will be sorely missed. We are grateful for the years he has spent talking with Central Florida, and we wish him well.

RECOGNIZING ROBERT J. ARNOLD ON THE OCCASION OF HIS RETIREMENT AFTER 38 YEARS OF SERVICE TO OUR NATION

HON. JEFF MILLER
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 18, 2012

Mr. MILLER of Florida. Mr. Speaker, I rise today to honor a true, dedicated leader in my state and in my community, Dr. William Purcell of Scotland County, North Carolina. Dr. Purcell grew up in Laurinburg, North Carolina, just south of my home town of Biscoe, North Carolina. He attended public schools in Laurinburg before graduating from Davidson College and later, the University of North Carolina School of Medicine. After proudly serving our nation in the United States Army Medical Corps in France, during the Cold War, he returned home to North Carolina where he practiced pediatrics in Laurinburg for 36 years. During this time he also served on the Laurinburg City Council for six years, and as the Mayor of Laurinburg for 10 years. He became a member of the North Carolina Senate in 1997 and has proudly served the 25th District for seven terms before announcing his retirement this year.

If there is any indication of the impact this man has had on his community, it is the numerous awards he has received, including the
Distinguished Service Award from the University of North Carolina in 2005, for his commitment to making preventive health care a top priority. Dr. Purcell’s dedication to the health of the children of North Carolina continued after his retirement as a pediatrician, making its way into the halls of the General Assembly where he served as a member of the Appropriations Committee on Health and Human Services, and the Chairman of the Legislative Task Force on Childhood Obesity. To honor this commitment, ABC News Correspondent George Stephanopoulos presented him with the National Davis Award, the American Medical Association’s highest award for a public office. Most recently, in 2008, his fellow senators and local news correspondents voted him one of the most effective members of the North Carolina Senate.

Senator Purcell and I have been friends for quite some time now, and this has allowed me to experience first-hand his generosity and his commitment to the well-being of the people of our state. As a former educator, I understand the importance of pediatric health and wellness, and the impact on a student’s ability to succeed. I sincerely thank Dr. Purcell for his tireless devotion to making our community a better place.

Mr. Speaker, it is with admiration and appreciation that I rise today to speak of the ceaseless and tireless efforts of Senator Purcell to represent the people of Anson, Richmond, Scotland, and Stanly counties, and our state as a whole. Today, I urge my colleagues to join me in commending Senator Purcell for his outstanding leadership and achievements, and for a life of selfless devotion to those around him.

HONORING REAR ADMIRAL JAMES W. LISANBY (USN RETIRED)

HON. ED WHITFIELD
OF KENTUCKY
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 18, 2012

Mr. WHITFIELD. Mr. Speaker, I rise today to recognize (Ret.) Rear Admiral James W. Lisanby, who passed away on November 14, 2012.

Rear Admiral Lisanby, a native of Caldwell County, Kentucky, served his country and community with great integrity and honor. He rose through the ranks of the United States Navy during his 37 years to become a rear admiral and a chief engineer. He was instrumental in the development of the modern era of shipbuilding at the Ingalls shipyard in Pascagoula, Mississippi.

After spending many years of service abroad and at sea, Rear Admiral Lisanby became the Commander of Naval Ships Engineering Center, his first Flag officer assignment. During his tenure, he oversaw the design and engineering of all ships and weapons systems developed for the U.S. Navy. He finished his stellar Navy career as the Deputy Commander for Acquisition and Logistics in the U.S. Navy’s Sea Systems Command in Washington, DC.

Following retirement for the Navy, Rear Admial Lisanby started his own consulting firm, Naval Services International, Inc., and became a member of the American Medical Association’s highest award for a public office. Most recently, in 2008, his fellow senators and local news correspondents voted him one of the most effective members of the North Carolina Senate.

Mr. Speaker, it is with admiration and appreciation that I rise today to speak of the ceaseless and tireless efforts of Senator Purcell to represent the people of Anson, Richmond, Scotland, and Stanly counties, and our state as a whole. Today, I urge my colleagues to join me in commending Senator Purcell for his outstanding leadership and achievements, and for a life of selfless devotion to those around him.

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After spending many years of service abroad and at sea, Rear Admiral Lisanby became the Commander of Naval Ships Engineering Center, his first Flag officer assignment, where he was responsible for the design and engineering of all ships and weapons systems developed for the U.S. Navy. He finished his stellar Navy career as the Deputy Commander for Acquisition and Logistics in the U.S. Navy’s Sea Systems Command in Washington, DC.

Following retirement for the Navy, Rear Admiral Lisanby started his own consulting firm, Naval Services International, Inc., and became the first American elected President of the International Professional Engineering and Naval Architects Society, IPEN. He also served on numerous boards, including those of the United States Life Insurance Company and the Sioux Manufacturing Company of Devil’s Lake, ND, and he also served as the Chairman of the Board of Technology Financing, Inc., part of the BMT Group of International Companies.

Not only was he successful in serving his country, and in business, but he had a very impressive academic record. A U.S. Naval Academy graduate, he earned a Professional Engineers Degree (PE) from the Massachusetts Institute of Technology, and an advanced Management Degree from the Harvard Business School (PMD).

Rear Admiral Lisanby and Dr. Sarah Hollingsworth Lisanby, his lifelong partner, have been married for 36 years and have three children, veteran Michael Lisanby and daughters Victoria Leigh Soto and Victoria Lisanby. They reside in Hendersonville, NC.

Rear Admiral Lisanby was also an active member of the Development Circle of Ogden Memorial United Methodist Church in Princeton, a Rotarian and a Paul Harris Fellow.

In addition to his wife, he is survived by his brother, Charles, two daughters, Elizabeth Ann Lisanby and Dr. Sarah Hollingsworth Lisanby, and their families.

The people of Caldwell County, the Commonwealth of Kentucky, and this great Nation were greatly served by Rear Admiral Lisanby, and he will be truly missed.

PERSONAL EXPLANATION

HON. VICKY HARTZLER
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 18, 2012

Mrs. HARTZLER. Mr. Speaker, on Monday, December 17, 2012, I was unable to vote. Had I been present, I would have voted as follows:

On rollcall No. 627, “yea.”
On rollcall No. 628, “yea.”

HONORING THE LIFE OF VICTORIA LEIGH SOTO

HON. ROSA L. DELAURO
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 18, 2012

Ms. DELAUNO. Mr. Speaker, it is with the heaviest of hearts that I rise today to join the Management Defense and Sandy Hook communities as they remember Victoria Leigh Soto who was so tragically taken from us last Friday. Only 27 years old, Victoria was a first-grade teacher at Sandy Hook Elementary School in 2003 and earned a degree with high honors in Education and History from Eastern Connecticut State University. She was currently working to complete her Master's Degree at Southern Connecticut State University. She was a student teacher at Brewster Elementary School in Durham, Connecticut and in her fifth grade class at Sandy Hook Elementary School, Victoria was fulfilling the dream she had had since she was just three years old. Teaching was her passion and it showed. Her students adored her—the many pictures inscribed with “I Love Miss Soto” that adorned her desk as a testament to the impact she had on the children she was charged to care for and educate each day.

Victoria was equally as passionate about her family. In one of her Facebook postings she wrote of her life, “In my spare time, I love spending time with my black lab, Roxie. I love spending time with my brothers, my sisters, and cousins.” Family and friends have described her as a role model—not only to them but to everyone she met.

As the event at Sandy Hook Elementary School unfolded, Victoria quickly hid her young students in closets and cabinets. When the gunman came into her classroom Victoria told him that her students were not in the class but in the gym. He turned the gun on her and she was lost. Victoria’s body would later be found by first responders, huddled together in the closets and cabinets. She saved each of their lives while sacrificing her own. Victoria was a hero in every sense of the word.

The tragic event that occurred at Sandy Hook Elementary School and all of those we lost that day will never be erased from our minds. Though there are no words that can ease her families suffering, I hope that they can take some small comfort in the knowledge that Victoria will always be remembered as a hero. My thoughts and prayers are with her parents, Carlos and Donna, as well as her siblings, Jillian, Carlee, and Carlos Matthew, and extended family as they say goodbye to their angel. Victoria Leigh Soto was an extraordinary young woman and will long serve as an inspiration to us all.

IN HONOR OF CORPORAL MICAHDEL P. NICHOLSON’S SERVICE TO HIS COUNTRY

HON. KATHY CASTOR
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 18, 2012

Ms. CASTOR of Florida. Mr. Speaker, I rise today in honor of one of Florida’s brightest sons, Corporal Michael P. Nicholson of The United States Marine Corps, Echo Company. On July 6, 2011 in an IED blast Corporal Nicholson was almost mortally wounded when he lost his legs and part of his left arm and numerous other injuries. His personal decorations include The Purple Heart, Combat Action Ribbon and numerous other service awards. Michael was 2nd Platoon Mortar Chief and Assistant Patrol Leader. This strong young man from Tampa has been through hell and back with much more to overcome he has been a shining example to all, and makes you proud to say you’re an American. The Tampa Bay community honors his service to our great country. What Michael “Stands For,” is magnificent, and few of us will ever reach the
The one that which you were so born with, that which so says Marine get up and move on . . . the course to stay! And Pity is not a town where you will ever stay! As you so teach us! As you so reach us! As you so beseach all in every way! With the kind of lessons about life that only a kid could say! As you rain mortars of hope down upon us all, all in what your fine heart has so to convey. Because, already in your short life Michael . . . you’ve traveled higher and farther than any of us ever wish or may! Because, you so stand For Something! And as you Still Do, To This Very Day! For Something: So Noble and So Brilliant, and So Bright! Someone To So look Up To, whose most courageous heart brings such light! These rays? Marine, I could climb the highest mountain, and yet never would I reach where you stand this day! For only a few in heaven will so stand, as they! And if ever I had a son Michael, I wish he could but be half the man you are in every way! Who stands for Something so very brilliant, that which most of us never may! All in you in what I saw, as our hearts to you Michael so run! Because in The Game of Life, you are a Champion in every way! Oh how I wish I could stand as tall as you this very day! What have you stood for, out on life’s way? Stand!

IN RECOGNITION OF JUDGE CARMEN RIVERA-WORLEY

HON. MICHAEL C. BURGESS
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 18, 2012

Mr. BURGESS. Mr. Speaker, I rise today to honor Judge Carmen Rivera-Worley. Judge Rivera-Worley has served as District Judge for the 16th District Court in Denton County, Texas for the past nine years. Judge Rivera-Worley received a Bachelor’s Degree from Texas A&M University in 1977. She also received a Master’s Degree from Texas Tech University in 1978. In addition to those degrees, Judge Rivera-Worley proved her commitment to higher-education by earning her Jurisprudence Doctorate from the University of Texas School of Law in 1982. These numerous degrees have allowed Judge Rivera-Worley to extend her knowledge and continually serve the citizens of Denton and Val Verde counties.

Judge Rivera-Worley has extensive experience in practicing law. Before her current position as District Judge, the Honorable Rivera-Worley held several positions as an attorney in Denton County and Val Verde County. She previously served in Denton County’s Criminal District Attorney’s Office as the Assistant Criminal District Attorney/Chief of Civil Division from 1992–2003. Also, she served as Val Verde County Attorney from 1987–1992. Prior to that, Judge Rivera-Worley was elected from 1985 to 1987. Judge Rivera-Worley also played an active role in numerous professional associations.

These include the Denton County Bar Association and The Texas State Bar Association, particularly in the following sections: Construction Law Section, Government Lawyer Section, and Labor and Employment Section. In addition, she held many positions in the Texas District and County Attorney’s Association. In both the Texas District and County Attorney’s Association, she was a member of the Board of Directors, the Long Range Planning Committee for Publications, the Editorial Board, and the Legislative Committee. Also, she served as the Chair of the Civil Committee of the Association, and was also a member of the Governor’s Prosecution Advisory Committee on Punishment Standards Commission, and was a speaker at conferences on local government and purchasing for the Texas Association of Counties and Texas Purchasing Association. Beyond her professional experience, Judge Rivera-Worley has proven her commitment to the community by working with civic organizations and charities in the region. She is currently an associate of the Denton Independent School District’s Bond Progress Committee and of the Denton Christian Preschool Board of Directors and Nominations Committee. Judge Rivera-Worley has also devoted her time to the Trinity United Methodist Church by being a member of the Board of Trustees and of the Council on Ministries. She was also the Chair of the Youth Ministries Committee for the church.

Even with her already outstanding track record of leading her community, Judge Rivera-Worley found the time to serve as a member of the Minority Access Committee at Ann’s Haven Hospice. She also played a significant role in the Denton Chapter of the League of United Latin American Citizens, and was also named Trustee of the Sarah E. Worley Educational Foundation Trust.

Judge Rivera-Worley is a very active member in her community and has a true passion for helping others. As she retires, she will leave a legacy of excellence in the 16th District Court of Denton County and will not be forgotten. I am pleased to recognize Judge Rivera-Worley and am privileged to represent Denton County in the U.S. House of Representatives.
estimates that extending these benefits another year will create 300,000 much-needed jobs.

Now is the time not to cut unemployment; millions of Americans rely on unemployment assistance to survive. In my home state of Illinois during 2012, approximately 320,000 people relied on regular unemployment benefits and almost 140,000 additional Illinoisans depended on emergency unemployment. As Illinois and many other states struggle to turn unemployment downturns around, it is critical that President Obama and Congress extend these benefits. Failure to extend unemployment benefits means that more than two million Americans will lose benefits on December 29th—an additional 2,800 Illinoisans will lose benefits each week in 2013 if Republicans insist on slashing federal emergency assistance.

Our nation continues to experience historic levels of long-term unemployment. Most unemployed Americans no longer receive unemployment insurance benefits, reflecting the crisis that exists for the millions of Americans who have exhausted their benefits and still cannot find work. Indeed, over 40.8 percent of all unemployed workers have been unemployed for more than six months. These Americans lost their jobs through no fault of their own, they tirelessly try to find work when the jobs are few and far between, and they struggle to cover basic food, housing, and transportation costs for their families on an average of $290 a week, a pitance which typically replaces only half of the average family’s expenses.

Now is not the time to cut unemployment benefits; our economy needs federal unemployment benefits to support its growth. In addition to cruelly stripping millions of Americans of vital assistance just days after Christmas, a Republican failure to continue unemployment benefits would devastate our fragile recovery. Moody’s economist, Mark Zandi, estimates that stripping unemployment benefits this year will reduce economic growth in 2013 by $58 billion. Cutting unemployment benefits for two million people will take a tremendous toll on businesses as well as families. Even with the creation of millions of new private-sector jobs and improvements in the ratio of unemployed workers to job openings, jobs remain hard to get. There are 4 million fewer jobs in the economy now than at the beginning of the recession. Further, there are still 3.4 unemployed workers for each available job, worse than at any point during the 2001 recession and dramatically higher than the 1.8 people per job at the outset of the recession in December 2007.

Government leaders have a responsibility to protect Americans and our country, especially during times of national crisis. Failure to continue unemployment benefits will harm our economic recovery and disproportionately harm groups of Americans who are already hardest hit by the economic crisis—including older Americans, low-income Americans, Americans from racial and ethnic minority groups, and Americans without a high school diploma. Congress must quickly act to support our citizens and our economic recovery by continuing emergency unemployment benefits.

TRIBUTE TO DR. LOUIS LYNN
HON. JAMES E. CLYBURN
OF SOUTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 18, 2012

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to a South Carolina entrepreneur and leading landscape designer, Dr. Louis Lynn, a recent recipient of the U.S. Department of Commerce Minority Business Development Agency’s 2012 Ronald H. Brown Leadership Award. The Award recognizes exceptional leaders who have made great strides in creating diversity in the public or private sector. Dr. Lynn is a tremendous small business leader in South Carolina, and I am proud to call him a friend.

Dr. Lynn is a native of Lamar, South Carolina. His childhood in a rural area prompted his love of nature, and he spent his youth par- ticipating in 4-H and full-time agriculture. He also came from a family of entrepreneurs—his grandfather was a shop owner and the father, Lawton, ran a butcher plant. His father was an influential figure in his life, who taught him to take a sense of pride in hard work, and who often once named South Carolina Father of the Year.

In 1964, Louis Lynn entered the second freshman class to integrate Clemson University. He received his Bachelor’s and Master’s degrees in Horticulture from Clemson, and went on to earn a PhD in Horticulture from the University of Maryland. Early in his career, Dr. Lynn was a research scientist. His work at Monsanto led to the development of Roundup® herbicide. But he was called to more hands-on horticultural tasks.

