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House of Representatives

Pursuant to section 2 of House Resolution 479, 112th Congress, the House met at 2 p.m. and was called to order by the Speaker.

NOTICE OF REASSEMBLY

The SPEAKER laid before the House the text of the formal notification sent to Members on Thursday, December 27, 2012, of the reassembly of the House.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 27, 2012.

DEAR COLLEAGUE: Pursuant to section 2 of House Resolution 479, and after consultation with the Minority Leader of the House, I have determined that the public interest requires that the House reassemble at 2:00 PM on Sunday, December 30, 2012. Further announcements will be provided by the Majority Leader's office.

Thank you for your attention to this urgent matter.

Sincerely,

JOHN A. BOEHNER.

PRAYER

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

Loving God, we give You thanks for giving us another day.

The year, and the 112th Congress near completion, yet the work to be done remains. Bless the Members who regather in these waning days with wisdom, magnanimity, and a shared desire to serve our Nation at a pivotal time for us all.

Bless the efforts of all who have labored during these days to forge solutions to considerable problems facing our Nation.

In the end, may we continue to trust that You would not abandon those who put their trust in You.

May all that is done this day be for Your greater honor and glory. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. POE of Texas 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.

PULSE OF TEXAS—MIKE: ''CANNOT HAVE COOKIES WITHOUT THE MILK''

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

Mr. POE of Texas. Mr. Speaker, ''Can't have cookies without the milk. Tax reform and spending cuts, not one without the other.'' That was a comment on my Facebook page from Mike in Texas.

The American people get it. Why doesn't the government? Because Washington is addicted to spending somebody else's money. The House has already passed two bills that would avert the fiscal cliff, but as usual, the Senate is missing in action.

In August, we passed a bipartisan bill, an extension of current tax rates for all Americans through the end of 2013. Then, the week before Christmas, the House again passed legislation to avoid defense sequestration by cutting spending. But as usual, both bills lie in the graveyard of the Senate, where good bills go to die.

Mr. Speaker, it's time for the Senate and Senator REID to man up, consider these bills, and get serious about the root of the problem: spending. We got here by spending too much, not taxing too little.

And that's just the way it is.

AS IT WAS FOR THE ANASAZI, SO COULD IT BE FOR AMERICA

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

Mr. KUCINICH. The Anasazi were Native Americans whose culture dated back 2,000 years. They were the cliff dwellers who built into the sheer walls of canyons extraordinary places to live. Yet, in 1300 A.D., these cliff dwellers, these great architects of culture and civilization, mysteriously disappeared.

The people of this great Nation, the United States of America, are dwelling on real cliffs of fiscal insecurity: the cliffs of joblessness and low wages; the cliffs of mortgage foreclosure, homelessness; the cliffs of retirement insecurity; the cliffs of small business failure and investor uncertainty; the cliffs of violence at home and war abroad.

At a time when the government should be demonstrating its capacity to meet the practical aspirations of the American people for jobs, education, health care, and retirement security, the government instead would have America dwell at the edge of a fiscal cliff in a manufactured crisis to manufacture consent for a deal that would otherwise be unacceptable.

Leaders of both parties would do well to remember that the original cliff dwellers, as great as they were, disappeared.

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DEFICIT CRISIS

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

Mr. BURGESS. Mr. Speaker, our country is facing a crisis. I'm not talking about the made-for-TV crisis that's going on right now over the fiscal cliff. I'm talking about the deficit.

The national debt now stands at $16 trillion. At the end of this President's next term it will be close to $22 trillion. Both parties bear the blame for this. Both branches of the legislative branch bear the responsibility, multiple administrations. And just as everyone was involved in the creation of this problem, we need all hands on deck for a solution. But unfortunately, it doesn't seem to be so.

Mr. Speaker, growth is critical. The last quarter of this year likely will see growth at 1.2 to 1.3 percent. That's not going to cut it. As long as we continue to push a tax policy that punishes success rather than provides for a pro-growth strategy, we will never grow our way out of this problem.

And then on the spending side, when are we going to have the open congressional hearings where we focus on the waste, the favoritism, the duplication that occurs in our Federal agencies? It's far past time for us to focus on those areas and allow the public in and allow the public to see how their money is being spent.

Failure to act on the deficit will likely rend the very fabric of our Republic. I, for one, do not want to see that happen.

FISCAL CLIFF

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

Mr. ALTMIRE. Recent reports have said this Congress is the most unproductive in modern times. Those studies compare the number of rollcall votes and bills passed to previous sessions. But the most important comparison is whether each Congress rose to the challenges they faced and were able to do big things on behalf of their constituents and the country. By that measure, there truly is no comparison.

Whether or not you supported the actions of previous Congresses, there can be no doubt that those congressional leaders took bold and decisive action to address crises both imminent and still to come. Unfortunately, the same cannot be said—yet—for this Congress, which has to this point failed to address a fiscal cliff that could easily be avoided before the clock strikes midnight tomorrow.

Mr. Speaker, there is still time to change the way history will judge the action—or inaction—of this Congress. With crisis comes opportunity. We still have time to finish the job, so let's not squander this opportunity to remove this Congress from the ranks of the most infamous in history.

A TRIBUTE TO A GREAT AMERICAN, MIKE COATS

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

Mr. OLSON. Mr. Speaker, I rise today wearing my space shuttle tie to honor my hero, my friend, Mike Coats. Tomorrow, Mike is retiring as Director of the Johnson Space Center of Houston.

Mike and I have a few things in common. We both are naval aviators who love Coach Bill Krueger and Clear Lake High School basketball. But Mike has done things I only dream of. He logged over 463 hours in space on three space shuttle missions. Most importantly, he fought to keep the Johnson Space Center the home of U.S. dominance in human spaceflight despite the retirement of the space shuttle and the cancellation of the Constellation program. When I grow up, I want to be Mike Coats.

Bravo Zulu, Mike. May you, Diane, your daughter, your son, and those two beautiful granddaughters, those twins, always have fair winds and following seas.

□ 1410

WE NEED A SHARED CONCERN FOR AMERICA

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

Ms. JACKSON LEE of Texas. Thank you for these words. I share a desire to serve the Nation in this pivotal time.

Mr. Speaker, I think it is enormously important that, as Starbucks said, we ''come together.'' And we can do so. We can do it in a rationality that takes a simple analysis. A simple analysis says that if I like a bag of potato chips, that's a luxury item, I can run in and get it. I don't have to think about it. Its cost is manageable. If I want to go in and get a high-end Cadillac, I'll think about it for a couple of days.

That should be the thought process for this fiscal cliff. Pass the $250,000 that will give 99 percent of Americans a tax break. Protect those who are unemployed who have worked and provide for their unemployment insurance. Protect those with the AMT—30 million taxpayers will fall over the cliff if we don't fix that, 222,000 Texans. And then if we have to deal with looking at how we address the question of reforming those benefits of Americans who work like Medicare and Social Security, we can do so. But I join the AARP, I join senior citizens: Leave Social Security alone. The changed CPI will not work, and that is not a time to deal with it in these waning hours.

We, Republicans, created this quagmire with the sequestration. We need to go and be able to address the immediacy. Get your bag of potato chips, cut the taxes for 99 percent of the American people and protect the unemployed.

We can do this. We don't have to go over the fiscal cliff. A shared concern for America, that's what we need today.

MIDDLE CLASS TAX CUTS

(Ms. McCOLLUM asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. McCOLLUM. Mr. Speaker, this Republican-controlled House has less than 36 hours to pass an extension of middle class tax cuts. Count me in as a ''yes'' vote right now to protect 98 percent of taxpayers from a tax increase. There should be bipartisan support to protect middle class families from higher taxes as our economy recovers.

So I sincerely hope that this Republican House is not so broken, so dysfunctional, and so out of touch with the real lives of Americans that the majority simply refuses to stand with Democrats to immediately pass an extension of the middle class tax cuts.

Yes, the top negotiations on other fiscal cliff issues must continue, but, Mr. Speaker, do not deny this Congress the opportunity to vote on a clean bill protecting middle class Americans. Let's start the new year by passing a commonsense, bipartisan extension of the middle class tax cuts and show America that Congress still works.

INFRASTRUCTURE SPENDING

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

Mr. CURSON of Michigan. Mr. Speaker, more than 12 million Americans are still searching for work. The fiscal cliff and deficit reduction are important for our Nation's economic health in the long term, but we need to remember in the short term, we need job creation to get the economy moving again. We can do that by investing in our Nation's infrastructure.

By investing in our infrastructure, we put people to work and create revenue immediately. More people working lessens the strain on unemployment and family assistance programs and generates more employed persons paying taxes. Putting people back to work is a deficit-reduction plan.

The U.S. Department of Transportation estimates that $1 billion in highway investments can create nearly 28,000 well-paying construction jobs. Because infrastructure investment is not only a huge boost to the economy, it's critically needed. Historically, the issue has had bipartisan support because it's so critically important. If you need to get to the other side of a bridge, it doesn't matter if you're a Republican or a Democrat, you need to get to the other side.

Now is the time for America to invest in maintaining and upgrading our infrastructure. Let's put America back to work.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. HARRIS) laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 28, 2012.

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 28, 2012 at 10:45 a.m.:

That the Senate passed without amendment H.R. 5949.

With best wishes, I am
Sincerely,

KAREN L. HAAS.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 28, 2012.

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 28, 2012 at 9:50 a.m.:

That the Senate passed without amendment H.R. 2338.

That the Senate passed without amendment H.R. 3892.

That the Senate passed without amendment H.R. 3869.

That the Senate passed without amendment H.R. 4389.

That the Senate passed without amendment H.R. 6260.

That the Senate passed without amendment H.R. 6379.

That the Senate passed without amendment H.R. 6587.

That the Senate passed S. 3667.

With best wishes, I am
Sincerely,

KAREN L. HAAS.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 30, 2012.

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 30, 2012 at 1:00 p.m.

That the Senate passed S. 3454.

That the Senate passed with amendments H.R. 1.

That the Senate passed with amendments H.R. 1464.

That the Senate passed without amendment H.R. 6014.