In 1985, Dr. Lynn established ENVIRO Ag Science, Inc., which has become the largest African-American-owned landscape business in South Carolina. As the company has grown, it has added offices in Atlanta and Tucker, GA, and Boston, MA, and is a full-time employer. ENVIRO Ag Science, Inc. was recently named one of the 25 Fastest Growing Companies in South Carolina. His business began as a small residential landscaping business, but today is recognized for very high-profile projects including construction of the Columbina Convention Center, the University of South Carolina Colonial Center, and BMW Manufacturing. Other clients include Ft. Jackson, Shaw Air Force Base, Fort Gordon and the Savannah River Nuclear site. As a SBA HUBZone Certified contractor, his firm is currently under contract with the Department of Defense for repair and renovation services on historic buildings at Fort Benning, Georgia and Fort Bragg, North Carolina.

Dr. Lynn is a man of great faith. He feels called to give back to the community. In 1988, he was elected to the Clemson Board of Trustees, and is serving his seventh four-year term. He has also served on the boards of the BB&T Bank, South Carolina Workforce Investment, the South Carolina Chamber of Commerce, the Columbia Chamber of Commerce, the South Carolina Governor’s School for Science and Mathematics, the Palmetto Agribusiness Council, the Midlands Business Leadership Council, the State Museum Foundation, the South Carolina Horticulture Society and the South Carolina Commission of Higher Education.

Dr. Lynn and his wife, Audrey, are the parents of three adult children.

Mr. Speaker, I ask you and my colleagues to join me in congratulating Dr. Louis Lynn on receiving the prestigious Ronald H. Brown Leadership Award. He has made extraordinary contributions as an entrepreneur, a community leader, and a man of faith. I can think of no one more deserving of this honor.

HONORING FLORIDA’S 7TH CONGRESSIONAL DISTRICT ACADEMY BOARD MEMBERS
HON. JOHN L. MICA
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 18, 2012

Mr. MICA. Mr. Speaker, I rise today to pay tribute to members of my 7th Congressional District of Florida United States Service Academy Board Members. These are wonderful Americans who have provided voluntary service to assist in the nomination and selection of young men and women who will attend our nation’s military academies. Each of these individuals has faithfully worked to help our country choose the very best of our youth to train for leadership positions in our military branches. The United States Army, Navy, Air force and Marine Corps each owe these board members special thanks and recognition for their years of work and efforts.

They have not only interviewed hundreds of students applying to the academies, but also provided invaluable counseling and support in their important life and career choices.

On behalf of all the people of the 7th Congressional District I salute and honor LTC James T. Marino (Ret.) of St. Johns, Mr. Derek Hankerson of St. Augustine, Dr. Dan Kelso of St. Augustine, Col. Douglass Wood (Ret.) of Palm Coast, Mr. Dan Quiggle of Ponte Vedra Beach, Col. Frank Farmer, Jr. (Ret.) of Ormond Beach, Col. Charles Early, Jr. (Ret.) of DeLand, Mrs. Mary Ann Walsh of Ormond Beach, Mr. Dan Hughes USMC (Ret.) of Palm Coast, Capt. Bill Knehans, DC, USN (Ret.) of Ormond Beach, LTC Al Peterson (Ret.) of Welaka and Mr. Tony Papandrea of Palm Coast.

I ask my colleagues to join me in recognizing and thanking the Military Service Academy Board Members of Florida’s 7th Congressional District.

HONORING FORMER SENATOR GEORGE MCGOVERN
HON. JAMES P. MCGOVERN
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 18, 2012

Mr. MCGOVERN. Mr. Speaker, George McGovern was a leader in the battle to end hunger—here in the United States and around the world. His recent passing should remind all of us of the need to continue his fight. Hunger is a political condition. We have the food and know how to end it—what we’re missing is the political will. As a tribute to Senator McGovern, let’s all help create that political will.

Mr. Speaker, I submit a number of tributes to the great man.
GEORGE MCGOVERN—AN OUTSTANDING LEADER ON CHILDREN’S HUNGER AND NUTRITION

(By Gus Schumacher)

George McGovern will be remembered for much during his extraordinary 90 years—for some it is for his difficult loss to President Nixon in the 1972 presidential election, for others it is for his heroics while serving as a WWII bomber pilot. I will always remember the former senator during his tenure from South Dakota for his unfailing public service, his integrity and his great courage over decades to sustain a passionate commitment to assisting the poor and hungry both domestically and overseas.

I was fortunate to get to know Senator McGovern, who was appointed by President Jimmy Carter as Undersecretary at the USDA while he served as our Ambassador to the United Nation’s Food and Agriculture Organization in Rome. During those meetings he continually pressured us for more support to the world’s hungry, especially children. When he returned to the United States, he continued his pressure on us to fund what would become the McGovern-Dole International Food for Education and Child Nutrition Program.

On his return from Rome, Senator McGovern convinced former Senator Bob Dole of Kansas to write a joint OpEd column in the Washington Post on the paucity of good nutrition programs overseas. The column was instrumental in helping establish the UN’s Food and Agriculture Organization in Rome. During those meetings he continually pressured us for more support to the world’s hungry, especially children. When he returned to the United States, he continued his pressure on us to fund what would become the McGovern-Dole International Food for Education and Child Nutrition Program.

When I learned that George McGovern was near the end of his life, couldn’t help but think back to the day in June 1993 when both of us attended the funeral of former first lady Pat Nixon, in Yorba Linda, Calif. After the service, George McGovern was asked by a reporter why he should honor the wife of the man whose alleged dirty tricks had kept him out of the White House. He replied, “You can’t keep on campaigning forever.”

That classy remark was typical of George, a true gentleman who was one of the finest leaders, his integrity and his great courage over decades to sustain a passionate commitment to assisting the poor and hungry both domestically and overseas.

Congressman Jim McGovern (D-MA), no relation to Senator McGovern, read that Washington Post article, called President Clinton and asked him to invite McGovern to the White House. The President quickly invited him over to the Cabinet Room and asked a number of senior officials from the White House, USAID and USDA to join the briefing. After listening to Senator Dole and the two senior state men from opposite sides of the political aisle helped generate major improvements in the food stamp program, together we, the senators, said, would generate support and funding for such programs overseas.

Senator McGovern was passionate on his proposal and quickly convinced the President who then turned to Secretary Glickman and me to use our offices under the Commodity Credit Corporation legislation (Secretary Glickman was then Chair and I was then President of CCC) to ramp up a pilot program in 2001. It was extremely successful and Congress subsequently included funding in each farm bill since that historic White House meeting.

McGovern’s passion for improving children nutrition was infectious. He never flagged on this work and here at Wholesome Wave his passion continued. His dedication is reflected in his efforts to deepen his early work on food stamps and WIC with our nutrition incentives for these programs in more than 300 farmers markets across the country. These work benefits many of the families that McGovern was so passionate to assist. He will be much missed, but his legacy to assist hungry children here at home and overseas is continuing.

ENDNOTE

The McGovern-Dole International Food for Education and Child Nutrition Program (McGovern-Dole) helps support school feeding, child development, and food security for some of the world’s poorest children. It provides for donations of U.S. agricultural products, as well as financial and technical assistance, for school feeding and maternal and child nutrition projects in low-income, food-deficit countries that are committed to universal education. The McGovern-Dole program was originally authorized by the Farm Security and Rural Investment Act of 2002. Of the legislation $30 million in Commodity Credit Corporation (CCC) funds to launch the program in fiscal year 2003, with future funding coming from Commodity Credit Corporation appropriations was reauthorized in the Food, Conservation, and Energy Act of 2008. That legislation provides for the use of $84 million in CCC funds and allows CCC appropriations, which has been approximately $100 million annually in recent years. The program is administered by the U.S. Department of Agriculture’s Foreign Agricultural Service and is in honor of Ambas sador and former Senator George McGovern and former Senator Robert Dole for their worldwide efforts to help end global hunger, especially in children.

Senator Dole and I will be much missed, but his legacy to assist hungry children here at home and overseas is continuing.

STATEMENT BY ADMINISTRATOR SHAH ON THE PASSING OF SENATOR GEORGE MCGOVERN

Senator George McGovern was a tremendous leader in the global movement to end hunger and malnutrition, and his partnership and friendship to the U.S. Agency for International Development will be irreplaceable. Senator McGovern’s ties to our Agency date back to his appointment by President John F. Kennedy as the first Director of Peace Corps in 1961 and at this time at USAID was key to making him a lifelong champion of combating hunger, a commitment that has shaped global institutions and impacted millions of people around the world.

In his 18 years in the U.S. Senate, he sponsored numerous health and nutrition programs that served as chair of the Senate Select Committee on Nutrition and Human Needs. In addition to fighting hunger in the United States, he also teamed up with Senator Dole to create the McGovern-Dole International Food for Education and Child Nutrition Program, which provides school meals to millions of children across the world every day. The program has been an instrumental role in helping establish the UN World Food Programme and was appointed as the UN’s first Global Ambassador on World Hunger in 2002. He was recognized for his great leadership as co-Laureate of the World Food Prize in 2008.

Senator McGovern’s tireless dedication to ending hunger and malnutrition helped encourage a renewed focus on food security around the world, including President Obama’s global initiative Feed the Future. Across more than six decades of public service, he inspired countless others with his leadership, friendship, and commitment, always taking the time to mentor and coach young people.

Senator McGovern will be greatly missed, but his legacy has left us inspired and energized to carry his mission forward.

[From the Daily Beast, Oct. 22, 2012]

ROBERT SHRUM ON FRIEND GEORGE MCGOVERN, TWO TIME PANICAN

(By Robert Shrum)

Written off today as history’s greatest loser for his 1972 presidential drubbing, the
December 19, 2012

Congressional Record — Extensions of Remarks

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senator should be remembered for moving America forward on innumerable issues, from Vietnam to gay rights, says friend and former speechwriter Robert Shrum.

When I was first called and told that George McGovern was in hospice care, I was overwhelmed with sadness. Yes, at 90, he had lived a long and extraordinary life, but when I talked with him recently, he was tireless—impassioned in public events, acutely insightful, a political leader retired from office though never from caring or speaking out. He had an unadorned sense of the possible, and how to push the boundaries. In him, that combination was not always seen or credited—in part because he was unerringly principled, and of course because he so decisively lost in 1972.

So I think of him, and will write of him here, as someone who, while respected, often unintentionally misunderstood, caricatured by opponents on the right and inside his own party, but who nonetheless lifted the vision of the nation—and in his friend Robert Kennedy’s phrase, “made better the life of the world.”

I am not an objective observer. He was a shining and shaping force in my life. I trusted him. I valued him. I believe with his acceptance speech for the Democratic presidential nomination when I was still in my 20s and had come to his campaign only weeks before the convention. I learned about foreign policy, and farm policy, and how to sip a vodka martini.

When I worked for him in the Senate, he and his wife, Eleanor, one of the sharpest and sweetest people I ever met, took me on my first European trip, and then again to Asia. It’s a journey that has never ended and without them might never have started.

In his last gift of public service, as the American ambassador to the United Nations Food and Agriculture Organization in Rome under President Clinton, and for a while even under President George W. Bush, George and Eleanor happily let me guide them around museums and churches—and restaurants—I’m certain they had been to before. It was a reprise of my days there more than two decades earlier, when we were on our way home from India, Pakistan, and Vietnam, and they changed our stopover from London to the Eternal City because I so yearned to see it.

My wife, Marylouise, who loved to cook riceotto, and who used to say that it, more than once said he was a second father to me. In that, I was not alone.

In the mid-1970s, when George had many years experience as a congressman and had decided to write a book called Losers about presidential candidates who, despite defeat and the blame that inevitably follows, had moved America forward in transformational ways. George would have been the concluding chapter. I sat down with one of the leading publishers in New York who dismissed the idea, he said, wanting me to read about losers. Then he wondered if I’d be interested in ghostwriting a book for Nixon’s attorney general and Watergate criminal former speechwriter Robert Shrum.

The irony was that George had been entirely right then, and his criticisms had been largely dismissed. President Nixon may have been impeached, but George was still written off as history’s biggest loser.

History itself has bigger claims and a longer memory. So two decades later, I find myself being labeled an isolationist or an extremist—he was neither, but he was only human—also had a certain equanimity about the stereotype, a belief in the power of clarity of thought, and accomplished matters more than what was said about him. But in death if not in life, he deserves a fair accounting of who he truly was, and the differences he made.

George would reject similar counsel of caution to address an openly gay political organization in Rome under President John F. Kennedy, who was deeply uninterested in ghostwriting a book for Nixon’s attorney general and Watergate criminal former speechwriter Robert Shrum.

The collateral result was the elaborate process for picking a vice-presidential nominee that has prevailed ever since. It’s one legacy George would have preferred not to create.

It’s telling that in the 2012 campaign, the standard position on immigration—the women’s issue is the one he had 40 years ago. He was ahead of his time, and he was a reshaping influence on our times.

He not only opposed the Vietnam War but afterward proposed the reconciliation that was delayed until the 1990s. Gerald Ford might have gone for it—he discussed it with George—but flatly ruled it out 10 days after Ronald Reagan announced a challenge to Ford’s nomination.

George advocated normalization of relations with China in a series of lectures in 1961, at the height of the Korean War. He did it again to far more attention—the lectures had provoked only a venemous response in the local newspaper—on the Senate floor in 1968, during the escalation of the Vietnam War. He called for an end to the embargo on Cuba a decade later and twice visited the island to meet Fidel Castro.

For what I have recounted so far: events have proved him correct, as they will on Cuba. He was to a very real degree the politician as prophet. He had no meanness, but he was steel in his convictions. His Senate colleagues squirmed in 1970 as he reproved them before a vote on setting a deadline to withdraw from Vietnam: “Every senator is partly responsible for that human wreckage at Walter Reed and Bethesda Naval, and all across our land—young men without legs, or arms, or genitals, or faces, or hopes.”

Yet he could work with those on the other side, including the usually intractable right-wing sensor from North Carolina, Jesse Helms. George made peace with Nixon, who had plotted to blame him for the shooting of McGovern bested Buckley and conservative icon Bill Buckley, whom he defeated repeatedly on Firing Line. For one tapping of the show in 1984, the team of McGovern and Shrum beat Buckley and George McGovern never yielded in his beliefs, but he never hated either. In deed he treasured his relationship with the conservative icon Bill Buckley, whom he debated repeatedly on Firing Line. For one tapping of the show in 1984, the team of McGuovern and Shrum bested Buckley and George McGovern never yielded in his beliefs, but he never hated either.

Bobby Kennedy, and soon after Teddy, and it left him with a lifelong passion to end the practice of war on the backs of the least noticed truth about him. He was a masterfulอบาสатель of ideals. But it was his tem-}.
expand the Food Stamp Program. Millions of people in America who may not remember his name will not go hungry today because of George—and others half a world away are alive today because are alive because of his service from Food for Peace from 1961 to 2001, when he resigned as ambassador to the U.N. food agency.

His is a dual legacy, of ideas and of so many individuals he brought into politics who stayed to make their own mark. There was his proposal for tax simplification—low flat rates and closing loopholes—which predated the reform Reagan negotiated with the Democrats by 14 years. The notion is still at the center of campaign conversations.

President George Bush retired in 1993. Every department head on his watch now has their own dedicated vehicle, improving response time and reducing vehicle maintenance. During Sheriff Wampler's five terms in office, the agency acquired much needed, specialized equipment to assist with rural law enforcement and search and rescue needs. Today, the office has three airplanes, a snow cat, snow machines, ATVs, a mobile command vehicle and a mobile command trailer just to name a few.

This equipment has aided the sheriff's office in numerous search and rescue operations, including a December 2006 mission that gained national attention. Sheriff Wampler led the search effort for three missing climbers on Mt. Hood, personally piloting the department's Piper Cub airplane to look into a final tip before making the difficult decision, after two weeks of searching, to focus on recovery of the climber's remains. His personal passion for the residents and visitors of Hood River County is an inspiration.

Additionally, Sheriff Wampler was one of the founding members of Northern Oregon Regional Corrections (NORCOR), the regional jail facility in The Dalles. NORCOR, which opened in 1999, replaced Hood River and Wasco Counties' aging jail facilities and gave Sherman and Gilliam Counties a dedicated jail. NORCOR gave Hood River County over 40% more jail space with minimal financial impact.

Mr. Speaker, I ask that my fellow colleagues recognize Sheriff Joe Wampler. He has earned the thanks of a grateful nation, and I will always be proud to be a McGovernite.

Mr. Speaker, I ask that my fellow colleagues recognize Sheriff Joe Wampler. He has earned the thanks of a grateful nation, and I will always be proud to be a McGovernite.

PERSONAL EXPLANATION

HON. LEE TERRY
OF NEBRASKA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 18, 2012

Mr. TERRY. Mr. Speaker, due to mechanical difficulties, I was unable to make votes on Monday, December 17, 2012. Had I been present, I would have voted "aye" on both H.R. 4604 and S. 3193.

HONORING THE HONORABLE WILLIAM C. COLEMAN, JR.
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 18, 2012

Mr. MICA. Mr. Speaker, I rise today to pay tribute to a great American patriot, an accomplished state and national leader and a wonderful personal mentor and friend, William C. Coleman, Jr. passed away on December 13, 2012. With the passing of Bill Coleman, the Central Florida community and our country has lost one of the outstanding figures of our time.

Born in Tennessee, Bill was first introduced to Central Florida when he would frequently visit his grandparents who lived in Lancaster Park. Hours after graduating High School, Bill enlisted in the United States Army.

During World War II, as an Army Paratrooper with the 101st Airborne Division, he suffered a traumatic head injury in France during the Normandy Invasion behind enemy lines. After his capture and survival as a Prisoner of War, he returned to civilian life. He is the recipient of the Purple Heart, Bronze Star and POW medal.

Bill enjoyed a successful real estate career and also taught the subject to many at Rollins College as well as launching what has been described as a community of leaders. He was an active member and leader in numerous organizations including the University Club and Republican Party of Florida. In Central Florida, he was a Charter Member of the Tiger Bay Club, a founding member of the Central Florida Kiwanis Club and President of the Central Florida Veterans Council. In addition, Bill served as Chairman of the Orange County and Orlando Mayor's Advisory Council as well as serving as the Central Florida Veterans Memorial Park Foundation's first President. Countless community organizations and events were successful because of his tireless work and support.

Bill Coleman was elected to the Florida State House of Representatives in 1955 and later served as Florida's first Secretary of Transportation. At the national level, he was selected by President George W. Bush to serve as United States Commissioner of Public Buildings.

Bill Coleman's tireless efforts to aid American Veterans were instrumental in securing a new VA Hospital and extensive medical complex in Central Florida scheduled to open next year.

To honor the service and memory of our veterans and military, Bill also helped to lead and support memorial projects to commemorate and recognize their contributions to keeping America free.

While Bill's family has lost a loved one, I have lost a wonderful friend and mentor. From my very first days in Central Florida 40 years ago, Bill Coleman never stopped assisting or inspiring me. He, more than anyone in the community, helped me be part of numerous civic endeavors, veterans' programs and Republican Party and leadership positions. For this special guidance, assistance and friendship I will forever be grateful.

As we honor and recognize Bill Coleman's many life achievements, our sympathy is extended to his wife, Toni, and family. Bill's passing of our veterans and our country. This is an event that has lost one of the outstanding figures of our time.
HONORING MR. LEON PAGE

HON. ED WHITFIELD
OF KENTUCKY
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 18, 2012

Mr. WHITFIELD. Mr. Speaker, I rise today to honor the life of Mr. Leon Page, who passed away last Monday, December 10, 2012.

Mr. Page was a community leader and philanthropist who helped organize Franklin Bank and Trust and served as chairman of the bank’s board of directors for 45 years. In his 90 years of life, Mr. Page helped open and lead what became the largest bank in Franklin, Kentucky, an area I have the privilege of representing in the First Congressional District.

Mr. Page was active in all facets of the community. He was instrumental in industrial development in Franklin and Simpson County and was active in various community organizations. Having served as President for both the Franklin-Simpson Chamber of Commerce and the Franklin Rotary Club, Mr. Page also helped organize the Caveland Girl Scout Council and was treasurer of the Quarterback Club.

Leon Page served on the Kentucky Bankers Association and various boards and councils at Western Kentucky University. He also established a scholarship fund at Western Kentucky University that awards a four-year scholarship to Western Kentucky University graduates who majors in business each year.

I join the family, friends, and entire Franklin, Kentucky community in mourning the passing of this great man. He demonstrated the best of the values found throughout the First Congressional District of Kentucky. He is someone who, despite his personal success, will be best remembered as inspiring and helping guide others to achieve success for themselves, and a man who graciously gave back to a community that had given him so much.

HON. LAURA RICHARDSON
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 18, 2012

Ms. RICHARDSON. Mr. Speaker, I rise today to pay tribute to the memory of Senator Daniel Inouye of Hawaii. Senator Inouye was an extraordinary leader, family man, and American hero. He leaves behind his wife Irene and son Ken, as well as countless friends and constituents who mourn his passing. He was 88.

Senator Inouye served nobly in World War II and was awarded a Medal of Honor. He then continued to devote his life to our Nation and the State of Hawaii by becoming the state’s first congressman as well as a nine-term senator. He was especially appointed to the prestigious position of Chairman of the Appropriations Committee, and in his work he was always mindful of strengthening our national security and fulfilling our promises to our veterans. Many of my constituents have family and friends in Hawaii, and I know they all directly benefited from his hard work and commitment to the values of the American people. Mr. Speaker, Senator Inouye was a model of integrity, courage, and bipartisanship. His presence will be sorely missed, but I know his memory will inspire our leaders in years to come. I extend my thoughts and prayers to his family and loved ones. I hope they find some comfort in knowing the incredible legacy he leaves behind in hearts across the Nation.

PERSONAL EXPLANATION

HON. BOB GOODLATTE
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 18, 2012

Mr. GOODLATTE. Mr. Speaker, on rollcall Nos. 627 & 628, I was unavoidably detained. Had I been present, I would have voted “aye” on both rollcall votes.

MOROCCAN AUTONOMY PLAN

HON. DAVID RIVERA
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 18, 2012

Mr. RIVERA. Mr. Speaker, like so many others, I ran for Congress because I believe in the greatness of the American people, the nobility of our national ideals, and the emergence of our principles and rights that have made America that shining city upon a hill. But there are still many peoples who yearn for freedom and basic human liberties. The Sahrawi people of Western Sahara have been trapped in dreadful and oppressive conditions for over thirty years with the support and enabling of a compromised and corrupt Algerian government and its puppet regime, the Polisario Front.

The Polisario instituted mass kidnappings of Sahrawis from their homes into the Tindouf region in Western Algeria. The majority of these refugees have remained warehoused and imprisoned in Tindouf’s sprawling camps for 35 years.

The Polisario partners and collaborates with the likes of Cuba, whose military distributes food in the camps on a quid pro quo basis and “educates” children who have been reportedly stolen from their parents, and the government and its puppet regime, the Polisario Front.

The Government of Morocco has advanced an Autonomy Plan that does address these issues and provides a clear, simple, transparent and democratic solution to the long drawn out Sahara crisis. This is where America’s support should lie.

Mr. Speaker, the United States can and must continue to advance fundamental human rights, freedom and democracy as we, in this chamber, continue to work together for peace, justice, and human dignity in the Western Sahara.

THE MOROCCAN INITIATIVE IN THE WESTERN SAHARA

The Moroccan initiative comes in response to repeated requests of the United Nations Security Council and several of its key members, including the United States, that Morocco propose a solution to this longstanding problem that could facilitate the opening of negotiations for a “just, durable and peaceful” political solution.

After nearly a decade of trying to bring the Polisario and Morocco to the table to conduct a referendum to determine the territories future, Kofi Annan, then Secretary
General, and James Baker, then Personal Envoy for the Western Sahara, reported to the Security Council that it was not possible to achieve agreement between the Polisario and Morocco. The central issue was that both parties should be permitted to vote in a referendum. Consequently, Annan and Baker recommended that the Security Council encourage Polisario to enter into direct negotiations to find a compromise political solution. The Security Council accepted the recommendation and authorized the parties to negotiate.

James Baker proposed two such compromise political solutions based on the underlying assumption that the proposals would allow Morocco to remain sovereign in the Western Sahara but would benefit from a substantial autonomy that would allow it to become self-governing. Morocco accepted the first Baker proposal as the basis for direct negotiations, but the Polisario refused. The Polisario accepted the second Baker proposal, but Morocco refused since it did not allow for direct negotiations. The parties have now agreed on the terms of the arrangement. The Moroccan proposal is the first and only proposal to come from one of the parties to the conflict in response to Security Council resolutions. In various forms, the Polisario has continued to insist that the referendum be held, and threats a renewal of hostilities. The African Union and the Organization of Islamic Conference have pressed for a settlement through regional peacekeeping forces, but the conflict continues to simmer.

SUMMARY OF THE MOROCCAN INITIATIVE:

The initiative is the product of a year-long internal and foreign Moroccan consultation process. All sectors of the Sahrawi population, the Consultative Councils, the views of foreign governments and expert international authorities were sought before the plan was finalized for presentation to the United Nations.

The plan itself represents an outline for a political solution that traces what Morocco considers to be the broad scope of an autonomy statute for the Western Sahara. It does not go into extensive detail on various aspects of the problem. The plan is intended to provide a framework for the parties to negotiate and to achieve progress towards a political solution.

The initiative also envisages transitional bodies to guide the central government and the autonomous authority through the initial stages of implementation of the plan. All individual rights guaranteed under the Moroccan Constitution would continue to apply to all residents of the autonomous region.

MOROCCAN INITIATIVE FOR NEGOTIATING AN AUTONOMY STATUTE FOR THE SAHARA REGION

1. Morocco’s Commitment to a Final Political Solution

1. Since 2004, the Security Council has been regularly calling upon the parties to the conflict to cooperate fully with the United Nations to end the current impasse and to achieve progress towards a political solution.

2. Responding to this call by the international community, the Kingdom of Morocco has made proposals to settle the Sahara within the framework of the Kingdom’s sovereignty and national unity.

3. This initiative is part of the endeavors made by the Kingdom of Morocco as expressed in the resolutions of the Security Council, based on the rule of law, collective and individual freedoms, and economic and social development. As such, it brings hope for a better future for the region’s populations, puts an end to separation and exile, and promotes reconciliation.

4. Through this initiative, the Kingdom of Morocco guarantees to all Saharans, inside as well as outside the territory, that they will hold a privileged position and play a leading role in the bodies and institutions of the region, without discrimination or exclusion.

5. Thus, the Saharan populations will themselves run their affairs democratically, through legislative, executive and judicial bodies enjoying exclusive powers. They will have the financial resources needed for the region’s development in all fields, and will take an active part in the nation’s economic, social and cultural life.

6. The State will keep its powers in the areas of defense, external relations and the constitutional and religious prerogatives of the King, as Commander of the Faithful and Guaranator of freedom of worship and of individual and collective freedoms.

7. National security, external defense and defense of territorial integrity;

8. External relations;

9. The Kingdom’s juridical order.

II. APPROVAL AND IMPLEMENTATION PROCEDURE FOR THE AUTONOMY STATUTE

27. The Region’s autonomy statute shall be the subject of negotiations and shall be submitted to the populations concerned for a referendum, in accordance with the principle of self-determination and with the provisions of the UN Charter.

9. To this end, Morocco calls on the parties and the peoples to write a new chapter in the region’s history. Morocco is ready to take part in serious, constructive negotiations in the spirit of this initiative, and to contribute to promoting a climate of trust.

To achieve this objective, the Kingdom of Morocco remains willing to cooperate fully with the UN Secretary-General and his Personal Envoy.

II. BASIC ELEMENTS OF THE MOROCCAN PROPOSAL

11. The Moroccan autonomy project draws inspiration from the relevant proposals of the United Nations Organization, and from the constitutional provisions in force in countries that are geographically and culturally close to Morocco. It is based on internationally recognized norms and standards.

A. POWERS OF THE SAHARA AUTONOMOUS REGION

12. In keeping with democratic principles and procedures, and acting through legislative, executive and judicial bodies, the populations of the Sahara autonomous Region shall exercise powers, within the Region’s territorial boundaries, mainly over the following:

1. Region’s local administration, local police force and jurisdictions;

2. In the economic sector: economic development planning, promotion of investment, trade, industry, tourism and agriculture;

3. Region’s budget and taxation;

4. Infrastructure: water, hydraulic facilities, electricity, public works and transportation;

5. In the social sector: housing, education, health, employment, sports, social welfare and social security;

6. Cultural affairs, including promotion of the Saharan Hassani cultural heritage;


13. The Sahara autonomous Region will have the financial resources required for its development in all areas. Resources will come, in particular, from:

8. Taxes, duties and regional levies enacted by the Region’s competent authorities;

9. Proceeds from the development of natural resources allocated to the Region;

10. The share of proceeds collected by the State from the development of natural resources located in the Region;

11. The necessary funds allocated in keeping with the principle of national solidarity;

12. Proceeds from the Region’s assets.

14. The State shall keep exclusive jurisdiction over the following:

15. The attributes of sovereignty, especially the flag, the national anthem and the currency;

16. National security, external defense and defense of territorial integrity;

17. External relations;

18. The Kingdom’s juridical order.

III. APPROVAL AND IMPLEMENTATION PROCEDURE FOR THE AUTONOMY STATUTE

27. The Region’s autonomy statute shall be the subject of negotiations and shall be submitted to the populations concerned for a referendum. This referendum will constitute a free exercise, by these populations, of their right to self-determination, as per the provisions of international legitimacy, the Charter of the United Nations and the resolutions of the General Assembly and the Security Council.

28. To this end, the parties pledge to work jointly and in good faith to foster this political solution and to secure its approval by the Saharan populations.

29. The Moroccan Constitution shall be amended and the autonomy Statute incorporated into it, in order to guarantee
Ms. HERRERA BEUTLER. Mr. Speaker, I rise today to honor an extraordinary man and public servant, Marc Boldt. Today, I ask all members of Congress to join me in honoring an extraordinary man and public servant, and a friend to all. Today, I ask all members of Congress to join me in honoring an extraordinary man and public servant, Marc Boldt.

Marc is a true public servant, Marc Boldt. His work on behalf of the people who live in Clark County has earned the respect of people of all political stripes. While his service on the Board of Clark County Commissioners will end in January of 2013, Marc will undoubtedly continue to serve the people of Southwest Washington as a community leader. He is a loving husband, father, grandfather, public servant, and a friend to all. Today, I ask all members of Congress to join me in honoring an extraordinary man and public servant, Marc Boldt.

### PERSONAL EXPLANATION

#### HON. JIM GERLACH

**OF PENNSYLVANIA**

**IN THE HOUSE OF REPRESENTATIVES**

*Wednesday, December 19, 2012*

Mr. GERLACH. Mr. Speaker, on December 17, 2012, I unfortunately missed two recorded votes on the House floor. Had I been present, I would have voted “aye” on rolcall 627 and “aye” on rolcall 628.

### HONORING THE LIFE AND MEMORY OF JUSTIN KUNICK

#### HON. BRIAN HIGGINS

**OF NEW YORK**

**IN THE HOUSE OF REPRESENTATIVES**

*Wednesday, December 19, 2012*

Mr. HIGGINS. Mr. Speaker, on December 27th Justin Kunick lost his battle with Stage IV colon cancer. Living up to his team motto, he quickly undergone surgery and was back on the field the next week. In and out of the hospital, Kunick watched over his team contacting them by phone and text messages between innings. On April 27th Justin Kunick lost his battle with cancer at the age of only 32. Although he is no longer with us, his spirit lives on in his students and players. Kunick believed that you could overcome anything life threw at you; as long as you were giving it your all, you were rising above. Mr. Speaker, today I call on my colleagues in Congress to join me in celebrating the life and spirit of a great man who lived with enduring principles. It is my privilege to honor Justin Kunick’s memory today.

### HONORING THE STEVENS FAMILY IN AMERICA—11 GENERATIONS ALWAYS MOVING FORWARD

#### HON. ALBIO SIRES

**OF NEW JERSEY**

**IN THE HOUSE OF REPRESENTATIVES**

*Wednesday, December 19, 2012*

Mr. SIRES. Mr. Speaker, I rise today to honor the John Stevens Family on all of their great accomplishments as entrepreneurs and philanthropists, and to share the history of the family that founded the Stevens Institute of Technology. Stevens Institute of Technology was founded in 1870 and is named for a distinguished family of engineers and inventors who have made tremendous contributions to our nation’s maritime and railroad systems. Stevens’ 55-acre tree-shaded campus occupies part of the family’s original estate, near the edge of the Hudson River at Castle Point in Hoboken, New Jersey overlooking Manhattan.

Stevens, also known as “The Innovation University,” has a student population of more than 6,000 students and over 37,000 alumni. Alumni have leadership positions in many industries including construction, power generation, telecommunications, green energy, bio-technology, transportation, green energy and the financial community.

Today there are more than 400 descendants of the Stevens family throughout the United States and abroad. On October 6, 2012, they came to Stevens Institute of Technology for their first family reunion in more than 30 years to reconnect, to learn about their family history, and to gain an understanding of the many ways the university

its sustainability and reflect its special place in the country’s national juridical architecture.

30. The Kingdom of Morocco shall take all the necessary steps to ensure full integration, into the nation’s fabric, of persons to be repatriated. This will be done in a manner which preserves their dignity and guarantees their security and the protection of their properties.

31. To this end, the Kingdom of Morocco shall, in particular, declare a blanket amnesty, precluding any legal proceedings, arrest, detention, imprisonment or intimidation of any kind, based on facts covered by this amnesty.