That the Senate passed without amendment H.R. 6620.

That the Senate passed with amendment H.R. 6621.

With best wishes, I am
Sincerely,

KAREN L. HAAS.

RECESS

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 2 o'clock and 15 minutes p.m.), the House stood in recess.

□ 1630

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HARRIS) at 4 o'clock and 30 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on 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.

IMPROVING TRANSPARENCY OF EDUCATION OPPORTUNITIES FOR VETERANS ACT OF 2012

Mr. MILLER of Florida. Mr. Speaker, I move to suspend the rules and concur in the Senate 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

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

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:

"§ 3698. Comprehensive policy on providing education information to veterans

"(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) SCOPE.—In developing the policy required by subsection (a), the Secretary shall include each of the following elements:

"(1) Effective and efficient methods to inform individuals of the educational and vocational counseling provided under section 3697A of this title.

"(2) A centralized mechanism for tracking and publishing 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. 1099b) 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 available to 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 and programs of education;

"(B) a description of Federal student aid programs; and

"(C) for each institution of higher learning, for 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 total enrollment, graduation rate, and retention rate, as determined from information collected by the Integrated Postsecondary Education Data System of the Secretary of Education;

"(ix) whether the institution provides students with technical support, academic support, and other support services, including career counseling and job placement; and

"(x) the information regarding the institution's policies related to transfer of credit from other institutions, as required under 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)(1)(V)(iv) of such Act (20 U.S.C. 1015a(i)(1)(V)(iv)).

''(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.

''(3)(A) 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 is similar to information that has been reported, by an institution of higher learning to the Secretary of Education, the Secretary of Defense, the Secretary of Labor, or the heads of other Federal agencies under a provision of law other than under this section, the Secretary of Veterans Affairs shall obtain the information the Secretary of Veterans Affairs requires from the Secretary or head with the information rather than the institution of higher learning.

''(B) If the Secretary of Veterans Affairs requires, for purposes of providing information pursuant to subsection (b)(5), information from an institution of higher learning that has not been reported to another Federal agency, the Secretary shall, to the degree practicable, obtain such information through the Secretary of Education.

''(d) CONSISTENCY WITH EXISTING EDUCATION POLICY.—In carrying out this section, the Secretary shall ensure that—

''(1) the comprehensive policy is consistent with any requirements and initiatives resulting from Executive Order No. 13607; and

''(2) the efforts of the Secretary to implement the comprehensive policy do not duplicate the efforts being taken by any Federal agencies.

''(e) COMMUNICATION WITH INSTITUTIONS OF HIGHER LEARNING.—To the extent practicable, if the Secretary considers it necessary to communicate with an institution of higher learning to carry out the comprehensive policy required by subsection (a), the Secretary shall carry out such communication through the use of a communication system of the Department of Education.

''(f) DEFINITIONS.—In this section:

''(1) The term 'institution of higher learning' has the meaning given that term in section 3452(f) of this title.

''(2) The term 'postsecondary education and training opportunities' means any postsecondary program of education, including apprenticeships and on-job training, for which the Secretary of Veterans Affairs provides assistance to a veteran or member of the Armed Forces.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding after the item relating to section 3697A the following new item:

''3698. Comprehensive policy on providing education information to veterans.''.

(b) SURVEY.—In developing the policy required by section 3698(a) of title 38, United States Code, as added by subsection (a), 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 allows 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 and whether 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.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, 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 3698(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.

(d) 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 Health, 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) COMMERCIALLY AVAILABLE OFF-THE-SHELF.—The term ''commercially available off-the-shelf'' has the meaning given that term in section 104 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-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 INDUCEMENTS BY EDUCATIONAL INSTITUTIONS.

Section 3696 of title 38, United States Code, is amended by adding at the end the following new subsection:

''(d)(1) 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 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. 3. DEDICATED POINTS OF CONTACT FOR SCHOOL CERTIFYING OFFICIALS.

Section 3684 of title 38, United States Code, is amended by adding at the end the following new subsection:

''(d) Not later than 90 days after the date of the enactment of this subsection, the Secretary shall ensure that the Department provides personnel of educational institutions who are charged with submitting reports or 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 EMPLOYEES 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.

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.

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 add any extraneous material that they may have on the Senate amendment to H.R. 4057.

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 yield myself such time as I might consume.

Mr. Speaker, the Senate amendment before us, H.R. 4057, is another bipartisan and bicameral product of the work of the House and the Senate Committees on Veterans' Affairs to improve the effectiveness of GI Bill benefits for our veterans.

I want to express my appreciation to the Subcommittee on Economic Opportunity Chairman MARLIN STUTZMAN, Ranking Member BRUCE BRALEY, and our new committee ranking member, MIKE MICHAUD, for working with us to bring this amended bill to the House floor today. I also want to thank the chairman and ranking member of the Senate Committee on Veterans' Affairs, Senators MURRAY and BURR, for their support of this legislation as well.

The Senate amendment responds to concerns about how to ensure that veterans make the best use of their hard-earned GI Bill benefits. Now, I think that by adding some very reasonable transparency requirements to information provided by schools we have met those concerns really without overburdening our colleges and universities with needless government regulations.

The bill, as amended, has four major sections. The first one reflects our vice chairman of the full committee Mr. BILIRAKIS' original legislation, slightly modified, which would improve the ability of GI Bill users to choose the school that best meets their own educational needs. These provisions will help this generation of veterans make informed choices about how to use those educational benefits.

I appreciate the bipartisanship manner in which our colleagues on both sides of the aisle have worked to reach an accord on the final provisions of this section. I also want to thank the veteran service organizations for their assistance, especially the Veterans of Foreign Wars, for they have been so supportive of this particular section. I also want to thank the higher education associations for their support as well.

Now, section 2 contains additional provisions from the original bill that will prohibit schools from paying or offering any type of inducement to employees or students for recruiting veterans. It would also require the Secretary of Veterans Affairs to carry out enforcement of this provision in a manner that is consistent with the Higher Education Act.

Section 3 would require VA to provide a point of contact dedicated to assisting schools with questions about VA education policy and processes.

The fourth section would limit the total amount of bonuses or awards paid to VA employees to $395 million total in fiscal year 2013, which fully pays for the provisions in the Senate amendment.

Finally, if properly implemented by VA, and if the multitude of Federal, State, and local agencies charged with overseeing the education industry properly enforce existing laws and regulations, there should be little need for further legislation in this area.

Regardless, the House Committee on Veterans' Affairs will continue to aggressively monitor the implementation of this legislation and the performance of the entire education industry to ensure that these provisions achieve the desired results.

I encourage all the Members of this body to support the bill, and I reserve the balance of my time.

Mr. MICHAUD. Mr. Speaker, I yield myself as much time as I may consume.

First of all, I would like to thank the chairman of the Veterans' Affairs Committee and the staff of both the majority and the minority for their work in putting these two bills together before us today.

I rise today in support of this bill, H.R. 4057, a bill requiring the Department of Veterans Affairs to develop a 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.

Mr. Speaker, our brave men and women of this country put their lives in harm's way to ensure that our freedom is protected. Their actions are without reservation or consideration to what may become of their lives. We must honor their service by ensuring that they have the opportunity to pursue the American Dream when they come home. This includes making it affordable for them to buy a home, protecting their employment while they are deployed, and allowing them to pursue a postsecondary education.

Our servicemembers are trained for the worst when they are deployed, ready to fight in combat, and, if necessary, make the ultimate sacrifice. But when they return home, the battle to transition to civilian life can be difficult and frustrating. With the passage of the post-9/11 GI Bill, which provided generous education benefits, many veterans and their dependents took this opportunity to pursue a higher education and a better life.

However, it is not enough to provide a benefit if the veterans do not have the proper information on the educational opportunities available to them. They need the right tools at the right time to help them determine which school is the best one for them. That is why I support strongly H.R. 4057.

This bill will provide our veterans with the necessary information to make an intelligent and informed decision when deciding to pursue a postsecondary education or vocational training opportunity.

Education is a key factor for a successful professional life, particularly for servicemembers that may have some difficulty translating their military skill to civilian employment. This bill requires a collective effort from agencies, institutions of higher learning, and Congress to help veterans succeed. Furthermore, this bill can help ensure a better, well-trained workforce for a more competitive America.

I ask my colleagues to join me in support of H.R. 4057, and I respectfully reserve the balance of my time.

Mr. MILLER of Florida. Mr. Speaker, I'm now happy to yield as much time as he might consume to the vice chairman of the full committee, Tarpon Springs' favorite son, the gentleman from Florida (Mr. BILIRAKIS).

Mr. BILIRAKIS. Mr. Speaker, I rise today in strong support of H.R. 4057, the Improving Transparency of Education Opportunities for Veterans Act, as amended by the Senate. I'm truly proud of my colleagues in both the House and the Senate for putting aside partisan differences and coming together to move this bill through both Chambers in the best interests of our true American heroes, our veterans.

As more and more servicemembers are leaving Active Duty and use their post-9/11 GI benefits, there is an increased need for information to help them choose institutions of higher learning which maximize their benefits and best meet their future career demands.

My bill, as amended, requires the Secretary of Veterans Affairs to create a comprehensive policy, which includes informing veterans about their eligibility for educational counseling, creating a centralized complaint database on schools, requiring State-approving agencies to better communicate with accrediting agencies, establishing how information will be presented in the transition assistance program, and identifying commercially off-the-shelf available software to assist students in choosing a school and evaluating their readiness to attend postsecondary institutions.

I want to express my sincere appreciation to my good friend, Chairman JEFF MILLER, a fellow Floridian, and also the ranking member, BOB FILNER, of course, Mr. MICHAUD, along with Senators MURRAY and BURR, for moving this legislation through both Chambers. I would like to thank also Representative BRALEY, the veterans service organizations, and higher education associations for providing feedback on ways to improve this bill and their continued support going forward.

Mr. Speaker, I urge passage of H.R. 4057.

□ 1640

Mr. MICHAUD. At this time, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. I thank Mr. MICHAUD very much. I thank him for his leadership on this legislation. And I thank the chairman of the Veterans' Affairs Committee and the author of the bill, along with Mr. MICHAUD and Mr. BILIRAKIS, for their leadership.