32. Once the parties have agreed on the proposed autonomy, a Transitional Council composed of their representatives shall assist with repatriation, disarmament, demobilization and reintegration of armed elements who are outside the territory, as well as with any other action aimed at securing the approval and implementation of the present Statute, including elections.

33. Just like the international community, the Kingdom of Morocco firmly believes today that the solution to the Sahara dispute is the only way to bring peace to Morocco. Accordingly, the proposal it is submitting to the United Nations constitutes a real opportunity to create a new dynamic with a view to reaching a final solution to this dispute, in keeping with international legality, and on the basis of arrangements which are consistent with the principles and norms enshrined in the United Nations Charter.

34. In this respect, Morocco pledges to negotiate in good faith and in a constructive, open spirit to reach a final, mutually acceptable political solution to the dispute plaguing the region. To this end, the Kingdom of Morocco is prepared to make a positive contribution to creating an environment of trust which would contribute to the successful outcome of this initiative.

35. The Kingdom of Morocco hopes the other parties will appreciate the significance and scope of this proposal, realize its merit, and make a positive and constructive contribution to it. The Kingdom of Morocco is of the view that the momentum created by this initiative offers a historic chance to resolve this issue once and for all.

Although he had lost the ability to operate fully from his right side, it did not stop him from pitching more games, 36 to be exact, than anyone in Keuka College history. After college Kunick left New York State, moving to Florida to teach chemistry and coach the game that he had come to love. He spent the next 20 years as an assistant coach at Ridgewood High School before moving to Fivay as its schools head coach.

At Fivay, Kunick rebuilt the baseball program instilling discipline and encouraging perseverance. He developed close relationships with his players and created a reputation as a coach who would do anything for his boys. Eventually a new team motto sprouted from his leadership, rise above.

In February, Kunick encountered a new hurdle after being diagnosed with Stage IV colon cancer. Living up to his team motto, he quickly underwent surgery and was back on the field the next week. In and out of the hospital, Kunick watched over his team contacting them by phone and text messages between innings. On April 27th Justin Kunick lost his battle with cancer at the age of only 32. Although he is no longer with us, his spirit lives on in his students and players. Kunick believed that you could overcome anything life threw at you; as long as you were giving it your all, you were rising above. Mr. Speaker, today I call on my colleagues in Congress to join me in celebrating the life and spirit of a great man who lived with enduring principles. It is my privilege to honor Justin Kunick’s memory today.

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founded by their ancestors 142 years ago has contributed to our society.

The most notable member of the family was Colonel John Stevens III. During the Revolutionary War, he was appointed to be a captain in Washington’s Army at age twenty-seven. Later he was promoted to Colonel, and collected taxes for the American cause as Treasurer of New Jersey. After the war in 1784, he purchased land that is now Hoboken, and includes the current campus for Stevens Institute of Technology.

In 1788, Colonel Stevens was the first inventor to build and sail a steamboat on the Hudson River. The Colonel's boiler design, his twin screw propellers, and the steam ferry he ran between Hoboken and New York were among his many outstanding "firsts." His steam ship, the Phoenix, captained by his son Robert was also the first steamship to sail the ocean, in 1809. On land, Colonel Stevens purchased the first American locomotive, the "John Bull." The John Bull is now on display at the Smithsonian Museum in Washington, DC.

The Colonel's sons also developed an aptitude for innovative engineering. His son Robert invented the T-rail for railroads, which is still in use today on railroads throughout the world. Robert also invented the ferry slip, a supporting iron for projecting guard beams on steamboats, and made several other improvements to ferries and steamboats. A second son, Edwin A. Stevens, founded the university as a part of his estate. Edwin built and operated New Jersey's first railroad. His experiments also resulted in the iron-clad warship. A third son, John Cox Stevens, was a sailor and joined the syndicate that built the schooner "America" and became the first winner of the famed America's Cup racing series. He also founded the New York Yacht Club and this year was inducted into the Yachting Hall of Fame, on October 13, 2012 at a ceremony held in New Orleans, Louisiana.

Other notable Stevens family descendants throughout the years include former Member of Congress, Millicent Fenwick (R-NJ), who was also appointed by President Reagan as the first U.S. Ambassador to the Food and Agriculture Organization in Rome, a U.S. Ambassador to Spain, a casualty and a survivor from the Lusitania, a member of the first class of the Naval Academy in Annapolis, the current CEO of Habitat for Humanity International and more.

I applaud the John Stevens Family for all of their contributions and ask my colleagues to join me in recognizing their great accomplishments. I wish them all continued success and thank them for their dedication to making New Jersey and our country greater for future generations.

TRIBUTE TO KEITH KING

HON. JO BONNER
OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 19, 2012

Mr. BONNER. Mr. Speaker, I rise to recognize and congratulate a distinguished member of the Alabama business community, Mr. Keith King. His involvement includes two terms on the Advisory Council of Alabama (Chairman, 2000–2001); Alabama Society of Professional Engineers (President); National Society of Professional Engineers (NSPE) (Vice President-Southeast; Chairman, National Membership Committee and Licensure and Qualifications for Practice Committee); Fellow Member of American Society of Civil Engineers and NSPE; Member of the American Consulting Engineers Council of Alabama. Keith has worked hard to improve the areas of licensure, continuing professional development, ethical standards, and professionalism. His involvement includes two terms on the Alabama Licensure Board, the Business Council of Alabama (Chairman, 2000–2001); Alabama Society of Professional Engineers (President); National Society of Professional Engineers (NSPE) (Vice President-Southeast; Chairman, National Membership Committee and Licensure and Qualifications for Practice Committee); Fellow Member of American Society of Civil Engineers and NSPE; Member of the American Consulting Engineers Council of Alabama. Keith has worked hard to improve the areas of licensure, continuing professional development, ethical standards, and professionalism.

Keith served as president from 1983 until 2007 and CEO until 2011. Volkert, Inc. has grown continuously and opened operations in 11 States employing over 600 associates. Keith was also appointed by President Reagan as U.S. Ambassador to the Food and Agriculture Organization in Rome, a U.S. Ambassador to Spain, a casualty and a survivor from the Lusitania, a member of the first class of the Naval Academy in Annapolis, the current CEO of Habitat for Humanity International and this year was inducted into the Yachting Hall of Fame, on October 13, 2012 at a ceremony held in New Orleans, Louisiana.

On behalf of the people of south Alabama, I extend heartfelt congratulations to Keith and his lovely wife, Julia, as well as their entire family. Additionally, I wish them both a long and happy retirement, including plenty of deep-sea fishing.

CONGRATULATING THE NIGHTHAWKS OF NORTHERN GUILFORD HIGH SCHOOL

HON. HOWARD COBLE
OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 19, 2012

Mr. COBLE. Mr. Speaker, there is an old saying that goes, "The third time is a charm." In the case of the football team at Northern Guilford High School, the new expression should be, "the third time is perfection." That is because this football team, located in the Sixth District of North Carolina, just won its third straight state high school football championship. This time, however, the title capped a perfect 15–0 season.

On December 1, 2012, the Nighthawks of Northern Guilford High School defeated Charlotte Catholic 64–26 to capture its third consecutive NCHSAA Class 3–AA championship. Senior T.J. Logan led the way by rushing for an unbelievable 510 yards and scoring eight touchdowns. This was the third straight title for longtime Head Coach Johnny Roscoe. In 2010, Northern Guilford went 14–2 to win the first championship. In 2011, the Nighthawks completed a 14–1 season to secure its second straight title. This year, no one stopped the Nighthawks on the way to a 15–0 season that culminated in their third crown in three years.

What is left for Northern Guilford to accomplish following this three-year run? I’m sure Coach Roscoe, always the perfectionist, could point to many areas for improvement during the season and the title contest. But it is hard to argue against perfection. I think Ed Hardin, the outstanding sports columnist for the Greensboro News & Record stated it best: "We might never see anything like this again in these parts." Hardin in coming years we’ll look back and debate about this team. Was it the best we ever saw? Was the remarkably talented (T.J.) Logan the best player we ever produced in Guilford County? You could make that argument. The game played out like the season. Fast start, confounding moments and then brilliance."

That brilliance was a team effort all the way and led by Coach Roscoe, who has been around football for four decades. Coach Roscoe was ably assisted by Brian Thomas, Ben Hepler, Richard Burton, Todd Sharp, Lee Meekeins, Chris Vaughan, Chris Harris, and Justin Davis. All of these coaches will tell you that the Nighthawks’ perfect season was also due to the fine efforts provided by Team Trainer Justin Ollis, Assistant Trainer Valerie Smith, Team Physician Kirstin Steppherson and Team Manger Jenne Livin Monroe, Taylor Phillips, Ashlyn Thomas, and Mercedes Wiglesworth, along with Ball Boy Britt Thomas.

Every one of the 2012 champion Night- hawks can take pride in the completion of this perfect season. They include: Tre Purcell, C.J. Freeman, Brett Welch, Cameron Harris, Mook Reynolds, Robert Wilcox, T.J. Logan, AJ Love, Nick Jones, Austin Coltrane, Justin Wallace, Daniel Kelly, Matt Page, Burney Sindab, Tucker Hord, Molick Scott, Chris Ripberger, Malik Parker, Matthew McGarry, Max Maynard,ergy, Bernard Sindab, T.J. Ruff, Josh Parker, Johnny Loffin, Jacob King, Ryan Johnston, Nick Fryer, Mason Monroe, TyShawn Reese, Austin Simmons, Josh Covington, Max Kietles, Dylan Hakala, Trey French, Eric Hong, Josh Steele, Kamen Smith, Chris Forlano, Trevor McKee, Steven Branz, Jalen Hollins, Malik Hamper-Proleoe, Andrew Kessler, John Wagner, Tristen Monsom, Alex Hasler, Carlos Williams, Terrell Headen, Bret Unkel, and Duncan Taylordene.

A winning season also requires support from school administrators and leaders and Northern Guilford has a winning team there, too. Congratulations are appropriate for Principal Bretton Hill, Assistant Principals Doug Foutty and Travis Ward, and Athletic Director Brian Thomas. All can take pride in three straight state championships.
Last, but far from least, we have to mention Nighthawk Nation. I am sure that everyone associated with the football team will tell you that Northern Guilford's formidable fan base spurred them on to victory. No doubt that the students, parents, faculty, staff, and supporters of Northern Guilford football are beam- ing with pride following a third state championship.

The seniors on this team will move on to their next adventures. For the returning Nighthawks, I am sure they have already begun their dreams of four in a row. If that happens, I plan to be back again next year offering my own congratulations. For now, on behalf of the citizens of the Sixth District of North Carolina, we congratulate and thank the football team at Northern Guilford High School for showing us how perfection can be achieved. The third time is a charm indeed.

RECOGNIZING THE REPUBLIC OF CHINA (TAIN) FOR CONTRIBUTIONS TO THE RECONSTRUCTION EFFORTS FOR THE NE COAST OF THE U.S.

HON. YVETTE D. CLARKE
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 19, 2012

Ms. CLARKE of New York. Mr. Speaker, I rise today to recognize the Republic of China (ROC), also known as Taiwan. Immediately after Hurricane Sandy hit the Northeast coast on October 29th and 30th, many foreign governments and non-governmental organizations offered generous help to the United States. The Republic of China government (Taiwan) offered $1.3 million to aid in relief and reconstruction efforts.

On November 16th Taiwan donated $1 million to two charities, United Way International and Habitat for Humanity International, two of the leading relief agencies. The rest of the funds were distributed to the state governments of New York and New Jersey, which were among the hardest hit areas.

A ceremony marking the transfer of funds to the two charities was held in Washington, DC. on December 6, 2012. On behalf of the current 11th Congressional District, soon to be the 9th Congressional district of New York, I recognize the ROC for their generous contribution and show of good will toward the United States. As parts of the Northeast coast continue to rebuild, on behalf of my constituents, I am grateful to those who have offered their assistance. I thank the ROC and look forward to continuing a long lasting and fruitful friendship.

TRIBUTE TO MAYOR HARRY MASON

HON. JO BONNER
OF ALABAMA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 19, 2012

Mr. BONNER. Mr. Speaker, I rise to honor the contributions of a remarkable public servant and dear friend, Mayor Harry Mason. In November, Mayor Mason retired after 20 years as chief executive of Pine Hill, Alabama.

In his best-selling 1998 book, The Greatest Generation, former NBC Television anchor Tom Brokaw told the story of what he believed was the greatest generation any society has ever produced. “... These men and women fought not for fame and recognition, but because it was the right thing to do. When they came back they rebuilt America into a super-power.”

Harry Mason was a product of that historic generation; a native of Southwest Alabama, a hardworking local businessman, and a citizen who stepped up to serve his country and his hometown because it was the right thing to do.

As an assistant engineer in the Merchant Marine during World War II, Harry was aboard the S.S. Sea Porpoise when it landed 3,000 troops on the beaches of Normandy during the second wave of the famous D–Day invasion to liberate France. On July 5, 1944, the S.S. Sea Porpoise was damaged by a German mine. The ship's complement of 159 crew and passengers, including Harry, were uninjured and the ship survived.

When he returned stateside to civilian life, like so many others of our “Greatest Generation” Harry eagerly rejoined the workforce helping his father run the family business. He invested his life and his heart in Pine Hill, and according to a recent article in the Thomasville Times, Harry wouldn't have had it any other way. “Except for the war, I never even entertained a thought of going somewhere else,” he told the paper.

It wasn't long before Harry turned his passion to public service, first as a member of the Wilcox County Board of Education during the tumultuous 1960s and 70s. In 1981, he left his family business of running the Economy Store and instead ran for mayor.

Looking back at 20 years of leading his town, he has much for which to be proud. An expansion of the Pine Hill’s water and sewer system and city limits come to mind. Perhaps most notably during his last year in office, Pine Hill landed one of the largest industries to come to Southwest Alabama in years. Harry joined state and local officials in welcoming Golden Dragon Copper to the Pine Hill area in February. When completed, this new factory is expected to employ 300 workers with the potential to reach 500.

An active presence in the community, Mayor Harry Mason has also served as a member of the board of the Bank of Pine Hill. However, of all his many accomplishments, Harry points to his 20 years’ service as chief of the Pine Hill Volunteer Fire Department as his greatest. On behalf of the people of south Alabama, I wish Harry and his wonderful wife, Mittle, the very best for a well-deserved and duly-earned retirement.

PERSONAL EXPLANATION

HON. PAUL RYAN
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 19, 2012

Mr. RYAN of Wisconsin. Mr. Speaker, I rise in tribute to my good friends, entrepreneurs and patriots Howard and Susan Groff.

The Groffs have owned Northwest Exca-
vating Co., Inc. since the 1960s. Howard’s father, Bob Groff, founded the company in 1959 under the name “Northwest Compaction.” The company started out modestly, with two backhoes, an Arrow hammer, a skidloader, and a Graddl.

During the first few years, Northwest focused primarily on renting equipment and operators to local grading and sewer contractors. The company prospered during the 1960s due to ever-increasing construction throughout Southern California. While maintaining a conservative approach towards growth, the company slowly added equipment to its fleet.

During the mid- to late 1960s, Howard and Sue bought the company. Howard often worked as equipment operator, mechanic, lowboy driver, or anything else that needed to be done, while Sue managed the finances. Howard, much like his father before him, undertook a conservative management approach toward the company. During the late 1960s and into the early 1970s, the company grew at a steady pace.

As a result of the company’s early experience working for underground sewer contractors, Northwest began an underground utilities division. This division dug trenches for power and telephone lines by the foot, then backfilled and compacted the trenches. Howard did all the estimating and ran most of the jobs. He is now acting CEO while his son Robert has taken over the daily management duties. Sue has stepped aside from the financial end.

Howard and Sue owned and operated, along with their son Michael, Northridge Equipment Rental in five locations in California, which they sold in 2005. The Groffs have also developed, owned, and managed office and industrial buildings throughout the San Fernando Valley.

For more than 30 years, the Groffs owned their own auto racing teams with their sons as drivers, which included racing in the Indy 500 for several years. Howard and Sue are major supporters of our military and veterans and have been a major sponsor of my U.S. Rep. Elton Gallegly and Friends Operation Toy Drop at Naval Base Ventura County. In addition to voting in every election, they also actively support candidates who share their fiscal conservative convictions.

In addition to their sons Michael and Robert, Howard and Sue have a daughter, Debra, seven grandchildren, and four great-grandchildren.

Mr. Speaker, I know my colleagues join me in paying tribute to my friends Howard and Susan Groff for proving that conservative growth can build successful businesses and for proving their love for America by their generosity to our military men and women and by
CONGRATULATING THE SPANISH FORT TOROS FOR WINNING THE ALABAMA CLASS 5-A FOOTBALL CHAMPIONSHIP

HON. JO BONNER
OF ALABAMA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 19, 2012

Mr. BONNER. Mr. Speaker, I rise today to offer my congratulations to the Spanish Fort High School Toros for their decisive 45–14 victory over McCalla's McAdory High School Yellow Jackets in the Alabama High School Athletic Association's (AHSAA) 5-A football championship on December 6, 2012.