Texas competes with many States for the number of returning soldiers from Iraq and Afghanistan and certainly is known for the presence of veterans from almost every single war. We are a State of military personnel and military bases, and Houston is known as well for the large numbers of veterans residing there.

I happen to represent the veterans cemetery and interact with veterans on a regular basis. We have Ellington Field, which we hope will some day hold one of the major commands. So we see veterans every day, and we have the opportunity to interact. And we know their dreams and aspirations and those of their family members.

I rise to support H.R. 4057 with the Senate amendment to particularly emphasize some very important points. I want veterans to be treated fairly. I want them to be able to build on the training and the amount of talent that they've built on in the United States military. This legislation protects them and acts to help them utilize the post-Iraq and Afghanistan GI Bill, one of the most unique initiatives in the Nation and one that we supported in a bipartisan way.

This legislation will allow the VA to conduct a market survey of online tools that allow veterans to assess their academic preparedness, to pursue postsecondary education training opportunities, and provide these veterans with a list of institutions that match the criteria. That is our Achilles' heel. Veterans come back, they see a lot of advertisements, they are attracted to a number of institutions; but they may not work for them. This kind of tracking and guidance will say, We really appreciate you; we want you to use these resources in the best way possible. In addition, the VA will then be required or will be able to secure information from other Departments, like the Department of Education, to know about these institutions and guide our veterans in the best way possible.

I see veterans, as I said, all the time. I see homeless veterans. I see veterans seeking services. I see veterans, as many of us do, in our offices. They want information. They want to be respected. They want to be able to contribute in today's society, to help their families, and to use those skills where they were serving their Nation in the best way possible.

I believe the gift that we've given them in education should be a guided gift to give them the kind of pathway, if you will, that will make sure that these resources are used in the best way possible. So I support this legislation.

I would finally say that I additionally support the bill coming up about dignified burial and other veterans benefits just to specifically say because of my district having the veterans cemetery, because of the many issues we have dealt with in the particular cemetery in Houston, this is great news to

know that no veteran will be undermined in their burial, no veteran will be in an undignified burial because of this legislation.

I thank my colleagues for moving forward on recognizing that our veterans have sacrificed for us. We need now to respect that and sacrifice for them.

With that, I ask my colleagues to support the legislation.

Mr. MILLER of Florida. Mr. Speaker, I would like to inquire as to whether my friend has any more speakers. If not, I reserve the balance of time, as we have no more speakers.

Mr. MICHAUD. I have no further speakers, and I yield back the balance of my time.

Mr. MILLER of Florida. Mr. Speaker, I once again encourage all Members to support the Senate amendment to H.R. 4057, 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 concur in the Senate amendment to the bill, H.R. 4057.

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.

DIGNIFIED BURIAL AND OTHER VETERANS' BENEFITS IMPROVEMENT ACT OF 2012

Mr. MILLER of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (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 for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3202

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 ''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; table of contents.
Sec. 2. Scoring of budgetary effects.

TITLE I—CEMETERY 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 medical 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, Arlington National Cemetery, and certain State veterans' cemeteries and from receiving certain funeral honors.
Sec. 106. Restoration, operation, and maintenance of Clark Veterans Cemetery by American Battle Monuments Commission.
Sec. 107. Report on compliance of Department of Veterans Affairs with industry standards for caskets and urns.

TITLE 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 certain veterans covered by medicaid plans for services furnished by nursing facilities.
Sec. 204. Extension of report requirement for Special Committee on Post-Traumatic-Stress Disorder.

TITLE III—OTHER MATTERS

Sec. 301. Off-base transition training for veterans and their spouses.
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 Trinka 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.

SEC. 2. SCORING OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

TITLE I—CEMETERY MATTERS

SEC. 101. FURNISHING CASKETS AND URNS FOR DECEASED VETERANS WITH NO KNOWN NEXT OF KIN.

(a) IN GENERAL.—Section 2306 of title 38, United States Code, is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively;

(2) by inserting after subsection (e) the following new subsection (f):

''(f) The Secretary may furnish a casket or urn, of such quality as the Secretary considers appropriate for a dignified burial, for burial in a national cemetery of a deceased veteran in any case in which the Secretary—

''(1) is unable to identify the veteran's next of kin, if any; and

''(2) determines that sufficient resources for the furnishing of a casket or urn for the burial of the veteran in a national cemetery are not otherwise available.''; and

(3) in subsection (h), as redesignated by paragraph (1), by adding at the end the following new paragraph:

''(4) A casket or urn may not be furnished under subsection (f) for burial of a person described in section 2411(b) of this title.''.

(b) EFFECTIVE DATE.—Subsections (f) and (h)(4) of section 2306 of title 38, United States Code, as added by subsection (a), shall take effect on the date that is one year after the date of the enactment of this Act and shall apply with respect to deaths occurring on or after the date that is one year after the date of the enactment of this Act.

SEC. 102. VETERANS FREEDOM OF CONSCIENCE PROTECTION.

(a) IN GENERAL.—Section 2404 of title 38, United States Code, is amended by adding at the end the following new subsection:

''(h)(1) With respect to the interment or funeral, memorial service, or ceremony of a deceased veteran at a national cemetery, the Secretary shall ensure that—

''(A) the expressed wishes of the next of kin or other agent of the deceased veteran are respected and given appropriate deference when evaluating whether the proposed interment or funeral, memorial service, or ceremony affects the safety and security of the national cemetery and visitors to the cemetery;

''(B) to the extent possible, all appropriate public areas of the cemetery, including committal shelters, chapels, and benches, may be used by the family of the deceased veteran for contemplation, prayer, mourning, or reflection; and

''(C) during such interment or funeral, memorial service, or ceremony, the family of the deceased veteran may display any religious or other symbols chosen by the family.

''(2) Subject to regulations prescribed by the Secretary under paragraph (4), including such regulations ensuring the security of a national cemetery, the Secretary shall, to the maximum extent practicable, provide to any military or volunteer veterans honor guard, including such guards belonging to a veterans service organization or other nongovernmental group that provides services to veterans, access to public areas of a national cemetery if such access is requested by the next of kin or other agent of a deceased veteran whose interment or funeral, memorial service, or ceremony is being held in such cemetery.

''(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 the deceased veteran of funeral honors available to the deceased veteran, including such honors provided by any military or volunteer veterans honor guard described in paragraph (2).

''(4) The Secretary shall prescribe regulations to carry out this subsection.''.

(b) INTERIM IMPLEMENTATION.—The Secretary may carry out paragraphs (1) through (3) 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.

(c) REPORT.—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) REQUIRED INFORMATION.—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.

''(b) DECEASED VETERAN DESCRIBED.—A deceased veteran described in this subsection is a deceased veteran—

''(1) with respect to whom the Secretary determines that there is no next of kin or other person claiming the body of the deceased veteran; and

''(2) who does not have sufficient resources for the furnishing of a casket or urn for the burial of the deceased veteran in a national cemetery, as determined by the Secretary.''.

(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.''.

(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 and shall apply with respect to deaths occurring on or after the date that is 180 days after 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 veterans 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 ''who was a veteran of any war or was discharged or released from the active military, naval, or air 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 ''compensation, the'' and inserting ''(a) IN GENERAL.—The'';

(B) in subsection (a), as designated by subparagraph (A), by inserting ''described in subsection (b)'' after ''of the deceased veteran''; and

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

''(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 who dies 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 whom the Secretary determines is eligible for funeral expenses under section 2302 of this title by virtue of the Secretary determining that the veteran has no next of kin or other person claiming the body of such veteran pursuant to subsection (a)(2)(A) of such section.''.

(3) 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 and shall apply with respect to burials and funerals occurring on or after 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, ARLINGTON NATIONAL CEMETERY, AND CERTAIN STATE VETERANS' CEMETERIES AND FROM RECEIVING CERTAIN FUNERAL HONORS.

(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 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) whose conviction is final (other than a person whose sentence was commuted by the President or Governor of a State, as the case may be).''.

(b) CONFORMING AMENDMENTS.—Section 2411(a)(2) of such title is amended—

(1) by striking ''or (b)(2)'' each place it appears and inserting '', (b)(2), or (b)(4)''; and

(2) by striking ''capital'' each place it appears.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to interments and memorializations 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 treated, for purposes of section 2104 of title 36, United States Code, as a cemetery for which it was decided under such section that the cemetery will become a permanent cemetery and the American Battle Monuments Commission shall restore, operate, and maintain Clark Veterans Cemetery (to the degree 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 such subsection 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 CASKETS AND URNS.

(a) IN GENERAL.—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 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 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 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 Defense in carrying out paragraph (1).

(b) REPORT TO CONGRESS.—

(1) REPORTS BY INDEPENDENT SCIENTIFIC ORGANIZATION.—The Secretary of Veterans Affairs shall enter into an agreement with an independent scientific organization to prepare reports as follows:

(A) Not later than two years after the date on which the registry under subsection (a) is established, an initial report containing the following:

(i) An assessment of the effectiveness of actions taken by the Secretaries to collect and maintain information on the health effects of exposure to toxic airborne chemicals and fumes caused by open burn pits.

(ii) Recommendations to improve the collection and maintenance of such information.

(iii) 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.

(B) Not later than five years after completing the initial report described in subparagraph (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 degree 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 an area of land located in Afghanistan or Iraq that—

(A) is designated by the Secretary of Defense to be used for disposing solid waste by burning in the outdoor air; and

(B) does not contain a commercially manufactured incinerator or other equipment specifically designed and manufactured for the burning of solid waste.

SEC. 202. TRANSPORTATION OF BENEFICIARIES TO AND FROM FACILITIES OF DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Chapter 1 of title 38, United States Code, is amended by inserting after section 111 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 purpose of examination, 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 section 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) CLERICAL 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 FOR SERVICES FURNISHED BY NURSING FACILITIES.

Section 5503(d)(7) of title 38, United States Code, is amended by striking ''September 30, 2016'' and inserting ''November 30, 2016''.

SEC. 204. EXTENSION OF REPORT REQUIREMENT FOR SPECIAL COMMITTEE ON POST-TRAUMATIC-STRESS DISORDER.

Section 110(e)(2) of the Veterans' Health Care Act of 1984 (Public Law 98–528; 38 U.S.C. 1712A note) is amended by striking ''through 2012'' and inserting ''through 2016''.

TITLE III—OTHER MATTERS

SEC. 301. OFF-BASE TRANSITION TRAINING FOR VETERANS AND THEIR SPOUSES.

(a) PROVISION OF OFF-BASE TRANSITION TRAINING.—During the two-year period beginning on the date of the enactment of this Act, the Secretary of Labor shall provide the Transition Assistance Program under section 1144 of title 10, United States Code, to eligible individuals at locations other than military installations to assess the feasibility and advisability of providing such program to eligible individuals at locations other than military installations.

(b) ELIGIBLE INDIVIDUALS.—For purposes of this section, an eligible individual is a veteran or the spouse of a veteran.

(c) LOCATIONS.—

(1) NUMBER OF STATES.—The Secretary shall carry out the training under subsection (a) in not less than three and not more than five States selected by the Secretary for purposes of this section.

(2) SELECTION OF STATES WITH HIGH UNEMPLOYMENT.—Of the States selected by the Secretary under paragraph (1), at least two shall be States with high rates of unemployment among veterans.

(3) NUMBER OF LOCATIONS IN EACH STATE.—The Secretary shall provide training under subsection (a) to eligible individuals at a sufficient number of locations within each State selected under this subsection to meet the needs of eligible individuals in such State.

(4) SELECTION OF LOCATIONS.—The Secretary shall select locations for the provision of training under subsection (a) to facilitate access by participants and may not select any location on a military installation other than a National Guard or reserve facility that is not located on an active duty military installation.

(d) INCLUSION OF INFORMATION ABOUT VETERANS BENEFITS.—The Secretary shall ensure that the training provided under subsection (a) generally follows the content of the Transition Assistance Program under section 1144 of title 10, United States Code.

(e) ANNUAL REPORT.—Not later than March 1 of any year during which the Secretary provides training under subsection (a), the Secretary shall submit to Congress a report on the provision of such training.

(f) COMPTROLLER GENERAL REPORT.—Not later than 180 days after the termination of the one-year period described in subsection (a), the Comptroller General of the United States shall submit to Congress a report on the training provided under such subsection. The report shall include the evaluation of the Comptroller General regarding the feasibility and advisability of carrying out off-base transition training at locations nationwide.

SEC. 302. REQUIREMENT THAT JUDGES ON UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS RESIDE 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, but the Court may sit at any place within the United States.

''(b) 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.

''(c) RESIDENCES.—(1) Except as provided in paragraph (2), after appointment and while in active service, each judge of the Court of Appeals for Veterans Claims shall reside within 50 miles of 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.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 72 is amended by striking the item relating to section 7255 and inserting the following new item:

''7255. Offices, duty stations, and residences.''.

(b) REMOVAL.—Section 7253(f)(1) is amended by striking ''or engaging in the practice of law'' and inserting ''engaging in the practice of law, or violating section 7255(c) of this title''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Subsection (c) of section 7255, as added 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) APPLICABILITY.—The amendment made by subsection (b) shall apply with respect to judges confirmed on or after January 1, 2012.

SEC. 303. DESIGNATION OF TRINKA DAVIS VETERANS VILLAGE.

(a) DESIGNATION.—The facility of the Department of Veterans Affairs located at 180 Martin Drive in Carrollton, Georgia, shall after the date of the enactment of this Act be known and designated as the ''Trinka Davis Veterans Village''.

(b) REFERENCES.—Any reference in any law, regulation, map, document, record, or other paper of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Trinka Davis Veterans Village''.

SEC. 304. DESIGNATION OF WILLIAM "BILL" KLING DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC.

(a) DESIGNATION.—The facility of the Department of Veterans Affairs located at 9800 West Commercial Boulevard in Sunrise, Florida, shall after the date of the enactment of this Act be known and designated as the ''William 'Bill' Kling Department of Veterans Affairs Outpatient Clinic''.

(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 ''William 'Bill' Kling Department of Veterans Affairs Outpatient Clinic''.

SEC. 305. DESIGNATION OF MANN-GRANDSTAFF DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER.

(a) DESIGNATION.—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''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Department of Veterans Affairs medical center referred to in subsection (a) shall be deemed to be a reference to the ''Mann-Grandstaff Department of Veterans Affairs Medical Center''.

SEC. 306. DESIGNATION OF DAVID F. WINDER DEPARTMENT OF VETERANS AFFAIRS COMMUNITY BASED OUTPATIENT CLINIC.

(a) DESIGNATION.—The Department of Veterans Affairs community based outpatient clinic located in Mansfield, Ohio, shall after the date of the enactment of this Act be known and designated as the ''David F. Winder Department of Veterans Affairs Community Based Outpatient Clinic''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other

record of the United States to the Department of Veterans Affairs community based outpatient clinic referred to in subsection (a) shall be deemed to be a reference to the ''David F. Winder Department of Veterans Affairs Community Based Outpatient 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.

GENERAL LEAVE

Mr. MILLER of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and add any extraneous material that they may have on S. 3202.

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

There was no objection.

Mr. MILLER of Florida. I yield myself such time as I may consume.

S. 3202 is another bipartisan and bicameral product of the House and the Senate Committees on Veterans' Affairs. It's going to improve the lives of veterans and their families.

I want to again thank my colleague, the ranking member, Mr. MICHAUD, and all the members of the committee and the subcommittees for their advocacy of the provisions of this bill. I also want to thank from the other side of the Capitol complex Senator MURRAY and Senator BURR for their work on improving these provisions. It's great working with Members who show that, when it comes to veterans issues, both sides can really come together and agree on issues for the common good.

The first title of this bill pertains to cemetery matters, as one of my colleagues has already said. In June of this year, an indigent veteran with no next of kin was buried in a cardboard box in my home State of Florida. I, like many of my colleagues, was shocked and appalled to hear of this news. As a result, several sections of this legislation directly address that specific issue, and it will ensure that all eligible veterans, regardless of their personal or financial situation, will receive a dignified burial at a VA national cemetery. This would include providing VA with the authority to provide a casket, urn, or other acceptable burial container when a veteran has no known next of kin and the VA is unable to provide one.

This legislation would also provide for more efficient communication between VA and local medical examiners and other agencies to ensure that eligible veterans with no next of kin will be properly laid to rest in a national cemetery. It would also require the VA report to Congress on its compliance with industry standards for appropriate burial containers.

Another section of title I, authored by Mr. CULBERSON of Texas, would direct VA to ensure that any memorial service respects the wishes of a deceased veteran's family to include the use of religious symbols or volunteer honor guards. Given the numerous difficulties many families face when dealing with the death of a loved one, ensuring that their wishes can be honored with a VA memorial service is the least we can do to honor the memory of that veteran.

The bill would also protect the honor of those buried in America's national cemeteries by prohibiting anyone convicted of a tier III sex offense and sentenced to life in prison from being laid to rest there. Because VA national cemeteries are such sacred grounds, it is important that we preserve the honor of those buried there by excluding those convicted of the most heinous of crimes.

This legislation would provide a pathway toward the establishment of the Clark Veterans Cemetery, located in the Philippines, as a permanent cemetery restored, operated, and maintained by the American Battle Monuments Commission.

□ 1650

As the American Battle Monuments Commission currently operates and maintains other overseas veterans cemeteries, it is the most appropriate entity to accomplish the important task of honoring our fallen veterans who have been laid to rest at Clark.

Title II of this legislation contains provisions that will enhance our ability to provide for the health care needs of our veterans. It includes a measure which would direct VA, in coordination with the Department of Defense, to establish and maintain an open burn pit registry for veterans of Iraq and Afghanistan who may have been exposed to toxic chemicals and fumes caused by open burn pits during deployment.

Many of our servicemembers and veterans have returned home from combat in Iraq and Afghanistan with serious questions and grave concerns about the possible long-term health effects of burn pit exposure. It is my hope that by establishing this registry we can provide them the answers and assurances they seek and develop better ways to care for them and future generations of America's warriors.

Under this title, VA would also be authorized to provide transportation services to and from VA facilities for veterans with health care appointments and in connection with vocational rehabilitation or counseling. Veterans who live in rural communities, who are elderly, who are visually impaired, or who are immobile due to disease and disability often face significant challenges in traveling to access services that VA can provide. It is our intent that VA will use this authority to complement, and not replace, existing programs such as the valuable Disabled American Veterans Transportation Network; and as such, this authority is being provided for 1 year.

Title III of the bill would require the Department of Labor to conduct a 2-year pilot program offering Transition Assistance Program training at off-base facilities in three to five States with high rates of unemployment among veterans. With the permission of the Department of Defense, National Guard and Reserve, facilities could be used. Veterans and spouses would be eligible for the program, which would be designed to train those veterans who did not participate in the Active Duty Transition Assistance Program or who just need to refresh their job-hunting skills.

Additionally, this title would require that judges of the United States Court of Appeals for Veterans Claims reside within 50 miles of the Washington, D.C., metropolitan area during their service. Such a requirement would put the veterans court in line with other Federal courts located in the District, which already have a residency requirement in place.

Finally, this legislation includes four measures to name VA medical facilities in Georgia, Florida, Washington, and Ohio after prominent veterans or civilians who have performed outstanding services to veterans in the communities in which the VA facility is located.

I want to encourage all Members to support the bill as amended.

I reserve the balance of my time.

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

The bill before us today, the Dignified Burial and Other Veterans' Benefits Improvement Act of 2012, S. 3202, is a minibus collection of veterans measures that primarily focus on ensuring that our veterans receive proper burials that reflect and honor their service. The bill also establishes and expands several health care and transition assistance benefits, and it names four VA health facilities after Americans with distinguished honor.

I appreciate the hard work of all of our colleagues in the House and in the Senate and of our staffs on the measures that were included in this bill. We all share the same goal—helping our veterans and their families receive the benefits that they have earned and deserve. This bill advances that goal, and I support its passage.