Spanish Fort's already impressive gridiron record of capturing two state championships in seven seasons is all the more noteworthy since the T's young football program only debuted in 2006.

According to the Mobile Press-Register, both teams brought impressive records into the championship game at Auburn University's Jordan-Hare Stadium. "Spanish Fort had the pinball offense averaging 39.9 points per game. McAdory had the swarming defense that forged an unbeaten season through 14 games."

However, in the end it was Spanish Fort who dominated the field on both offense and defense. With 377 total yards, while holding the Yellow Jackets to just 187 yards.

The Press-Register further noted, "Spanish Fort (14–1) extended a school record for points in a single season to 598 with its 45–14 win."

The Toros took an early lead in the game with two touchdowns before the Yellow Jackets answered with seven points. The Toros with two touchdowns before the Yellow Jackets with two touchdowns before the Yellow Jackets answered with seven points. The Toros with two touchdowns before the Yellow Jackets.

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RECOGNIZING TIMOTHY HOLABIRD
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 19, 2012

Mr. McCLINTOCK. Mr. Speaker, I rise today in recognition of the many contributions Timmy Holabird has made to Modoc, Lassen, Plumas, and Sierra counties located in northeastern California.

Tim has combined experience and knowledge of the lands and people that define the region with a steadfast determination to help these rural communities. Federal agencies administer more than 80 percent of the land, and Tim has aggressively championed interests of people versus the seeming indifference and neglect of the bureaucracies. Bringing all parties together, establishing common goals and objectives, and actually solving problems has been his hallmark.

As four fires ravaged the area this summer, Tim pursued the interests and concerns of local citizens to the point of his own physical exhaustion. He personally bridged the communication gap with agencies attacking the fires and the communities immediately threatened. In the devastating aftermath of the fires, Tim worked with all parties to restore and salvage. In particular, he has been relentless resolving the immediate, critical issue of thousands of acres of lost grazing land.

Tim understands the appropriate role of government in land and resource management and has personally sacrificed to uphold the public's interests. Mr. Speaker, while it seems the aim of our agencies is to restrict access and the productive use of our federal lands, Timothy Holabird remains a steadfast advocate for access and use by the very best stewards of this land—the local citizens.

REMEMBERING THE LIVES LOST IN THE 1862 U.S.-DAKOTA CONFLICT

HON. KEITH ELLISON
OF MINNESOTA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 19, 2012

Mr. ELLISON. Mr. Speaker, I rise today in remembrance of those who lost their lives in the U.S.-Dakota War of 1862. This year marks the 150th anniversary of the conflict, reminding us of this tragic era in Minnesota's history, and how it has shaped the lives of the Dakota people to this day.

It is easy to consider history as a list of dates—a discovery, a war, a proclamation, an election. We forget the complex human interactions that shape the past and continue to affect our communities today.

What has come to be known as the U.S.-Dakota War of 1862 has its roots in the rapid expansion of Minnesota's population by white settlers and the subsequent displacement of indigenous peoples. From 1850–1860, the number of white settlers in Minnesota grew from 5,000 to more than 170,000; in that same decade, Native Americans went from the majority people in Minnesota to being outnumbered by whites 5–1. Tensions escalated when the government failed to pay promised annuities, a drought decreased the supply of food leaving many Dakota families hungry, and the U.S. government pushed native communities off their ancestral lands with promises of money, food, and commodities. Forced assimilation policies further marginalized tribes by requiring the adoption of European style dress, hair, and culture. Tensions escalated when the government failed to pay promised annuities, a drought decreased the supply of food leaving many Dakota families hungry, and the U.S. government pushed native communities off their ancestral lands with promises of money, food, and commodities. Forced assimilation policies further marginalized tribes by requiring the adoption of European style dress, hair, and culture.

The first violent acts of the conflict occurred on August 17, 1862, when four young Dakota men killed five people in Acton, Minnesota. These murders divided the Dakota community; some argued it was time to go to war with the settlers who now claimed ancestral Dakota land, but much of the community wanted to maintain peace. Nevertheless, Dakota leader Little Crow led his Nation to War, understanding that the greater power of the U.S. government would most likely prevail.

The weeks of violence that followed in Southern Minnesota led to over 1,000 deaths. The U.S.-Dakota War is one of the bloodiest conflicts between a Native American tribe and the U.S. government, surpassing both the conflicts of Little Big Horn and Wounded Knee. The War's end was marked by the largest mass execution in U.S. history, when 38 Dakota men were convicted in kangaroo courts and hung on December 26, 1862. Originally 303 Dakota men were tried and sentenced to death, but President Lincoln personally reviewed the cases and stayed the execution of those whose conviction was based on questionable testimony. Two additional Dakota warriors were forcibly removed from Canada and hanged at Fort Snelling in 1865.

Although the day of the execution stands out in history, the suffering of the Dakota people continued throughout the winter and into the coming years. Those Dakota who had surrendered to U.S. forces, many of whom opposed the war, were forced to march to an internment camp at Fort Snelling and suffer through a brutally cold winter filled with disease, food shortages, and assaults by soldiers and civilians alike. Hundreds perished over the winter, and those who survived were forcibly relocated to Western reservations where similar conditions led to more deaths. Some 6,000 displaced members of the Dakota community relocated to Canada and Western states and territories, and by the end of the decade a majority of the Dakota tribe had left its ancestral lands.

The U.S.-Dakota War reminds us of how the events of the past continue to reverberate to this day. Dakota tribe members are still displaced over several states and into Canada as a direct result of this conflict. Most unfortunately, the Dakota Expulsion Act of 1863, a federal law making it illegal for Dakota people to...
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live in Minnesota, has yet to be repealed. In August of this year, members of the Dakota community took part in a walk through South Dakota to the Minnesota border, symbolizing the unjust forcible removal of all Dakota people from Minnesota in 1865. The healing from the War is ongoing; honoring those we lost and remembering our complicated past should not be limited to anniversaries of the conflict. We should use this year of reflection to inform a more inclusive view of history, an appreciation of how far we've come, and recognition of all we must do to continue to support our Native communities today.

CONGRATULATING MR. GREGG POLLACK, RECIPIENT OF THE GOVERNOR’S INNOVATORS UNDER 40 AWARD

HON. DANIEL WEBSTER
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 19, 2012

Mr. WEBSTER. Mr. Speaker, I am pleased to congratulate Gregg Pollack, winner of the Governor's Innovators Under 40 Award. Mr. Pollack is the founder and CEO of Envy Labs, a technology consulting company based in Orlando, Florida.

Envy Labs, which Mr. Pollack founded in 2009, specializes in website and mobile application design and development, and works on a broad variety of projects from web development to branding to user interface design. Through an open and creative work environment, Envy Labs focuses on producing excellent products and services while investing in their employees' personal and professional lives.

The Governor's Innovators Under 40 Award is one of Governor Rick Scott's 2012 Innovators in Business Awards, which are designed to recognize outstanding contributions toward growing and diversifying Florida's economy. The Innovators Under 40 Award is presented to Florida residents under the age of 40 who own or lead a Florida company with annual revenue of $1 million or more and who have created at least 10 jobs since January 2011.

Through Mr. Pollack's direction, Envy Labs has grown and expanded to include a school with courses in coding and web design called Code School. Envy Labs is also active in the Orlando tech community, hosting tech events and camps downtown. Mr. Pollack is to be congratulated for the hard work and innovation he has demonstrated, and for the contributions to Florida's economy that this award honors. He is well deserving of this recognition. May his work inspire others to follow in his footsteps.

HONORING THE HOUSTON TEXANS ON WINNING THEIR 2ND STRAIGHT AFC SOUTH DIVISION TITLE

HON. GENE GREEN
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 19, 2012

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today to commend the Houston Texans on clinching their 2nd straight AFC South Division Title. The Texans are a relatively new franchise, established in 2002. They currently lead the AFC race for home field advantage throughout the playoffs. As an avid Texans fan, I am proud to honor the Houston Texans on this great achievement.

I would like to submit the following article: “Texans Cement Supremacy in Division and Look Beyond” by Tom Spousa, printed in The New York Times, December 17, 2012: HOUSTON—Arian Foster and Dwight Freeney embraced at midfield and, after a few heartfelt words, began pulling their shoulder pads over their heads. They exchanged jerseys, Freeney handing over his Indianapolis Colts No. 91—one that will hang in Foster’s collection to commemorate Houston’s second consecutive AFC South division title.

The Colts officially acquiesced Sunday to the supremacy of the Texans, who own the AFC’s best record at 12–2 but whose dominance somehow still remains questioned as the playoffs approach.

They beat Indianapolis, 29–17, in spectacularly efficient fashion before a raucous crowd at Reliant Stadium. A modest locker room celebration followed, but the Texans know a greater validation of their season will come with a top seed and home-field advantage for the postseason.

“You always have to be in the moment of winning a division championship, but I think the way we’ve put ourselves and everybody puts on us are much bigger than that,” said Foster, who had 27 carries for 165 yards, 13 of those coming in the second half. “We’re proud of what we’ve done here, but we’ve got more to go.”

Indianapolis (9–5) lost a chance to earn a wild-card berth after winning seven in a row, including the season finale at home against the Texans, who gave the Colts plenty to fix before then.

Matt Schaub was 23 of 31 passing for 261 yards and guided an offense that did not commit a turnover. Eleven of those completions went for 151 yards to Andre Johnson, who caught a touchdown pass and surpassed 11,000 yards for his career.

Shayne Graham kicked five field goals, and Bryan Braman blocked a punt for a touchdown. Houston’s defense stonewalled for its poor performance in last week’s 42–14 loss at New England, allowing only one third-down conversion and sacking Andrew Luck five times, three of those coming from J. J. Watt.

Luck finished 13 of 27 for 186 yards behind an offensive line missing two starters. He threw a 61-yard touchdown pass to T. Y. Hilton and an 8-yarder to Dwayne Allen. But a key Colts drive in the second quarter resulted in their costliest error, when Mewelde Moore fumbled a goal line after being hit by Watt and the ball was recovered by Tim Dobbins.

“We got back to what we are as a football team,” Texans Coach Gary Kubiak said. “Protecting the ball, running the ball, playing solid defense. That’s how we win.”

Watt, who paid tribute to the shooting victims in Newtown, Conn., by writing the town’s name on one of his gloves, finished with 10 tackles and now has an AFC-leading 18.5 sacks.

The Colts owned an odds-defying 8–1 record until the Texans grabbed a 20–10 halftime lead. But Indianapolis generated little momentum in the second half and finished with 272 total yards, compared with 417 yards for the Texans.

“It was a tough loss for us,” Bruce Arians, the Colts’ interim coach, said. “We came here with one idea and that was to win the division and we’re not going to win the division. They did it, and my hat is off to the Texans, and we’ll see them in a couple weeks.”

RECOGNITION OF CYPRUS’ PRESIDENCY OF THE EUROPEAN UNION

HON. ALBIO SIRES
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 19, 2012

Mr. SIRES. Mr. Speaker, I rise today to recognize the Republic of Cyprus as their first rotating European Union (EU) Presidency comes to a close. The past six months have been lauded as a very productive presidency and I would like to honor the importance of this accomplishment for a small—yet still occupied and divided—country like Cyprus. Some of the most notable accomplishments show a continued commitment to human rights and democratic governance.

During Cyprus’s presidency they oversaw the implementation of Iran sanctions—the toughest EU measure to date. The EU was also awarded the 2012 Nobel Peace Prize in recognition of its long-term commitment to promoting peace, as well as reconciliation, democracy, human rights, and the rule of law. Furthermore, the EU focused on steps needed to eradicate human trafficking during the sixth EU Anti-Trafficking Day conference entitled, “Working Together Towards the Eradication of Trafficking in Human Beings: The Way Forward.”

Mr. Speaker, as a friend and ally of the United States, I would like to congratulate Cyprus on a productive EU presidency. This is an important moment in the history of Cyprus and as a stable democracy dedicated to human rights and religious freedom; I wish to honor this significant event.

RECOGNIZING FUN SPOT ACTION PARK OF ORLANDO, FLORIDA, RECIPIENT OF THE 2012 BRASS RING AWARD FOR THE BEST FAMILY ENTERTAINMENT CENTER IN THE COUNTRY FROM IAAPA

HON. DANIEL WEBSTER
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 19, 2012

Mr. WEBSTER. Mr. Speaker, I am pleased to take this opportunity to congratulate Mr. John Arie and his family on Fun Spot Action Park of Orlando, Florida having received the 2012 Brass Ring Award for the Best Family Entertainment Center in the country from the International Association of Amusement Parks and Attractions. This is a prestigious award and deserves special recognition for the hard work and dedication that went into this outstanding accomplishment.

The Arie family is well deserving of this recognition for their unfailing dedication and leadership in the family entertainment center industry. In receiving this award, they have demonstrated many character qualities, including enthusiasm, diligence and remarkable
service. The forty-plus years of service the Arie family has provided in owning, operating, and developing Fun Spot Attractions is a true testament to the significant importance of small businesses.

This is not the first time that Fun Spot Action Park of Florida has been recognized for their commitment to excellence in the tourism industry across Central Florida. Fun Spot has been chosen and honored two prior times by the IAAPA for their standards of excellence in promoting and advertising the family entertainment center industry.

The efforts of Mr. Arie and his family to serve the Central Florida community are to be commended. It is not often that such a strong commitment to service is found within one family. I wish them great success as they have the opportunity to undergo a 10-acre expansion that will triple the size of the Orlando Fun Spot Action Park.

On behalf of the citizens of Central Florida, I am pleased to recognize and congratulate Mr. Arie and his family for their hard work, dedication, and leadership on this well-deserved award. May their investment in community and small business inspire others to follow in their footsteps.

DON'T LET FOREIGN AID FALL OFF THE FISCAL CLIFF

HON. HOWARD L. BERMAN
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 19, 2012

Mr. BERMAN. Mr. Speaker, as negotiations follow in their footsteps. In this regard, I commend to my colleagues to the final stages, it is important that we keep in mind the potentially devastating consequences of across-the-board cuts. This is true not only for domestic programs, but also for foreign assistance, which represents less than one percent of the federal budget and is one of the most cost-effective ways of protecting our interests across the globe. Today, more than ever, our health, security, and prosperity depend on a world in which human needs are met, fundamental rights and freedoms are respected, conflicts are resolved peacefully, and the world’s resources are used wisely.

In this regard, I commend to my colleagues, we don’t let foreign aid fall off the Fiscal Cliff,” outlines, the importance of foreign aid in saving lives and easing suffering for millions around the world.

Recognizing the Championship Season of the Wyomissing Spartans High School Football Team

HON. JIM GERLACH
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 19, 2012

Mr. GERLACH. Mr. Speaker, I rise today to congratulate the players, coaches and staff of the Wyomissing Spartans High School football team of Berks County, Pennsylvania on their undefeated season and on capturing the PIAA District III AA State Championship.

The Wyomissing Spartans set a Berks County record for points scored and wins in a season, finishing with a perfect 16-0 record. The Spartans are the first team in Berks County history to win a state title in football at any level.

The Spartans’ championship roster includes: Gerald Burns, Thomas Paolini, Corey Unger, Spencer Loyer, Sean Smith, Joseph Cacchione, Scott Kuczala, Brian Walters, Rahul Kalani, Adam Chaffe, Caleb Naylor, Juche Jackson, Bem Donahue, Chase Hartman, Alex Anzalone, Brandon Faust, Eric Waxman, Brandon Gonzalez, Mason Smith, Scott McAvoy, Justin Causa, Jonah Bowman, Sam Debell-Miton, Peter Geyer, Josh Naylor, Jack Baker, Sam Weaver, Peter Bonino, Josh Pappas, Shane Hasenauer, Connor Reedy, Chris Eaton, Jeremy Bell, Will Kropppe, Anthony Colon, Jerko Reyes, Cody Cox, Ben Wertz, Sean Reusing, Logan Jones, Dan Swiftzer, Wyatt Metzger, Finnegan Daly, Brian Bamberger, Jon Olmeda, Sean Clark, Nate Hain, Jack Wertz, Liam Reedy, and Daniel Faus.

The champion Spartans were coached by Head Coach Bob Wolfrum and Assistant Coaches Tom Baldwin, Andrew Siggins, Al Silveri, Todd Zechman, Steve O’Neil, Richard Hoffmaster, Nick Wojciechowski, Frank Ferrandino, Bill Hartman, Steve Brunner, Chris Blickley, Corbett Babbs, Ty Smith, and Jim Delp. In addition, the School District’s Athletic Director is Corbin Stoltzfus.