Title I of this bill will allow the Secretary of the VA to provide a casket or urn to those veterans who die without a known next of kin, without identification or without financial means, thereby ensuring that these veterans are laid to rest with the utmost dignity.

Mr. Speaker, there is also an allocation of $5 million in this title to attempt to address the longstanding maintenance, operation, and ownership issues at Clark Veterans Cemetery in the Philippines. Along with soldiers and civilians of other nationalities, over 2,200 American veterans are buried at Clark. This provision will honor their sacrifices by setting up the process for Clark to become a permanent

cemetery administered by the American Battle Monuments Commission. Clark continues to accept burials, including those from the Iraq war; and to ensure a smooth transition, it is critical that an agreement is reached between the two governments before it can become a permanent cemetery. I am confident that the ABMC will bring this cemetery up to its impeccable standards and that Congress will provide it the resources to do so.

Title II of the bill contains a vital provision requiring the Department of Veterans Affairs, with help from the Department of Defense, to establish a burn pit registry. This registry would be for our men and women who may have been exposed to toxic airborne chemicals and fumes caused by open burn pits. Every time we send our men and women into combat, we need to do all that we can to properly assess their risks of exposure to toxins. It has been decades, and we still do not fully understand the risks associated with one's exposure to agent orange, an exposure causing many veterans to suffer without compensation. We should learn from this history, and this bill puts us on track to avoid repeating it again.

Title II would also enhance VA transportation services to help more veterans access VA health care, and it contains a very timely measure that would extend the reporting requirement for posttraumatic stress disorder through 2016. The rate of PTSD remains high in the veteran population, and we must continue to keep this issue at the top of our radar as well as before Congress and the public so that we can continue to provide the funding that's needed.

Finally, Mr. Speaker, title III of this bill contains an important section that would direct the Department of Labor to provide the Transition Assistance Program, TAP, at locations other than at military installations. This 2-year pilot program will benefit our servicemembers and their spouses by providing additional opportunity to attend TAP and to learn about their earned benefits. Too many returning servicemembers are unable to take advantage of TAP. This is especially true for members of the National Guard and Reserve who often return from war to find that they lack the support military communities provide them. The TAP program is critical to a servicemember's successful transition back into civilian life, and I am glad to see it expanded.

Again, I want to thank the members and Chairman MILLER for their leadership on this bill, and I urge all of my colleagues to support its passage.

I reserve the balance of my time.

Mr. MILLER of Florida. Mr. Speaker, might I inquire of the time remaining.

The SPEAKER pro tempore. The gentleman from Florida has 14½ minutes remaining.

Mr. MILLER of Florida. Mr. Speaker, I yield such time as he may consume to the vice chairman of the full committee, the gentleman from Florida (Mr. BILIRAKIS).

Mr. BILIRAKIS. Thank you, Mr. Chairman.

Mr. Speaker, I rise today in strong support of S. 3202, the Dignified Burial of Veterans Act.

I appreciate my colleagues' diligence in moving this language through the Senate, and I am grateful for the work they have done on behalf of our veterans. I would also like to thank my good friend and fellow Floridian, Chairman JEFF MILLER, and Ranking Member BOB FILNER for the work they have done this Congress to improve the quality of services for our veterans—our true American heroes.

This truly bipartisan piece of legislation incorporates language similar to H.R. 6073, which is legislation that I introduced in the House after learning that Private Lawrence Davis, Jr., a World War II veteran, had been buried in a cardboard box in a veterans cemetery not far from my district. This legislation ensures that veterans with no next of kin and insufficient funds for proper and dignified burials will receive assistance from the Department of Veterans Affairs.

Our Nation's heroes deserve to be buried in the same way they served our great Nation—with dignity, honor, and respect. Private Davis deserved better. While we cannot go back and rewrite what has already happened, we can ensure that it doesn't happen again. This legislation is the right thing to do; and in the final hours of this Congress, I am very pleased that this Chamber is taking action on this important piece of legislation. Again, I urge the passage of S. 3202.

□ 1700

Mr. MICHAUD. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. MILLER of Florida. Mr. Speaker, once again I encourage all Members to support this legislation.

I yield back the balance of my time.

Mr. GINGREY of Georgia. Mr. Speaker, I rise today in support of S. 3202, the Dignified Burial of Veterans Act and particularly section 303 of this bill, which designates the Department of Veterans Affairs facility in Carrollton, Georgia as the "Trinka Davis Veterans Village."

Katherine "Trinka" Davis was a businesswoman from Carroll County who founded the Trinka Davis Foundation in 2004 after realizing the struggles many service men and women faced upon return from Iraq and Afghanistan. Though not a veteran herself, through her generosity, Ms. Davis performed an outstanding service for the veterans of Northwest Georgia.

Mr. Speaker, Trinka made note of the reports of difficulties that many returning veterans and their respective families were facing: loss of limbs, traumatic brain injuries, PTSD, unemployment, and loss of their homes.

Although she is no longer with us, her memory lives on. Trinka left almost her entire estate—over $18 million—to the Foundation, which has used it to construct a first class health facility to aid our wounded warriors in their recovery and treatment.

Mr. Speaker, with a war in Afghanistan, a recent one in Iraq, and unrest around the globe, the United States has more than 196,000 active duty service men and women that put their lives on the line—night and day—to protect our families and our freedoms. These men and women accepted the call of duty, leaving behind their loved ones and life as they know it to protect the lives of others.

When our soldiers return from battle, sometimes they do not get the support and assistance that they deserve. Simply put, we owe them more. Just as they have answered the call to serve our country, we must answer the call to serve them. This is what Trinka Davis did.

Thanks to Trinka's generosity and the tireless dedication of her foundation, the new clinic was donated to the Department of Veterans Affairs in August. The doors were opened for veterans to receive outpatient treatment on September 24, and in the coming months the clinic will also include a 42 bed community living center.

While providing a variety of services including primary care, physical therapy, and outpatient mental health services, the facility will serve 3,000 veterans and will allow them to receive treatment closer to home.

Mr. Speaker, I believe that like our veterans, Ms. Davis is a hero. She recognized the needs of our veterans and worked tirelessly to meet them. The Trinka Davis Foundation ensured that Ms. Davis's commitment to the veterans and their families in the Carrollton community and beyond would be preserved through construction of the health facility.

I ask my colleagues to join me in recognizing Trinka's selfless actions and those who have bravely served our Nation by supporting S. 3202.

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, S. 3202.

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. MILLER of Florida. 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.

CLOTHE A HOMELESS HERO ACT

Mr. BILIRAKIS. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 6328) to amend title 49, United States Code, to direct the Assistant Secretary of Homeland Security (Transportation Security Administration) to transfer unclaimed clothing recovered at airport security checkpoints to local veterans organizations and other local charitable organizations, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

On page 2, line 20, after ''clothing to'' insert ''the local airport authority or other local authorities for donation to charity, including''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. BILIRAKIS) and the gentlewoman from New York (Ms. HOCHUL) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

GENERAL LEAVE

Mr. BILIRAKIS. 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 material on this bill under consideration.

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

There was no objection.

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

Mr. Speaker, as vice chairman of the Veterans' Affairs Committee and a senior member of the Committee on Homeland Security, I rise in favor of H.R. 6328, the Clothe a Homeless Hero Act, which passed the House by voice vote last month and was approved by the Senate with an amendment.

According to estimates from the Department of Housing and Urban Development, in 2011 approximately 14 percent of all homeless adults were veterans, and with more than 67,000 veterans homeless on any given night. I know that you agree we must do all that we can to ensure that the veterans who have so courageously served our country are not forgotten and are receiving the care and services they deserve. VA Secretary Eric Shinseki has set a laudable goal of ending veterans' homelessness by 2015 and has established partnerships with other Federal agencies, such as HUD, to accomplish it.

The bill before us today will forge another important partnership in our efforts to serve homeless veterans, one with the Transportation Security Administration.

Each day as Americans travel through screening checkpoints, Mr. Speaker, operated by TSA at our Nation's airports, many articles of clothing are left behind. In fact, TSA reports that they collect between 500 and 1,000 garments per day. H.R. 6328 directs the TSA administrator to make every reasonable effort to donate this unclaimed clothing to local organizations that serve homeless or needy veterans.

I commend the House sponsor, Ms. HOCHUL, the gentlelady from New York, for this fine piece of legislation. I once again urge Members to support this legislation and in turn support homeless veterans.

I reserve the balance of my time.

Ms. HOCHUL. Mr. Speaker, I rise in support of the Senate amendment to H.R. 6328, Clothe a Homeless Hero Act, and I yield myself such time as I may consume.

Yesterday my hometown paper, The Buffalo News, ran an editorial that says, ''Homeless vets need our help: The reward for serving our country shouldn't be a life on the streets.''

Mr. Speaker, I couldn't agree more.

We are here today to aid and honor America's veterans, especially those who've fallen on hard times, are most in need, and all too forgotten.

As the American people rush through lines at airports with their shoes, gloves, hats, scarves, and coats, it's easy to forget that so many Americans go without these basic comforts during the cold winter months. I know this personally. I just flew in from Buffalo, New York, where we have about a foot and a half of snow on the ground, and it calls to mind the sense that there are a lot of people in need, particularly our veterans. As we rush through airports, it's easy to leave behind these kinds of garments. That's what happened to me when I left a scarf at the Buffalo airport while coming to Washington.

As you've heard, TSA has reported that as many as 1,000 articles of clothing, like mine, are left behind at airport checkpoints every day. This adds up to thousands of pounds of abandoned, unclaimed clothing. At the same time, tens of thousands of veterans are homeless on any given night.

This is unconscionable, Mr. Speaker. Veteran homelessness is nothing less than a national tragedy. We must fully embrace the President's call to end veteran homelessness by 2015. We must work to end homelessness for all Americans—especially those heroes who risked their lives for our freedom. But until we end veteran homelessness, we must do everything we can to aid these American heroes.