Mr. Speaker, in light of their outstanding accomplishments, undefeated season, and state championship victory, I ask that my colleagues join me today in recognizing the players, coaches, and staff of the Wyomissing Spartans High School Football Team of Berks County, Pennsylvania for their incredible and unforgettable season.

HONORING BARRY RUTENBERG

HON. CLIFF STEARNS
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 19, 2012

Mr. STEARNS. Mr. Speaker, I would like to take a moment to recognize one of my constituents, Barry Rutenberg, from Gainesville, Fla. Barry is the 2012 chairman of the National Association of Home Builders (NAHB), which is the leading advocate for the home building industry across Central Florida. Fun Spot has been recognized for their commitment to excellence in the tourism industry across Central Florida. Fun Spot has been chosen and honored two prior times by the IAAPA for their standards of excellence in promoting and advertising the family entertainment center industry.

The efforts of Mr. Arie and his family to serve the Central Florida community are to be commended. It is not often that such a strong commitment to service is found within one family. I wish them great success as they have the opportunity to undergo a 10-acre expansion that will triple the size of the Orlando Fun Spot Action Park.

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Mr. Speaker, in light of their outstanding accomplishments, undefeated season, and state championship victory, I ask that my colleagues join me today in recognizing the players, coaches, and staff of the Wyomissing Spartans High School Football Team of Berks County, Pennsylvania for their incredible and unforgettable season.

HONORING BARRY RUTENBERG

HON. CLIFF STEARNS
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 19, 2012

Mr. STEARNS. Mr. Speaker, I would like to take a moment to recognize one of my constituents, Barry Rutenberg, from Gainesville, Fla. Barry is the 2012 chairman of the National Association of Home Builders (NAHB) and has been deeply involved in helping housing—and his fellow builders—get back on course.

After suffering the worst housing downturn since the Great Depression, Barry’s steady leadership at NAHB during the past year has paid great dividends as he has presided over a solid recovery for the industry. Housing starts and single-family sales are projected to jump 20 percent for the year, and the number of improving housing markets has soared from just 12 in September of 2011 to more than 200 in December of 2012. Meanwhile, home prices have stabilized across much of the Nation, helping to put more workers on the job and making housing a net contributor to economic growth.

As chairman of NAHB, Barry has provided a laser-like focus to help get housing back on track by working with lawmakers on both sides of the aisle to get pro-housing bills introduced and passed. NAHB played a pivotal role in re-authorizing and preserving the National Flood Insurance Program for an additional five years. This put an end the many short-term lapses the program has endured in recent years—along with the delays and canceled home sales those lapses have caused home builders and home buyers.

Under Barry’s direction, NAHB instituted a nationwide Protect Homeownership campaign that featured several rallies in key political swing states during this past election season. This effort to elevate housing on the national agenda sent a powerful message to the electorate that Americans value homeownership and Congress must support pro-housing policies that will create jobs and help local communities to flourish.

In normal times housing accounts for more than 17 percent of the Nation’s total economic output. Building 100 single-family homes creates more than 300 full-time jobs and generates millions of dollars of tax revenues which increase the property tax base that supports local schools, police and firefighters across the land.

To help housing return to its position as an engine of economic growth, Barry instituted an aggressive agenda at NAHB. He made it a priority to help protect housing tax incentives that are vital to renters and home buyers; prevent excessive, pointless regulations from impeding home building and dampening the recovery; and to push for a balanced solution to over-haul the Nation’s housing finance system that retains a federal backstop in the event of a catastrophic situation while providing a stable, affordable supply of credit for home buyers and limiting taxpayer exposure.

He also maintained a regular presence on Capitol Hill, meeting with lawmakers and testifying on behalf of the Nation’s home builders on how small businesses and consumers would benefit from smarter and more sensible regulation.

I commend the efforts of Barry Rutenberg and NAHB to ensure that housing remains accessible and affordable to America’s families and an important national priority.

HARRIS COUNTY VETERAN'S COURT PROGRAM

HON. TEOED POE
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 19, 2012

Mr. POE of Texas. Mr. Speaker, since the United States of America entered the War on Terror, many things have changed with what our troops encounter overseas. Our soldiers are fighting a war where guerrilla tactics, suicide bombings, and targeted killings are used, but they are fighting over values and morals versus territory. This war has not been in one specific country, but takes place wherever our enemies are attacking or hiding.

A lot has changed in this modern day war, and many more that have gone undiagnosed. Many of these men have come home and are still fighting internal demons from these perilous places that they have returned from.
Thankfully, Harris County Texas District Judge, Marc Carter, an Army veteran himself noticed that many of the defendants coming through the Harris County courts were veterans who had recently come home from fighting overseas. Judge Carter is judge of the 228th Criminal District Court of Texas. He placed before him a veteran as judge in that court for 22 years.

Judge Carter and other members of the Harris County community recognized this problem in 2009 and took the initiative to create the first veteran’s court in the state of Texas. The Harris County Veteran’s Court Program specifically works with first time misdemeanors and felons. If veterans choose to go through the program instead of going to prison, it requires two years of probation and treatment.

The reason why the Veteran’s Court Program is so successful is because it addresses the root of the problem, which is PTSD and drug abuse. Many of these veterans are still mentally overseas fighting for ours and their lives and these programs give them the help they need to readjust back into society. Since 2008 veteran’s treatment courts have been created in 27 States.

These men have been to the darkest places on earth to protect the American people and although there is a lot we owe our veterans, most importantly, we owe them a second chance. And that’s just the way it is.

RECOGNIZING LIEUTENANT COMMANDER TOM G. WEILER
HON. ROBERT J. WITTMAN
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 19, 2012

Mr. WITTMAN. Mr Speaker, I rise today to recognize those men and women who have served this great Nation with honor, men such as Lieutenant Commander Tom G. Weiler, United States Navy.

For the past year, Lieutenant Commander Weiler, a proud submariner and graduate of the University of Notre Dame, served on my staff as a Congressional Defense Fellow. During his assignment, he served as a senior member of my staff responsible for defense, veterans, foreign affairs and intelligence matters. Lieutenant Commander Weiler executed his work as a liaison to the constituents of the First District and the numerous defense installations in the First District with distinction. Further more, he provided exceptional support to me as my staff liaison to the House Armed Services Committee in my role as a Sub-committee Chairman and as the Co-Chair of the Congressional Shipbuilding Caucus.

Lieutenant Commander Weiler directly contributed to my goal of providing excellent constituent service to the people of the First District. He was responsible for bringing numerous constituent inquiries to a successful conclusion and he was able to leverage his personal and operational experience to respond to the most challenging inquiries.

In the last year, on behalf of the First District, Lieutenant Commander Weiler took on projects with regional, state and national implications, demonstrating his ability to view a challenge from many angles and develop innovative solutions often requiring collaboration across many levels of government. Lieutenant Commander Weiler’s work ethic, duty to mission, and commitment to servant leadership is without equal. I believe that his personal drive to achieve excellence in his work has and will set a very high standard for his peers.

I would also like to thank Lieutenant Commander Weiler for the service and sacrifice he has made, and continues to make, for our Nation and our great Navy. His keen sense of honor, impeccable integrity, boundless work ethic, and loyal devotion to duty earned him the respect and admiration of my staff and the First District of Virginia. After spending eight of the last eleven years stationed in Hawaii, which included multiple patrols in the Western Pacific and a 12-month deployment to Germany, Lieutenant Commander Weiler is headed to the England as the only U.S. Navy submarine officer to participate in the Royal Navy Submarine Command Course in Portsmouth, England in 2013. Following this distinguished opportunity to train with the British Royal Navy, Lieutenant Commander Weiler will embark on his journey to become an Executive Officer of a United States Navy submarine and attend the Submarine Command Course. After this intense course of instruction, Lieutenant Commander Weiler is expected to sea and to leading Sailors as he goes back into harm’s way to execute his trade as submariner in the “silent service” of this great Nation. I have no doubt that Lieutenant Commander Weiler will continue to serve the United States Navy honorably and with dignity.

I wish him the best of luck as he continues his Naval career. It was an honor and a pleasure having him serve on my staff. We all can sleep soundly at night knowing that men and women like Lieutenant Commander Tom Weiler are members of our all-volunteer force and they stand ready to defend our country and take the fight to our enemies; far away from their families and the comforts of the United States of America.

Lieutenant Commander Weiler, thank you. Best of luck to you and God bless you, your family, and all the Sailors you are charged with leading. Fair winds and following seas.

TRIBUTE TO TERESA VANZANT
HON. HAROLD ROGERS
OF KENTUCKY
IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 19, 2012

Mr. ROGERS of Kentucky. Mr. Speaker, I come to the House today to honor an inspiring leader, Teresa Vanzant.

Teresa Vanzant is a role model for women in public service in our rural communities. In addition to her role as Circuit Court Clerk, she has volunteered for the Kentucky Women’s Missionary Union, the Mt. Vernon Elementary Family Resource Center Council, President of Kiwanis Rockcastle, the Education Chair of Kentucky’s Circuit Court Clerk’s Association, Secretary of the Trust for Life, and a board member of the anti-drug Rockcastle County UNITe Coalition. Teresa works diligently, to not only serve her county, but to be a voice for opportunity and vision for generations to follow.

Mr. Speaker, I ask my colleagues to join me in honoring a leader and dear friend of southern and eastern Kentucky, Teresa Vanzant, on her retirement. My wife, Cynthia and I wish Teresa and her family all the best in the years to come.

OUR UNCONSCIONABLE NATIONAL DEBT
HON. MIKE COFFMAN
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 19, 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 $16,359,758,742,907.76. We’ve added $5,132,881,693,994.68 to our debt in nearly 4 years. This is a $5 trillion in debt our Nation, our economy, and our children could have avoided with a balanced budget amendment.

TRIBUTE TO ADOLOFO JESUS VALADEZ
HON. CHARLES A. GONZALEZ
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 19, 2012

Mr. GONZALEZ. Mr. Speaker, I ask my colleagues to join me in recognizing the 80th birthday of Adolfo Jesus Valadez.

Adolfo Jesus Valadez, the son of Mexican immigrants who came to the United States fleeing the Mexican Revolution, was born and raised in San Antonio, Texas. Adolfo attended local public elementary schools and in 1949, graduated from Central Catholic High School. He enrolled in the University of Texas at Austin to study business administration and pharmacy studies. However, his studies were interrupted when he was called to serve his country as part of the post WWII occupation forces. Adolfo served as an Army Corp medic in Germany, where he provided health care services to American troops and learned to speak German fluently.

When Adolfo returned to the U.S., he completed his studies at the University of Texas at Austin and received a Bachelor’s degree in Pharmacy, one of the few Mexican-Americans at that time to receive an undergraduate degree. Adolfo moved back to San Antonio and worked as a registered pharmacist serving the city’s poor in various settings, including the Stella Mares Clinic on the west side of the city. Eventually, he opened his own small
business—Lydia’s Prescription Pharmacy—an independent pharmacy on San Antonio’s south side. Adolfo provided high quality pharmacy services to the area residents while also mentoring many Mexican-American youth to pursue higher education in the health professions.

For over 30 years, Lydia’s Pharmacy served the residents of South San Antonio until Adolfo’s retirement during those years. Adolfo together with his wife Lydia, raised their family and served their community. In 1986, the family suffered the tragic loss of the youngest child, Rebecca Christina, “Becky”. Despite this incredible loss, Adolfo and his family, with the love and support of family and friends, worked through their grief and continued to thrive. Adolfo and Lydia will celebrate their 49th wedding anniversary on January 26, 2013 and their remaining four children have led successful careers in law, health care, and public health. In addition to running a business and raising a family, Adolfo earned a second degree in business administration; found time to serve as a board member of the St. Peter’s/St. Joseph’s Children’s Home; became a member of the Board of Directors of Grace Knights of Columbus; and traveled with friends and family within the U.S., Europe, and Mexico. He is a lifetime Spurs fan and enjoyed their first of four championships like most San Antonians did, by riding through downtown in an impromptu celebration! He is also a devoted grandfather to his seven grandchildren.

Again, please join me in recognizing a true community leader in San Antonio on his 80th birthday, Adolfo Jesus Váldez.

HONORING THE SERVICE OF CALIFORNIA ASSEMBLYMAN ANTHONY J. PORTANTINO

HON. ADAM B. SCHIFF
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 19, 2012

Mr. SCHIFF. Mr. Speaker, I rise today to honor Anthony Portantino for his six years of service in the California State Assembly. A graduate of Albright College in Reading, Pennsylvania, Assemblyman Portantino started out with a successful career in the entertainment industry. He produced and co-wrote a multiple of film and TV productions, including independent historical films highlighting racial issues in American history. Mr. Portantino was then elected to the La Cañada Flintridge City Council in 1999 with over 70 percent of the vote. As a member of the City Council/School District Joint Use Committee, he played a pivotal role in procuring funding and services for local public schools. Mr. Portantino continued to serve as a member of the Council for nearly eight years and served two terms as its Mayor in 2001 and in 2005. He resided in 2006 upon his election to the California State Assembly.

During his years in the California legislature, Assemblyman Portantino served the 44th District with great distinction, championing tough regulations on firearms and successfully passing 38 bills into law. He prides 30.1 Chair of the Assembly’s Committee on Higher Education and was a member of the Transportation, Government Organization and Public Safety Standing Committees. He also served as a member of the Assembly Select Committees on the Preservation of California’s Entertainment Industry, Foster Care, and Community Colleges. Assemblyman Portantino has been recognized by his community for his extraordinary efforts on behalf of the Gold Line and for his exemplary service as a state legislator. As a state legislator, he always emphasized transparency and accountability in state finances, and a champion of health care issues, Assemblyman Portantino will be missed in the Assembly and by his constituents, but I know he will continue to represent the needs of his community in any endeavor he chooses to pursue hereafter. I join my colleagues in thanking him for his service and wish the Assemblyman, his wife Ellen, and their children Sofia and Isabella, the best in this new chapter of their lives.

REMEMBERING JOE McNULTY

HON. FRANK R. WOLF
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 19, 2012

Mr. WOLF. Mr. Speaker, I come to the floor today to remember a former member of my staff who lost his battle with cancer two weeks ago today.

Joe McNulty was my deputy press secretary and director of online communications. He worked for me from the summer of 2009 until this July, when he left to go to law school at the University of South Carolina. Joe was an important member of my staff and will be missed dearly.

Joe was an amazing individual and certainly left his mark on this world, as evidenced by the number of people who attended his memorial service at Immanuel Bible Church in Springfield, Virginia on December 10. Aside from family, friends and co-workers, classmates from high school and college were in attendance as were friends and neighbors of his parents, Paul and Brenda, and three sisters, Katy, Anni and Corrie.

People came from as far away as Spain for the service. There were friends from the church he attended and members of his college club soccer team. His principal from Robinson high school came, as did the school’s choral director. The current U.S. Attorney for the Eastern District of Virginia was at the service (Joe’s father was the U.S. Attorney for the Eastern District of Virginia from 2001–2006) as were several other assistant U.S. attorneys from the office and a number of U.S. Marshals.

Joe’s passing also made Politico’s Playbook, something everyone on Capitol Hill reads every day and Joe devoured every morning.

The service for Joe was deeply moving. The pastor of his church in Fairfax spoke at the service, as did the pastor of the church he started attending in South Carolina, where he was attending law school. Both talked about Joe’s strong faith in the Lord.

Joe’s best friend, Steve Brewer, talked about how they met as freshmen in high school and said Joe was the best friend any one else would ever have. The principal of his high school and his college advisor also paid tribute to Joe.

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issue the office has put a lot of time and effort into.

Everyone who knew Joe well knew that he could be stubborn at times—stubborn in a way you’d find in his sternness and his service to others. It was an stubbornness that stems from his deep integrity and a willingness to fight for what he believed was right.

It was this stubbornness that drove him to keep working even during the toughest hours of his fight against cancer. Even on the most challenging days, Joe would come into the office ready to work, and work hard. We practiced hard to order him home to rest up. Joe had an uncommon drive and commitment to public service.

Joe was a man of faith and scripture tells us was the one thing that gave me hope and encouragement when I was in pain and sick. ’’In Psalm 103:15, King David said: ‘’We here today should take it to heart.’’

Mr. GIBSON. Mr. Speaker, I rise today to recognize the life and service of Doyle Edward Conner, Sr. Mr. MILLER of Florida. Mr. Speaker, I rise today to recognize the life and service of Doyle Edward Conner, Sr. Throughout his long and distinguished career in politics, Doyle Conner served the people of Florida for 40 years in both the Florida House of Representatives and as the Commissioner of Agriculture. Commissioner Conner served as a mentor and an inspiration to countless individuals throughout the state. All of Florida mourns the loss of a great man and unparalleled public servant.