I am sure you'll agree there is no better purpose for unclaimed warm clothing than to help America's homeless veterans. That's why I was so proud to introduce the Clothe a Homeless Hero Act, and to work with my colleagues in the Homeland Security Committee and Senator GILLIBRAND and Senator TOOMEY to improve and advance this bipartisan legislation.

This simple bill directs unclaimed clothing left at checkpoints like this to go to charitable organizations for distribution to homeless veterans and others in need.

Mr. Speaker, this is probably my last speech on the floor of Congress. I can't think of a worthier cause to champion than to make sure that our homeless veterans get the clothing they need and deserve. This measure is a simple, commonsense example of an opportunity for all of us, Democrats and Republicans alike, to work together and find common ground. Clearly we need much more of that, particularly on a day like this. I know every one of us is proud of the work our men and women in uniform do every day, and we're proud of the veterans who come home. We need to ask ourselves: are they proud of us?

Let us make this bill be a template for the bipartisanship that our veterans, indeed our country, deserves from the people they send to Washington to represent them.

I thank Chairman BILIRAKIS and my colleagues on the Homeland Security Committee for supporting this legislation.

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

Mr. BILIRAKIS. Mr. Speaker, I have no further speakers. Does the gentlelady have further speakers?

Ms. HOCHUL. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas (Ms. JACKSON LEE), the ranking member of the Subcommittee on Transportation Security and Infrastructure Protection of the Committee on Homeland Security.

Ms. JACKSON LEE of Texas. Mr. Speaker, I want to thank the gentlelady from New York, and I want to first of all say this will not be the last we hear of your voice, and what a stupendous voice you have. Thank you so much for making this time on the floor a time that pays tribute to veterans but also recognizes the outstanding service that you've given to this Nation, to the Committee on Homeland Security and your other committees, but more importantly the passion that you've shown as a true American. I hope that we heed the voice that you just lifted up that we owe to veterans not only this great legislation, but also the ability to come together and work on their behalf and on behalf of all Americans.

□ 1710

Thank you again for allowing me to comment on this bill as the ranking member on the Homeland Security Transportation Committee.

I thank Mr. BILIRAKIS. We have worked together on a number of legislative initiatives, and I thank him as well for his service, along with the retiring chairman, Chairman KING, and our Democratic ranking member, Mr. THOMPSON, for their leadership. It gives me great comfort to be able to come on the floor today and say thank you.

Even though no one wants to see a homeless hero, a homeless veteran, I spent, over the holidays, time visiting a number of our centers where homeless veterans are, and I can tell you that they are the most giving and charitable persons.

Many of us will be able to recount on Thanksgiving Day, or during the holiday, being able to give or to share or to be able to distribute food or to serve veterans who, unfortunately, not of their own doing, have fallen upon hard times, do not have a place to live, and are coming to the various food pantries and food kitchens. It was one of great pleasure to me, not for their condition, but to be able to humbly just provide them with a warm meal. This is a commonsense legislative initiative that

says to homeless heroes, every day we're thinking of you.

As the ranking member on the Transportation Security Committee, I can assure you that Transportation Security officers are grateful to Ms. HOCHUL and to the Senate amendment for giving them this chance to further their service to the Nation.

There are many things that are left behind, and many times in the airport you hear that PA system saying, Come back, come back to the security checkpoint; you've left your iPad, your coat, your shoes. What else could you have left? Many times, unfortunately, those individuals are already on the airplane, and so we try our best, but we leave behind quality items that could be used for our veterans.

The Senate amendment expands this to other charities as well. But as the ranking member, I want to commend to our TSA officers and our officers that are supervisors across the Nation's airports, and to our airports, yes, you have the opportunity to give to veterans, charitable institutions and others, but I encourage you, because of the extensive number of homeless veterans, that you give these items so that we can have, not only resources, but clothing for homeless veterans of whom we hope that we will provide a pathway to be able to get out of the status of homelessness, but also while they're doing so, to provide them with this quality clothing.

So again, I rise to support H.R. 6328, as amended by the Senate, to thank the author of this legislation, Ms. HOCHUL, the gentlelady from New York; again, remind her that she will not have a silent voice, and this is a very grand and wonderful way to end at least your legislative service, your bill-writing service on this floor of the House and in this Congress where you are serving the Nation's veterans. We are forever grateful, and I ask my colleagues to support this legislation.

Ms. HOCHUL. Mr. Speaker, I reserve the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, what I'd like to do is I'll reserve the balance of my time, and then I'll close once the gentlelady does.

Ms. HOCHUL. Mr. Speaker, again I simply want to thank on the Senate side Senator GILLIBRAND, Senator TOOMEY, and, of course, here my colleagues on the Homeland Security Committee led by PETER KING and our Ranking Member THOMPSON, and certainly Chairman BILIRAKIS and my dear friend Ranking Member JACKSON LEE for all their support for this commonsense legislation to assist America's homeless veterans.

With that, I urge the adoption of the Senate amendment to H.R. 6328 so this measure can be sent to the President for his signature.

I yield back the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I urge Members to support this commonsense piece of legislation and that the President promptly sign it into law.

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. BILIRAKIS) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 6328.

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. BILIRAKIS. 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.

DRYWALL SAFETY ACT OF 2012

Mr. TERRY. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 4212) to prevent the introduction into commerce of unsafe drywall, to ensure the manufacturer of drywall is readily identifiable, to ensure that problematic drywall removed from homes is not reused, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Drywall Safety Act of 2012''.

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the Secretary of Commerce should insist that the Government of the People's Republic of China, which has ownership interests in the companies that manufactured and exported problematic drywall to the United States, facilitate a meeting between the companies and representatives of the United States Government on remedying homeowners that have problematic drywall in their homes; and

(2) the Secretary of Commerce should insist that the Government of the People's Republic of China direct the companies that manufactured and exported problematic drywall to submit to jurisdiction in United States Federal Courts and comply with any decisions issued by the Courts for homeowners with problematic drywall.

SEC. 3. DRYWALL LABELING REQUIREMENT.

(a)LABELING REQUIREMENT.—Beginning 180 days after the date of the enactment of this Act, the gypsum board labeling provisions of standard ASTM C1264–11 of ASTM International, as in effect on the day before the date of the enactment of this Act, shall be treated as a rule promulgated by the Consumer Product Safety Commission under section 14(c) of the Consumer Product Safety Act (15 U.S.C. 2063(c)).

(b)REVISION OF STANDARD.—If the gypsum board labeling provisions of the standard referred to in subsection (a) are revised on or after the date of the enactment of this Act, ASTM International shall notify the Commission of such revision no later than 60 days after final approval of the revision by ASTM International. The revised provisions shall be treated as a rule promulgated by the Commission under section 14(c) of such Act (15 U.S.C. 2063(c)), in lieu of the prior version, effective 180 days after the Commission is notified of the revision (or such later date as the Commission considers appropriate), unless within 90 days after receiving that notice the Commission determines that the revised provisions do not adequately identify gypsum board by manufacturer and month and year of manufacture, in which case the Commission shall continue to enforce the prior version.

SEC. 4. SULFUR CONTENT IN DRYWALL STANDARD.

(a)RULE ON SULFUR CONTENT IN DRYWALL REQUIRED.—Except as provided in subsection (c), not later than 2 years after the date of the enactment of this Act, the Consumer Product Safety Commission shall promulgate a final rule pertaining to drywall manufactured or imported for use in the United States that limits sulfur content to a level not associated with elevated rates of corrosion in the home.

(b)RULE MAKING; CONSUMER PRODUCT SAFETY STANDARD.—A rule under subsection (a)—

(1) shall be promulgated in accordance with section 553 of title 5, United States Code; and

(2) shall be treated as a consumer product safety rule promulgated under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058).

(c)EXCEPTION.—

(1)VOLUNTARY STANDARD.—Subsection (a) shall not apply if the Commission determines that—

(A) a voluntary standard pertaining to drywall manufactured or imported for use in the United States limits sulfur content to a level not associated with elevated rates of corrosion in the home;

(B) such voluntary standard is or will be in effect not later than two years after the date of enactment of this Act; and

(C) such voluntary standard is developed by Subcommittee C11.01 on Specifications and Test Methods for Gypsum Products of ASTM International.

(2)FEDERAL REGISTER.—Any determination made under paragraph (1) shall be published in the Federal Register.

(d)TREATMENT OF VOLUNTARY STANDARD FOR PURPOSES OF ENFORCEMENT.—If the Commission determines that a voluntary standard meets the conditions in subsection (c)(1), the sulfur content limit in such voluntary standard shall be treated as a consumer product safety rule promulgated under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058) beginning on the date that is the later of—

(1) 180 days after publication of the Commission's determination under subsection (c); or

(2) the effective date contained in the voluntary standard.

(e)REVISION OF VOLUNTARY STANDARD.—If the sulfur content limit of a voluntary standard that met the conditions of subsection (c)(1) is subsequently revised, the organization responsible for the standard shall notify the Commission no later than 60 days after final approval of the revision. The sulfur content limit of the revised voluntary standard shall become enforceable as a Commission rule promulgated under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058), in lieu of the prior version, effective 180 days after the Commission is notified of the revision (or such later date as the Commission considers appropriate), unless within 90 days after receiving that notice the Commission determines that the sulfur content limit of the revised voluntary standard does not meet the requirements of subsection (c)(1)(A), in which case the Commission shall continue to enforce the prior version.

(f)FUTURE RULEMAKING.—The Commission, at any time subsequent to publication of the consumer product safety rule required by subsection (a) or a determination under subsection (c), may initiate a rulemaking in accordance with section 553 of title 5, United States Code, to modify the sulfur content limit or to include any provision relating only to the composition or characteristics of drywall that the Commission determines is reasonably necessary to protect public health

or safety. Any rule promulgated under this subsection shall be treated as a consumer product safety rule promulgated under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058).

SEC. 5. REVISION OF REMEDIATION GUIDANCE FOR DRYWALL DISPOSAL REQUIRED.

Not later than 120 days after the date of the enactment of this Act, the Consumer Product Safety Commission shall revise its guidance entitled ''Remediation Guidance for Homes with Corrosion from Problem Drywall'' to specify that problematic drywall removed from homes pursuant to the guidance should not be reused or used as a component in production of new drywall.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska (Mr. TERRY) and the gentlewoman from New York (Ms. HOCHUL) each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska.

GENERAL LEAVE

Mr. TERRY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material in the RECORD on H.R. 4212.

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

There was no objection.

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

Mr. Speaker, I rise today in strong support of H.R. 4212, an important bipartisan bill to help fight the problem of defective Chinese drywall which hit many families as a second plague when their home was destroyed by a hurricane or other disaster and then rebuilt using contaminated drywall from China.

The House bill, which passed by voice vote last summer, attacks the problem in three ways:

First, it directs the Secretary of Commerce to engage Chinese leaders and push for the manufacturers of the contaminated drywall to step up and take responsibility for the damages caused by their shoddy product;

Second, the bill requires all drywall manufacturers in the future to label their product with their name and the date of manufacture. The lack of such basic identifying information was a major problem for the homeowners who were stuck with contaminated Chinese drywall but could not determine which manufacturer produced it;

Third, and finally, the House bill requires the Consumer Product Safety Commission to restrict elemental sulfur in drywall unless industry voluntarily adopts an acceptable limit first. Compliance with such a limit would be easy to check at the ports or elsewhere using simple handheld devices.

Mr. Speaker, the Senate amendment before us today preserves all of these key aspects of the House bill, making only a few minor changes. Notably, the Senate amendment provides that the CPSC may only enforce a voluntary sulfur limit if it is adopted by a specified standard-setting body. This responds to a concern that the voluntary sulfur limit be a true consensus standard; that is, the product of an open process that allows for participation of industry and consumers alike.

Mr. Speaker, the Senate amendment does not undercut the House-passed version of the bill, nor does it add any unnecessary government regulation. Therefore, I strongly urge the adoption of H.R. 4212.

I reserve the balance of my time.

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

I rise to speak about the amended version of H.R. 4212, the Drywall Safety Act of 2012 returned to this Chamber by the Senate.

The House approved its own version of H.R. 4212 this past September by a voice vote. That version was the result of bipartisan negotiations that involved the sponsors of this bill, Mr. RIGELL of Virginia and Mr. DEUTCH of Florida, along with the leadership from both sides of the aisle of the Energy and Commerce Committee and its Subcommittee on Commerce, Manufacturing, and Trade.

I believe the House produced a good bill that met Mr. RIGELL's and Mr. DEUTCH's goal of getting the U.S. Government to take action regarding a problematic drywall situation.

The Senate version we are considering today retains significant portions of the House language, so I intend to vote in favor of what the Senate has sent back to us. Just like the previously approved House version, this Senate version requires that all new drywall be marked with a permanent label that can be used to identify who manufactured a particular sheet of drywall and when it was manufactured.

A major problem many homeowners experienced was that they didn't know who made the drywall in their homes or when it was made. The labeling requirement should make it easier to pin down exactly who is responsible for producing any given sheet of drywall.

In addition, just like the previously approved House version, the Senate version requires all drywall used in the United States to be subject to a sulfur content limit. After extensive investigation by the CPSC, sulfur was the element found to be associated with the awful odor and metal corrosion homeowners were experiencing.

The Senate version specifies the American Society for Testing and Metals, or ASTM, international standard for gypsum board labeling as the labeling standard that must be complied with. The House version did not pick a particular voluntary standard.

□ 1720

Instead, CPSC would have specified the industry-generated voluntary standard to be complied with or, failing that, write its own rule on the matter. The Senate version also specifically grants responsibility for the standard on sulfur content to an ASTM committee. Both of these changes are made because one trade association believed that, under the House version, the CPSC could rely on a voluntary standard that was not developed through a process with safeguards for due process, the airing of diverse views, and consensus decisionmaking. There's not one instance that anyone can point to where the CPSC has relied on a voluntary industry standard that was not produced through a process that involved due process, the airing of diverse views, and consensus decisionmaking.

In addition to referencing the ASTM voluntary standard-setting body twice, the Senate tweaked the future rulemaking section. The House granted CPSC authority to ''reduce'' the sulfur content limit or set limits regarding the composition or characteristics of drywall that are reasonably necessary to protect public health or safety. We granted this authority in case later down the road it becomes apparent that there are other problems associated with drywall that we have not yet identified. The Senate's version replaces the word ''reduce'' with ''modify,'' so the CPSC has the authority to modify the sulfur content limit. The word ''modify'' encompasses reducing the limit, so we are willing to live with this change.

I continue to support this bill despite these changes, because the time to act has long past. As far back as late 2008, consumers have complained about homes that smelled like rotten eggs, health concerns that included irritated and itchy eyes and skin, breathing problems, asthma attacks, persistent coughs, bloody and running noses, and recurring headaches. Complaints also included reports of blackened and corroded metal components in the home. The CPSC received nearly 4,000 such complaints from residents in 43 States who believed these conditions related to the presence of Chinese drywall in their homes. Most of these complaints were concentrated in the South, where there was a construction boom in 2006 and 2007 due to hurricanes in 2004 and 2005.

To help bring some relief to these homeowners and to reduce the chance of something like this ever happening again, this legislation does a few other things in addition to the labeling and sulfur content requirements:

It asks the Secretary of Commerce to engage the Chinese Government to prod those companies that exported problematic drywall to the United States—some of which are partly owned by the Chinese Government—to meet with U.S. officials about providing some sort of remedy to homeowners affected by this defective product;

The bill also asks the Secretary of Commerce to engage the Chinese Government to try to get the government to direct these companies to submit to the jurisdiction of our courts and comply with judgments that have been entered against them;

It also calls on the CPSC to revise guidance it published on the removal of

problematic drywall from homes to specify that this drywall should not be reused or put back into the drywall production stream. Once this drywall is removed from one home, we need to make sure it does not end up in another.

Despite issues with why H.R. 4212 is back here on the House floor, the Democratic leadership of the Energy and Commerce Committee and its Subcommittee on Commerce, Manufacturing, and Trade, and I along with them, support this bill and urge my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Mr. TERRY. At this time I yield 3 minutes to the gentleman from Virginia (Mr. RIGELL), who's the lead Republican sponsor. His dogged leadership on this is why it's back on the House floor again.

Mr. RIGELL. I thank Chairman TERRY very much for yielding and my friend and colleague, the gentlelady from New York, for your support of this good bill.

Mr. Speaker, I rise in strong support of the Drywall Safety Act of 2012, as amended. I urge my colleagues to vote ''yes'' on really what is much-needed and commonsense legislation that's going to come before the House tonight.

For nearly 4 years, families across the country have suffered from the harmful effects of defective Chinese-manufactured drywall. They're friends and neighbors, and they're families, Mr. Speaker, who worked hard and saved and really set out for that classic American Dream to own their own home or to finish their retirement years in a home, and yet that dream turned into a literal nightmare when their home was filled with a mysterious and foul rotten egg type of odor. I've been in these homes. It completely makes the home uninhabitable. It takes all the copper wiring in the home and basically turns it into black soot. They have to replace the compressors on the air conditioners. And even worse is that their health deteriorates.

They turn first to the builders. The builders are not covered by their insurance. Some were able to help out the homeowners and renovate the home on their own, but many are not able to do that, and some builders have gone out of business. They turned then to the manufacturer of the contaminated drywall in China, but really have no recourse there. It's a profoundly sad situation where Americans, through no fault of their own, are experiencing bankruptcy and terrible financial problems.

But tonight we have an opportunity to do what's right and to stand with our friends and neighbors and pass this legislation. It will hold China responsible in no uncertain terms for failing to require their manufacturers to rightly compensate Americans who have been damaged and victimized by those contaminated products.

We express the undivided sense of Congress, Republicans and Democrats working together, that we're going to make sure that China is held accountable for what they've done here. It requires labeling on all the drywall products to make sure that we can find out who's responsible for the manufacturer of each and every piece of drywall that's manufactured; it will limit the amount of sulfur in the drywall, which was the cause of all of this; and, as has been pointed out by my colleague from New York, it's a voluntary standard as opposed to just more massive government intervention. I think that's the right path to go.

So I thank my friends and colleagues from both sides of the aisle for making this possible. The underlying legislation passed the House unanimously in September. The amendment that has been made, I think, is very modest. I especially want to thank my friend and colleague from Florida, Mr. DEUTCH, for working with me as cochair of the Chinese Drywall Caucus. I thank the chairman for yielding and for your support on this piece of legislation.

Ms. HOCHUL. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. TERRY. Mr. Speaker, in closing, let me make one very important point. Republicans and Democrats alike are united on this important health and safety issue. I urge all Members to pass this amendment today and get the needed consumer protections in place.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska (Mr. TERRY) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 4212.

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. HOCHUL. 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.

UNINTERRUPTED SCHOLARS ACT

Mr. ROE of Tennessee. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3472) to amend the Family Educational Rights and Privacy Act of 1974 to provide improvements to such Act.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3472

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 ''Uninterrupted Scholars Act (USA)''.

SEC. 2. FAMILY EDUCATIONAL RIGHTS AND PRIVACY.

Section 444(b) of the General Education Provisions Act (20 U.S.C. 1232g(b)) (commonly known as the ''Family Educational Rights and Privacy Act of 1974'') is amended—

(1) in paragraph (1)—

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

(B) in subparagraph (K)(ii), by striking the period at the end and inserting ''; and''; and

(C) by inserting after subparagraph (K), the following:

''(L) an agency caseworker or other representative of a State or local child welfare agency, or tribal organization (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S. C. 450b)), who has the right to access a student's case plan, as defined and determined by the State or tribal organization, when such agency or organization is legally responsible, in accordance with State or tribal law, for the care and protection of the student, provided that the education records, or the personally identifiable information contained in such records, of the student will not be disclosed by such agency or organization, except to an individual or entity engaged in addressing the student's education needs and authorized by such agency or organization to receive such disclosure and such disclosure is consistent with the State or tribal laws applicable to protecting the confidentiality of a student's education records.''; and

(2) in paragraph (2)(B), by inserting '', except when a parent is a party to a court proceeding involving child abuse and neglect (as defined in section 3 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 note)) or dependency matters, and the order is issued in the context of that proceeding, additional notice to the parent by the educational agency or institution is not required'' after ''educational institution or agency''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. ROE) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. ROE of Tennessee. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on S. 3472.