Commissioner Conner was a fourth-generation farmer who grew up learning the value of hard work on his family’s farm in Starke, Florida where he helped raise cattle, grow strawberries and cut timber. Commissioner Conner was born leader, and he was active in his community from a very young age. He participated in his local 4-H club and eventually he served the President of the Alachua County branch of 4-H. In 1947, he graduated from high school and enrolled at the University of Florida where he became involved in the Future Farmers of America (FFA), serving as the president of FFA at both the state and national levels.

In 1950, while still a 21-year-old student at the University of Florida, Commissioner Conner was elected to the Florida House of Representatives. Despite his youth, he quickly established himself as a serious and committed statesman who was respected by his fellow Representatives. Despite his youth, he quickly established himself as a serious and committed statesman who was respected by his fellow Representatives.
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colleagues on both sides of the aisle. Due to his assiduous work ethic and natural leadership, Commissioner Conner quickly rose through the ranks of the Florida House of Representatives. In 1957, at the age of only 28, Commissioner Conner was elected as the Speaker of the Florida House of Representatives, becoming the youngest Speaker in the state's history—a record that still stands today. While serving as Speaker, he helped craft legislation to promote and advance Florida’s agricultural industry, including the landmark Green Belt Law. He also worked to establish class agricultural labs to help eradicate numerous diseases and predators and pave the way for the further development of the Florida agricultural industry.

In 1960, after serving 10 years in the Florida House of Representatives, Commissioner Conner was elected as the Florida Commissioner of Agriculture, a position that he held until his retirement in 1991. Commissioner Conner brought his vast experience as both a farmer and a legislator to the job, and helped expand Florida’s output from $900 million in 1960 to more than $6 billion at the time of his departure in 1991. Commissioner Conner was a tireless worker, who traveled around the world to promote Florida agriculture, helping to establish markets for Florida’s farmers. He also expanded on his earlier legislative efforts to combat diseases, and under his leadership, Florida established a method for detecting the Mediterranean fruit fly which became the worldwide standard.

His excellence and leadership in Florida was recognized nationally, and he was even asked by President Kennedy to move to Washington to lead the U.S. Department of Agriculture. After thanking the President for his offer, Commissioner Conner respectfully informed him that he wanted to keep his family in Florida and continue serving the state he so deeply loved. For his service to the agricultural industry, he was presented with numerous awards and recognitions. He was inducted into the Florida Ag Hall of Fame, the Florida Citrus Hall of Fame, the Florida 4-H Hall of Fame, and the Florida FFA Hall of Fame.

Commissioner Conner also had an unwavering commitment to educating young people to help advance Florida’s agricultural sector. He maintained a long relationship with his alma mater, serving as the president of the University of Florida National Alumni Association, and in 1972, he received the Distinguished Alumni Award. Today, the University of Florida maintains a scholarship in Commissioner Conner’s name, which is awarded to students throughout Florida who display leadership in FFA and 4-H.

Commissioner Conner served as a mentor to numerous individuals throughout his career. My wife Vicki and I both had the distinct privilege and honor of working for and learning from Commissioner Conner. His leadership and commitment to Florida helped inspire me and numerous others to pursue public service. His contribution to the state of Florida and our nation cannot be overstated, and his legacy will continue to inspire Floridians for generations to come.

Mr. Speaker, on behalf of the United States Congress I am honored to recognize the life and service of a great man, Commissioner Doyle Conner. His contribution to Florida will never be forgotten. Vicki and I extend our most heartfelt condolences to the entire Conner family.

PERSONAL EXPLANATION

HON. STEVE COHEN
OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 19, 2012

Mr. COHEN. Mr. Speaker, on December 17, 2012, I was attending to a sick friend and comforting his family and was unable to vote on rollcall vote 627.

If present, I would have voted “yea” on H.R. 4606.

IT’S THE MOST WONDERFUL TIME OF THE YEAR

HON. TED POE
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 19, 2012

Mr. POE of Texas. Mr. Speaker, it’s the most wonderful time of the year. Next week, Americans throughout the fruited plain will come together and pause from the bustle of their everyday lives to celebrate Christmas with the ones they love. To Christians, Christmas is the day to honor the birth of Jesus. The word “Christmas” actually comes from the words “Cristes Maesse,” which literally translates to Christ’s Mass. The word “holiday” derives its meaning from the words “Holy Day”.

In the midst of the holiday cheer, we should never forget that some families will have an empty chair at their Christmas dinner this year. For some homes, the empty chair represents a loved one who is serving overseas. For others, the chair is a somber reminder of the warrior who served but never returned. As you celebrate the season within the warmth of your home, think of the families without a full house and the sacrifices they make not just at Christmas time but for the other 364 days of the year as well. These families bear the burdens of war, and these burdens weigh heaviest during this time of year.

War at Christmas is not new, and this year will be no exception for those who are still on active duty, and these burdens weigh heaviest during this time of year. Christmas really does bring out the best in Americans throughout the fruited plain. It also means Grandma’s apple pie, Christmas carols, wreaths, cookies, Santa, presents, ornament Christmas trees and other rich traditions that symbolize December 25th.

It is the time of year when families get to eat a Christmas dinner or open presents together. Christmas really does bring out the best in America. So next week pause. Eat Grandma’s cookies, sing Christmas carols, open presents and enjoy your loved ones. Think of those who have an empty seat at the table this year because their husband, wife, son, daughter, mother or father is serving our country in lands far far away. And don’t forget the reason for the season, the birth of Jesus that occurred over 2,000 years ago. Wish your neighbor a Merry Christmas, and be thankful that you live in a nation where we can.

And that’s just the way it is.

IN TRIBUTE TO THOMAS AND ESTHER WACHTELL

HON. ELTON GALLEGY
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 19, 2012

Mr. GALLEGY. Mr. Speaker, I rise in tribute to my good friends, Thomas and Esther Wachtell, philanthropists, and community volunteers.

Tom and Esther own and operate Oak Knoll Ranch in Ojai, California. They produce and ship apples from their 10-acre orchard but more importantly, the ranch is their base for their many other efforts.

Tom and Esther both have had storied careers. Tom was a Navy lieutenant commander in the Office of Naval Intelligence, executive vice-president of Occidental Petroleum Corporation in Los Angeles, president of Merritt Energy in Los Angeles, and an investor/consultant for Gulf Exploration in Covington, Louisiana, and, with Esther, co-proprietor of Eve’s Apples in Ojai.

Esther is president of The Wachtell Group, a fundraising consulting company specializing in large capital campaigns. In addition, she was executive vice-president and president of The Music Center of Los Angeles, an investor with her husband in Gulf Exploration, and co-proprietor of Eve’s Apples.

The lists of their community involvements are even longer. Tom’s list includes founder/president of the Los Angeles Opera, director of the Performing Arts Council of The Music Center of Los Angeles, director of the World Trade Center in Los Angeles, director of the Good Hope Foundation in Los Angeles, a Reuben Eagle, and a member of the Romney Finance Committee.

Esther’s list includes founder/chair of the Center on Philanthropy and Public Policy at USC, trustee for Children’s Hospital in Los Angeles, director of the Museum of Ventura County, director of the Los Angeles Opera, president of the Ojai Music Festival in Ojai; director of the Libbey Bowl Foundation in Ojai, and director for Ojai Community Bank.
Beneficiaries of their large philanthropic grants include Children's Hospital, Choate School, the Ronald Reagan Presidential Foundation and Library, the Music Center Opera, the Music Center of Los Angeles County, and the Republican Party.

In addition, Esther served as development chair for the Museum of Ventura County, raising $7.5 million for the museum, and for Children's Hospital, raising more than $1 billion, a record for the hospital. She also helped raise $4 million to rebuild the Libbey Bowl as president of the Ojai Music Festival.

Both list their greatest accomplishment as raising three happy and successful children who are married to three wonderful spouses and who have given them 12 fantastic grandchildren.

Mr. Speaker, I know my colleagues join my wife, Janice, and me in paying tribute to our close friends Tom and Esther Wachtell, for their patriotism, entrepreneurship, and philanthropy, which has made our nation stronger politically and economically and made our world a better place to live.

HONORING THE SERVICE OF DR. LINDA J. HEWETT

HON. JIM COSTA
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 19, 2012

Mr. COSTA. Mr. Speaker, I rise today to recognize Dr. Linda J. Hewett as she celebrates her retirement as co-director of the University of California San Francisco (UCSF), Fresno Alzheimer’s and Memory Center (AMC).

Dr. Hewett’s lifelong dedication for assisting California’s most vulnerable citizens began when she earned her nursing degree in 1968 from the Westminster Hospital in London, where she specialized in maternal and child health. In 1990, she received her doctorate in Clinical Psychology from Pepperdine University.

Dr. Hewett’s passion for ensuring that people of all ages live a quality life led her to specialize in neuropsychology. After finishing her pre-doctorate work at Rancho Los Amigos Hospital and post doctorate at UCSF, Fresno AMC, she became the co-director of AMC in 1994. Dr. Hewett began as the Assistant Clinical Professor for the departments of Neurology, Family & Community Medicine, UCSF Medical School, Fresno Medical Education Program, and will retire as an Associate Professor for UCSF. In addition, Dr. Hewett has worked as the Senior Neuropsychologist at AMC since 2004, and from 2001–2003, she was the Director of the Gerontology Program at California State University, Fresno.

Dr. Hewett has served in many capacities over the past few decades. Because of her efforts to educate and spread awareness about Alzheimer’s disease she has become a true champion for our Central Valley. Dr. Hewett’s expertise is sought out from people all over the state and country. Due to her work with the California State Legislature, there are more Alzheimer’s Research Centers that have provided invaluable resources for Alzheimer’s and dementia patients.

Thousands of families have been fortunate to receive the benefits of Dr. Hewett’s care. Her overwhelming knowledge and compassion is comforting to her patients and their families. I had the privilege to see Dr. Hewett’s work firsthand as she personally treated people very close to my heart. She made them feel comfortable and at ease, and I will always be grateful for the expertise and kindness that she provided to them.

Mr. Speaker, I ask my colleagues to join me in recognizing Dr. Linda J. Hewett for her service, compassion, and devotion to bettering the lives of others. We thank Dr. Hewett today for her outstanding contributions to the San Joaquin Valley and to the State of California.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, December 20, 2012 may be found in the Daily Digest of today’s Report.
Chamber Action

Routine Proceedings, pages S8155–S8234

Measures Introduced: Nine bills and two resolutions were introduced, as follows: S. 3690–3698, S. Res. 625, and S. Con. Res. 65.

Measures Reported:

  - Report to accompany S. 1980, to prevent, deter, and eliminate illegal, unreported, and unregulated fishing through port State measures. (S. Rept. No. 112–255)
  - Report to accompany S. 2388, to reauthorize and amend the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002. (S. Rept. No. 112–256)
  - S. 1910, to provide benefits to domestic partners of Federal employees, with an amendment in the nature of a substitute. (S. Rept. No. 112–257)
  - S. 241, to expand whistleblower protections to non-Federal employees whose disclosures involve misuse of Federal funds, with an amendment in the nature of a substitute.
  - S. 1100, to amend title 41, United States Code, to prohibit inserting politics into the Federal acquisition process by prohibiting the submission of political contribution information as a condition of receiving a Federal contract, with an amendment.
  - S. 2234, to prevent human trafficking in government contracting, with amendments.

Measures Passed:

- Improving Transparency of Education Opportunities for Veterans Act: Committee on Veterans' Affairs was discharged from further consideration of H.R. 4057, to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to develop a comprehensive policy to improve outreach and transparency to veterans and members of the Armed Forces through the provision of information on institutions of higher learning, and the bill was then passed, after agreeing to the following amendment proposed thereto:
  - Merkley (for Murray) Amendment No. 3405, in the nature of a substitute.

- Foreign and Economic Espionage Penalty Enhancement Act: Senate passed H.R. 6029, to amend title 18, United States Code, to provide for increased penalties for foreign and economic espionage, after agreeing to the following amendment proposed thereto:
  - Merkley (for Kohl/Lee) Amendment No. 3406, in the nature of a substitute.

- Army First Sergeant David McNerney Post Office Building: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 3477, to designate the facility of the United States Postal Service located at 133 Hare Road in Crosby, Texas, as the Army First Sergeant David McNerney Post Office Building, and the bill was then passed.

- Nicky ‘Nick’ Daniel Bacon Post Office: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 3870, to designate the facility of the United States Postal Service located at 6083 Highway 36 West in Rose Bud, Arkansas, as the “Nicky ‘Nick’ Daniel Bacon Post Office”, and the bill was then passed.

- Brigadier General Nathaniel Woodhull Post Office Building: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 3912, to designate the facility of the United States Postal Service located at 110 Mastic Road in Mastic Beach, New York, as the “Brigadier General Nathaniel Woodhull Post Office Building”, and the bill was then passed.

- Lance Cpl. Anthony A. DiLisio Clinton-Macomb Carrier Annex: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 5738, to designate the facility of the United States Postal Service located at 15285 Samohin Drive in Macomb, Michigan, as the “Lance Cpl. Anthony A. DiLisio Clinton-Macomb Carrier Annex”, and the bill was then passed.
**Corporal Kyle Schneider Post Office Building:** Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 5837, to designate the facility of the United States Postal Service located at 26 East Genesee Street in Baldwinsville, New York, as the “Corporal Kyle Schneider Post Office Building”, and the bill was then passed.  

**Sergeant Leslie H. Sabo, Jr. Post Office Building:** Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 5954, to designate the facility of the United States Postal Service located at 320 7th Street in Ellwood City, Pennsylvania, as the “Sergeant Leslie H. Sabo, Jr. Post Office Building”, and the bill was then passed.  

**Captain Rhett W. Schiller Post Office:** Committee on Homeland Security and Governmental Affairs was discharged from further consideration of S. 3630, to designate the facility of the United States Postal Service located at 218 North Milwaukee Street in Waterford, Wisconsin, as the “Captain Rhett W. Schiller Post Office”, and the bill was then passed.  

**Lieutenant Ryan Patrick Jones Post Office Building:** Committee on Homeland Security and Governmental Affairs was discharged from further consideration of S. 3662, to designate the facility of the United States Postal Service located at 6 Nichols Street in Westminster, Massachusetts, as the “Lieutenant Ryan Patrick Jones Post Office Building”, and the bill was then passed.  

**Department of State Rewards Program Update and Technical Corrections Act:** Senate passed S. 2318, to authorize the Secretary of State to pay a reward to combat transnational organized crime and for information concerning foreign nationals wanted by international criminal tribunals, after agreeing to the committee amendment in the nature of a substitute.  

**Dignified Burial of Veterans Act:** Committee on Veterans’ Affairs was discharged from further consideration of S. 3202, to amend title 38, United States Code, to ensure that deceased veterans with no known next of kin can receive a dignified burial, and the bill was then passed, after agreeing to the following amendment proposed thereto:  

Merkley (for Murray) Amendment No. 3407, in the nature of a substitute.  

**Improving Veterans Service Organizations Access to Federal Surplus Personal Property:** Senate passed S. 3698, to amend title 40, United States Code, to improve veterans service organizations access to Federal surplus personal property.  

**100th Birthday of Rosa Parks:** Committee on the Judiciary was discharged from further consideration of S. Res. 618, observing the 100th birthday of civil rights icon Rosa Parks and commemorating her legacy, and the resolution was then agreed to.  

**Opening of the United States Freedom Pavilion:** Senate agreed to S. Res. 625, recognizing the January 12, 2013, opening of the United States Freedom Pavilion: The Boeing Center at the National World War II Museum in New Orleans, Louisiana, and supporting plans for other educational pavilions and initiatives.  

**Measures Considered:**  

**Full-Year Continuing Appropriations Act—Agreement:** Senate continued consideration of H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, taking action on the following amendments and motions proposed thereto:  

Withdrawn:  

Leahy (for Inouye) Amendment No. 3338, in the nature of a substitute.  

Pending:  

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

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

Reid Amendment No. 3397 (to Amendment No. 3396), of a perfecting nature.  

Reid Amendment No. 3398 (to the language proposed to be stricken by Amendment No. 3395), to change the enactment date.  

Reid Amendment No. 3399 (to Amendment No. 3398), of a perfecting nature.  

Reid motion to commit the bill to the Committee on Appropriations, with instructions, Reid Amendment No. 3400, to change the enactment date.  

Reid Amendment No. 3401 (to the instructions Amendment No. 3400), of a perfecting nature.  

Reid Amendment No. 3402 (to Amendment No. 3401), of a perfecting nature.  

A motion was entered to close further debate on Reid Amendment No. 3395, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Friday, December 21, 2012.  

A motion was entered to close further debate on the bill, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a
vote on cloture will occur upon disposition of Reid Amendment No. 3395.

During consideration of this measure today, Senate also took the following action:

Leahy (for Inouye) Amendment No. 3339 (to Amendment No. 3338), of a perfecting nature, fell when Leahy (for Inouye) Amendment No. 3338 was withdrawn.

Merkley Modified Amendment No. 3367 (to Amendment No. 3338), to extend certain supplemental agricultural disaster assistance programs, fell when Leahy (for Inouye) Amendment No. 3338 was withdrawn.

Merkley Amendment No. 3350 (to Amendment No. 3338), to provide additional funds for wildland fire management, fell when Leahy (for Inouye) Amendment No. 3338 was withdrawn.

McCain/Coburn Amendment No. 3355 (to Amendment No. 3338), to strike funding for the emergency forest restoration program, fell when Leahy (for Inouye) Amendment No. 3338 was withdrawn.

Coburn/McCain Modified Amendment No. 3371 (to Amendment No. 3338), to ensure that Federal disaster assistance is available for the most severe disasters, fell when Leahy (for Inouye) Amendment No. 3338 was withdrawn.

Bingaman Amendment No. 3344 (to Amendment No. 3338), to provide for the approval of an agreement between the United States and the Republic of Palau in response to Super Typhoon Bopha, fell when Leahy (for Inouye) Amendment No. 3338 was withdrawn.

A unanimous-consent agreement was reached providing for further consideration of the bill at approximately 11 a.m., on Thursday, December 20, 2012.

Appointments:

United States-China Economic Security Review Commission: The Chair, on behalf of the President pro tempore, pursuant to Public Law 106–398, as amended by Public Law 108–7, and upon the recommendation of the Majority Leader, in consultation with the Chairmen of the Senate Committee on Armed Services and the Senate Committee on Finance, appointed the following individual to the United States-China Economic Security Review Commission: Katherine Tobin of Virginia for a term beginning January 1, 2013 and expiring December 31, 2014, vice C. Richard D'Amato of Maryland.

Committee Meetings

(Committees not listed did not meet)

CONSUMER CREDIT REPORTS

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Financial Institutions and Consumer Protection concluded a hearing to examine consumer credit reports, after receiving testimony from Corey Stone, Assistant Director for Deposits, Cash, Collections and Reporting Markets, Consumer Financial Protection Bureau; Stuart K. Pratt, Consumer Data Industry Association, Washington, D.C.; and Chi Chi Wu, National Consumer Law Center, Boston, Massachusetts.

ACCOUNTABILITY REVIEW BOARD

Committee on Foreign Relations: Committee received a closed briefing on the Accountability Review Board from National Security Briefers.

STATE OF THE RIGHT TO VOTE

Committee on the Judiciary: Committee concluded a hearing to examine the state of the right to vote after the 2012 election, after receiving testimony from Senator Nelson (FL); former Florida Governor
Charles Crist, Jr., St. Petersburg; Matt Schultz, Iowa Secretary of State, Des Moines; South Carolina State Representative Gilda Cobb-Hunter, Columbia; Ken Bennett, Arizona Secretary of State, Phoenix; and Nina Perales, Mexican American Legal Defense and Educational Fund, Inc. (MALDEF), San Antonio, Texas.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 7 public bills, H.R. 6683–6689; and 4 resolutions, H. Res. 836–839 were introduced. Pages H7359–60

Additional Cosponsors:

Reports Filed: Reports were filed today as follows:

Fourth Quarter Report of the Activities of the Committee on Veterans' Affairs During the 112th Congress (H. Rept. 112–706) Page H7359

Speaker: Read a letter from the Speaker wherein he appointed Representative Webster to act as Speaker pro tempore for today. Page H7267

Recess: The House recessed at 11:17 a.m. and reconvened at 12 noon. Page H7276

Correcting the enrollment of S. 2367: The House agreed to take from the Speaker’s table and agree to S. Con. Res. 63, to correct the enrollment of S. 2367. Pages H7276–77

Authorizing the use of the rotunda of the Capitol for the lying in state of the remains of the late Honorable Daniel K. Inouye: The House agreed to take from the Speaker’s table and agree to S. Con. Res. 64, to authorize the use of the rotunda of the Capitol for the lying in state of the remains of the late Honorable Daniel K. Inouye. Page H7277


Suspensions: The House agreed to suspend the rules and pass the following measures:

Referring H.R. 5862, a bill making congressional reference to the United States Court of Federal Claims pursuant to sections 1492 and 2509 of title 28, United States Code, the Indian trust-related claims of the Quapaw Tribe of Oklahoma (O-Gah-Pah) as well as its individual members: H. Res. 668, amended, to refer H.R. 5862, a bill making congressional reference to the United States Court of Federal Claims pursuant to sections 1492 and 2509 of title 28, United States Code, the Indian trust-related claims of the Quapaw Tribe of Oklahoma (O-Gah-Pah) as well as its individual members, by a 2/3 yea-and-nay vote of 398 yeas to 5 nays, Roll No. 635; Pages H7280–82, H7308–09

Reauthorizing certain programs under the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act with respect to public health security and all-hazards preparedness and response: H.R. 6672, to reauthorize certain programs under the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act with respect to public health security and all-hazards preparedness and response, by a 2/3 yea-and-nay vote of 383 yeas to 16 nays, Roll No. 633; Pages H7282–96, H7307

Prematurity Research Expansion and Education for Mothers Who Deliver Infants Early Reauthorization Act: S. 1440, amended, to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy; and to reduce infant mortality caused by prematurity:

Agreed to amend the title so as to read: “To reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy; to reduce infant mortality caused by prematurity; to provide for a National Pediatric Research Network, including with respect to pediatric rare diseases or conditions; and to reauthorize support for graduate medical education programs in children’s hospitals.”. Pages H7296–7301

Medicare IVIG Access Act: H.R. 1845, amended, to provide for a study on issues relating to access to intravenous immune globulin (IVIG) for Medicare beneficiaries in all care settings and a demonstration project to examine the benefits of providing coverage and payment for items and services necessary to administer IVIG in the home, by a 2/3 yea-and-nay vote of 401 yeas to 3 nays, Roll No. 634; Pages H7301–07, H7307–08
Agreed to amend the title so as to read: “To provide a demonstration project providing Medicare coverage for in-home administration of intravenous immune globulin (IVIG) and to amend title XVIII of the Social Security Act with respect to the application of Medicare secondary payer rules for certain claims.”.

**Page H7308**

**Protect Our Kids Act of 2012:** H.R. 6655, to establish a commission to develop a national strategy and recommendations for reducing fatalities resulting from child abuse and neglect, by a ⅔ yea-and-nay vote of 330 yeas to 77 nays, Roll No. 636;

**Pages H7313–17, H7327–28**

**James F. Battin United States Courthouse Designation Act:** S. 3311, to designate the United States courthouse located at 2601 2nd Avenue North, Billings, Montana, as the “James F. Battin United States Courthouse”;

**Pages H7318–19**

**Hatch Act Modernization Act of 2012:** S. 2170, to amend the provisions of title 5, United States Code, which are commonly referred to as the “Hatch Act”, to scale back the provision forbidding certain State and local employees from seeking elective office, clarify the application of certain provisions to the District of Columbia, and modify the penalties which may be imposed for certain violations under subchapter III of chapter 73 of that title;

**Pages H7320–23**

**Public Interest Declassification Board Reauthorization Act of 2012:** S. 3564, to extend the Public Interest Declassification Act of 2000 until 2014, by a ⅔ yea-and-nay vote of 409 yeas to 1 nay, Roll No. 637;

**Pages H7323–24, H7328–29**

**Government Employee Accountability Act:** H.R. 6016, amended, to amend title 5, United States Code, to provide for administrative leave requirements with respect to Senior Executive Service employees, by a ⅔ yea-and-nay vote of 402 yeas to 2 nays, Roll No. 638; and

**Pages H7324–26, H7329**

Agreed to amend the title so as to read: “To amend title 5, United States Code, to provide for investigatory leave requirements with respect to Senior Executive Service employees, and for other purposes.”.

**Page H7329**

**Nelson ‘Mac’ MacWilliams Post Office Building Designation Act:** H.R. 4062, to designate the facility of the United States Postal Service located at 1444 Main Street in Ramona, California, as the “Nelson ‘Mac’ MacWilliams Post Office Building”.

**Pages H7326–27**

**James M. Carter and Judith N. Keep United States Courthouse Designation Act:** The House agreed to discharge from committee and pass H.R. 6166, to designate the United States courthouse located at 333 West Broadway Street in San Diego, California, as the “James M. Carter and Judith N. Keep United States Courthouse”.

**Pages H7317–18**

**Paul Brown United States Courthouse Designation Act:** The House agreed to discharge from committee and pass H.R. 6633, to designate the United States courthouse located at 101 East Pecan Street in Sherman, Texas, as the “Paul Brown United States Courthouse”.

**Page H7318**

Suspensions—Proceedings Postponed: The House debated the following measures under suspension of the rules. Further proceedings were postponed:

**Medicare Identity Theft Prevention Act:** H.R. 1509, amended, to amend title II of the Social Security Act to prohibit the inclusion of Social Security account numbers on Medicare cards;

**Pages H7309–13**

**Mt. Andrea Lawrence Designation Act:** S. 925, to designate Mt. Andrea Lawrence;

**Pages H7319–20**

**Postal Inspector Terry Asbury Post Office Building Designation Act:** H.R. 6587, to designate the facility of the United States Postal Service located at 225 Simi Village Drive in Simi Valley, California, as the “Postal Inspector Terry Asbury Post Office Building”;

**Page H7327**

**Mann-Grandstaff Department of Veterans Affairs Medical Center Designation Act:** H.R. 3197, to name the Department of Veterans Affairs medical center in Spokane, Washington, as the “Mann-Grandstaff Department of Veterans Affairs Medical Center”;

**Pages H7330–31**

**William ‘Bill’ Kling VA Clinic Designation Act:** H.R. 6443, to designate the facility of the Department of Veterans Affairs located at 9800 West Commercial Boulevard in Sunrise, Florida, as the “William ‘Bill’ Kling VA Clinic”;

**Pages H7331–33**

**Representative Curtis B. Inabinett, Sr. Post Office Designation Act:** H.R. 6379, to designate the facility of the United States Postal Service located at 6239 Savannah Highway in Ravenel, South Carolina, as the “Representative Curtis B. Inabinett, Sr. Post Office”;

**Page H7333**

**Sidney “Sid” Sanders McMath Post Office Building Designation Act:** H.R. 3869, to designate the facility of the United States Postal Service located at 600 East Capitol Avenue in Little Rock, Arkansas, as the “Sidney ‘Sid’ Sanders McMath Post Office Building”;

**Pages H7333–34**

**Elizabeth L. Kinnunen Post Office Building Designation Act:** H.R. 3378, to designate the facility of the United States Postal Service located at 220 Elm Avenue in Munising, Michigan, as the “Elizabeth L. Kinnunen Post Office Building”;

**Pages H7334–35**
Cecil E. Bolt Post Office Designation Act: H.R. 4389, to designate the facility of the United States Postal Service located at 19 East Merced Street in Fowler, California, as the “Cecil E. Bolt Post Office”; and

Lieutenant Kenneth M. Ballard Memorial Post Office Designation Act: H.R. 6260, to designate the facility of the United States Postal Service located at 211 Hope Street in Mountain View, California, as the “Lieutenant Kenneth M. Ballard Memorial Post Office”.

Meeting Hour: Agreed that when the House adjourns today, it adjourn to meet at 12 noon tomorrow, December 20th.


Senate Message: Message received from the Senate today appears on page H7267.

Quorum Calls—Votes: Six yea-and-nay votes developed during the proceedings of today and appear on pages H7507, H7308, H7308–09, H7327–28, H7328–29, H7329. There were no quorum calls.

Adjournment: The House met at 10 a.m. and at 10:21 p.m., pursuant to the provisions of H. Res. 839, it stands adjourned as a further mark of respect to the memory of the late Honorable Daniel K. Inouye.

Committee Meetings

EVOLVING SECURITY SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO AND IMPLICATIONS FOR U.S. NATIONAL SECURITY

Committee on Armed Services: Full Committee held a hearing on an update on the evolving security situation in the Democratic Republic of the Congo and implications for U.S. national security. Testimony was heard from Derek Chollet, Assistant Secretary of Defense for International Security Affairs; Johnnie Carson Assistant Secretary of State for the Bureau of African Affairs; and public witnesses.

CHALLENGES FACING MULTIEMPLOYER PENSION PLANS: EVALUATING PBGC’S INSURANCE PROGRAM AND FINANCIAL OUTLOOK

Committee on Education and the Workforce: Subcommittee on Health, Employment, Labor, and Pensions held a hearing entitled “Challenges Facing Multiemployer Pension Plans: Evaluating PBGC’s Insurance Program and Financial Outlook”. Testimony was heard from Joshua Gotbaum, Director, Pension Benefit Guaranty Corporation.

BUSINESS MEETING

Committee on Ethics: Full Committee held a meeting on considering proposed amendments to Committee Rules. The motion passed by a unanimous vote on the proposed Committee Rules changes.

CONFERENCE REPORT—NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013; APPROVING THE RENEWAL OF IMPORT RESTRICTIONS CONTAINED IN THE BURMESE FREEDOM AND DEMOCRACY ACT OF 2003; AND SPENDING REDUCTION ACT OF 2012

Committee on Rules: Full Committee held a hearing on Conference Report to accompany H.R. 4310, the “National Defense Authorization Act for Fiscal Year 2013”; Senate Amendment to H.J. Res. 66, approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003; and H.R. 6684, the “Spending Reduction Act of 2012”. The Committee granted, by voice vote, a rule waiving all points of order against the conference report and against its consideration. The rule provides that the conference report shall be considered as read. The rule provides that the previous question shall be considered as ordered without intervening motion except one hour of debate and one motion to recommit if applicable. Debate on the conference report is divided pursuant to clause 8(d) of rule XXII.

The Committee granted, by voice vote, a rule providing for the consideration of H.J. Res. 66. The rule makes in order a motion by the chair of the Committee on Ways and Means that the House concur in the Senate amendment with the amendment printed in the Rules Committee report accompanying the resolution. The rule waives all points of order against consideration of the motion. The rule provides that the Senate amendment and the motion shall be considered as read. The rule provides one hour of debate on the motion equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means.

The rule further provides a closed rule for H.R. 6684. The rule provides one hour of debate equally divided and controlled by the Majority Leader and Minority Leader or their respective designees. The rule waives all points of order against consideration of the bill. The rule provides that the bill shall be considered as read. The rule waives all points of order against provisions in the bill. The rule provides one motion to recommit. Testimony was heard from Chairman McKeon and Chairman Camp and
Representatives Smith (WA), Jackson Lee (TX), Levin, Mulvaney, Jordon, and Scalise.

ONGOING INTELLIGENCE ACTIVITIES

House Permanent Select Committee on Intelligence: Full Committee held a hearing on ongoing intelligence activities. This was a closed hearing.

Joint Meetings

No joint committee meetings were held.

NEW PUBLIC LAWS

(For last listing of Public Laws, see Daily Digest, p. D1046)

H.R. 3187, to require the Secretary of the Treasury to mint coins in recognition and celebration of the 75th anniversary of the establishment of the March of Dimes Foundation. Signed on December 18, 2012. (Public Law 112–209)

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. Signed on December 18, 2012. (Public Law 112–210)


COMMITTEE MEETINGS FOR THURSDAY, DECEMBER 20, 2012

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Housing, Transportation and Community Development, to hold hearings to examine recovering from superstorm Sandy, focusing on rebuilding our infrastructure, 11 a.m., SD–538.

Committee on Finance: business meeting to consider the nominations of Ronald Lee Buch, of Virginia, and Albert G. Lauber, of the District of Columbia, both to be a Judge of the United States Tax Court, Time to be announced, Room to be announced.

Full Committee, to hold hearings to examine the nominations of William B. Shultz, of the District of Columbia, to be General Counsel of the Department of Health and Human Services, and Christopher J. Meade, of New York, to be General Counsel for the Department of the Treasury, 10 a.m., SD–215.

Committee on Foreign Relations: to hold hearings to examine Benghazi, focusing on the attacks and the lessons learned, 8 a.m., SH–216.

House


House Permanent Select Committee on Intelligence, Full Committee, business meeting, Investigative Report on the U.S. National Security Issues Posed by Chinese Telecommunications Companies Huawei and ZTE, 9 a.m., HVC–304.

Full Committee, hearing on ongoing intelligence activities, 9:30 a.m., HVC–304. This is a closed hearing.
Next Meeting of the SENATE
11 a.m., Thursday, December 20

Senate Chamber

Program for Thursday: Senate will continue consideration of H.R. 1, Full-Year Continuing Appropriations Act. The filing deadline for first-degree amendments is at 1 p.m. (Senators will gather in the Senate chamber at 9:35 a.m. to proceed together to the Capitol Rotunda for the viewing of the late Senator Daniel K. Inouye.)

Next Meeting of the HOUSE OF REPRESENTATIVES
12 p.m., Thursday, December 20

House Chamber


Extensions of Remarks, as inserted in this issue

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