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

There was no objection.

Mr. ROE of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of S. 3472, the Uninterrupted Scholars Act. The bill amends the Family Educational Rights and Privacy Act of 1974, better known as FERPA, to give child welfare agency caseworkers access to the educational records of foster children. This is an important bill that will help improve the quality of education for children in foster care.

□ 1730

In 2008, Congress passed the Fostering Connections to Success and Increasing Adoptions Act, which tasked

child welfare agencies with ensuring that children in foster care are enrolled in school. In carrying out this important mission, agencies are required to consider educational stability when identifying foster care placements and coordinate with local school districts to ensure that young people stay in their current school when placed in foster care or are immediately enrolled in a new school if that is in their best interest.

Over the last 4 years, student privacy law has made it difficult to properly implement the educational stability provisions of the Fostering Connections law. For example, child welfare agents are unable to access student education records in a timely manner, if at all, to properly monitor student progress and coursework, or to get students enrolled in the proper courses if a transfer of schools is necessary.

The Uninterrupted Scholars Act will correct these challenges. By allowing direct—and limited—access to the education records of foster kids, caseworkers can follow the students' education in a timely manner and help ensure greater success in school.

The Committee on Education and the Workforce—and this Congress—understands the importance of maintaining strong student privacy protections and supports the provisions included in FERPA. It is our responsibility to ensure a student's personal information, such as academic progress, placement or disciplinary records, is not shared with anyone other than officials directly involved in the student's education.

For children in foster care, child welfare agents have a responsibility to look out for the education of their students and have a direct need to have access to these important records. The bill before us today narrowly grants caseworkers access to these important records.

Mr. Speaker, S. 3472 is a narrow, but critical, step in helping children in foster care receive a better education. I urge my colleagues to support this bill and reserve the balance of my time.

Mr. GEORGE MILLER of California. I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this bipartisan legislation to help foster children succeed in school.

The Uninterrupted Scholars Act will make a real and immediate difference in the lives of foster children across this country.

I want to thank Congresswoman BASS and Senator LANDRIEU for their support of this legislation, the Senate for sending this legislation back to the House, Chairman ROE for managing this on the floor, and Chairman KLINE for agreeing to have this legislation come to the House today.

In thanking Congresswoman BASS, I want to recognize her not only as the author of this legislation, but for her leadership both here in Washington and in the State legislature in our State of California when she served there on behalf of these young people to make sure that they would have a better opportunity at success.

Foster children are some of the most at-risk students. As a group, they miss more school than their peers, are more likely to drop out, and take longer to finish when they do graduate. Throughout their young lives, they may change care placements multiple times. Each placement means adjusting to a new family and often a new community, new friends, and a new school.

Each move can put their educational success in jeopardy. That's because the caseworkers who advocate for them as they move from one school to another often do so without critical information. Though current law rightly requires foster care caseworkers to include children's education records in their case plans, another Federal law limits the ability of caseworkers to access those records in a timely manner.

Without access to a foster child's school records, caseworkers are limited in their ability to advocate for the child's educational needs, especially as they move from one school to another or from one family to another. Without these records, caseworkers don't have the necessary information to make important and informed decisions about placement, wraparound services, and credit transfers among schools. That means that those vulnerable children do not get the services that they need. This red tape creates unnecessary hurdles for educational successes for many foster children. And if there's one thing foster children don't need in life, it's additional hurdles to jump. They have plenty of hurdles confronting them every day as they try to succeed within the system.

This legislation before us today makes narrow changes to FERPA to allow foster care caseworkers to do a better job on behalf of these young people. I urge my colleagues to support this legislation, and I reserve the balance of my time.

Mr. ROE of Tennessee. I have no speakers at this time. I continue to reserve the balance of my time.

Mr. GEORGE MILLER of California. With that, I yield 5 minutes to Congresswoman BASS of California, one of the authors of this legislation, and again thank her for her advocacy on behalf of foster children and foster families.

Ms. BASS of California. Mr. Speaker, I rise today in strong support of S. 3472, the Uninterrupted Scholars Act, a bill that will help foster children achieve educational success.

First, I want to thank Chairman KLINE and Ranking Member MILLER for their support of this bill and their ongoing dedication to improving outcomes for foster youth throughout the Nation. I would also like to extend my sincere appreciation and respect to Senator LANDRIEU. I am proud to work alongside the Senator, who is a tireless advocate for foster youth and families both domestic and worldwide.

Throughout 2012, the Congressional Caucus on Foster Youth has traveled the country and visited five States on a nationwide listening tour. We heard from youth, families, and community leaders about the best practices and challenges facing the child welfare system.

In Miami, Florida, at the invitation of Congress Members ALCEE HASTINGS and FREDERICA WILSON, we learned about a commonsense, no-cost legislative fix that would have a significant and positive impact on hundreds of thousands of foster children across the country.

After we returned to Washington, I joined my fellow cochairs of the congressional caucus—Representatives MARINO, MCDERMOTT, BACHMANN, and a number of other members of the caucus—to introduce the bipartisan Uninterrupted Scholars Act. This bill will address the concerns raised in Florida by providing youth with the support they need to avoid problems like inappropriate course placement and lost credits upon changing schools. Specifically, it will simply allow caseworkers to access transcripts for foster youth while maintaining important privacy protections.

Children in foster care are among the most educationally at-risk of all student populations. Because of the abuse and neglect foster youth have experienced in their young lives, they often face physical and emotional challenges that interfere with their learning and negatively impact their educational outcomes. For example, the average child in foster care goes to three to five high schools.

Existing Federal law requires that child welfare agencies include educational records in their case plan and work with school districts to improve the educational experiences and outcomes for children in foster care. However, the Family Educational Rights and Privacy Act, or FERPA, unintentionally creates a harmful barrier that prevents child welfare caseworkers from being able to quickly access school records necessary to help meet the educational needs of students in foster care. This can lead to significant delays that contribute to inappropriate class placements, enrollment delays, repeated classes, delayed graduation, and even dropouts.

The story of young Jasmine is an example of stories we heard during the listening tour. When Jasmine was placed in foster care on an emergency basis, her mother's whereabouts were unknown and the child welfare agency caseworker was unable to obtain consent from any parent. Without timely access to the child's education records, the caseworker could not evaluate whether it would be in Jasmine's best interest to remain in the same school. Jasmine moved to a new school, which had different graduation requirements. She received no credits for her coursework from the prior school and had to repeat some of the same classes.

She fell a full year behind and eventually dropped out of the school.

In my district, the Los Angeles Department of Children and Family Services is currently responsible for the placement and care of over 15,000 foster youth. The sheer size of this youth population—larger than most States—as well as the 82 different school districts within L.A. County, make it particularly challenging to proactively address student needs without direct access to educational records.

Another example from the listening tour when we were in L.A. is Vanessa, a fifth grader who has a similar story. She was transferred from L.A. Unified to another school district over 50 miles away while relocating to a new foster home. Her records did not follow. Therefore, she was placed in a fourth grade classroom, a full grade level below her actual skill level and age. She consistently cried at meetings with teachers. She eventually advocated for herself and her classes were transferred, but in the meantime she missed 2 months of fifth grade. The Uninterrupted Scholars Act would help avoid situations faced by young Jasmine and Vanessa by allowing child welfare caseworkers, who have the legal responsibility for a foster child's care and welfare, timely access to their educational records.

□ 1740

At the same time, this bill protects and preserves the educational privacy rights of students and parents that we all want to safeguard. In the words of Mary Cagle, the director of Legal Services at the Florida Department of Children and Families, this bill ''fixes an existing conflict in Federal law. It's so simple, so easy, so clear.''

The Uninterrupted Scholars Act is endorsed by dozens of nationwide organizations, including the National Foster Parent Association, the National School Boards Association, the Child Welfare League of America, and many others. Today I stand with my bipartisan, bicameral colleagues in the Congressional Caucus on Foster Youth to ask for your support, as well.

We have a responsibility to foster youth, children whom we have removed from their parents' care, youth whom we promised to keep safe and help to succeed. The Uninterrupted Scholars Act will help us keep this promise.

Mr. GEORGE MILLER of California. I yield 4 minutes to the gentleman from Washington, Congressman MCDERMOTT, a strong supporter of this legislation and an advocate on behalf of foster children.

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

Mr. MCDERMOTT. Mr. Speaker, I urge my colleagues to endorse the amendments to S. 3472. But in talking about this, I want to talk about the process by which we got here. Nothing ever goes as fast in the House of Representatives as we want it to. And I want to commend my colleague, the ranking member on the Education committee, GEORGE MILLER, for his historic leadership on child welfare issues. He got here in the '70s, and there was nobody looking after kids. Nobody. There was no focus anyplace in the Congress. So he took it on. He had hearings and hearings and hearings and hearings. And that brought about the bill that passed in 1980. It was called the Adoption Assistance and Child Welfare Act of 1980.

Now when I got here as a child psychiatrist, I looked around and saw there was some stuff to do, and I wrote the Fostering Connections Act, which I authored and passed in the 2008 Congress with strong bipartisan support with the intent of improving the lives of kids in foster care. We continued to look for a way to make this system really function. And through the 1980 act, the law gave the power to shift resources from temporary out-of-home care toward either providing services to a child or his or her family or finding other permanent adoptive homes.

One of the key provisions of the Fostering Connections Act was to better provide for educational stability. What we found was that kids constantly were moved, their records were lost, and there were long delays. And the single thing that gives them a real chance to make it in society, that is, an education, was being denied by the bureaucracy that sort of thought, well, this is just, we'll get the records there when we get the records there.

So it's fitting that the ranking member on the Education and Workforce Committee is here to help guide this current legislation making it easier for foster kids to succeed academically through the House today.

Why is education important? Well, if you go to the same school, you know the people, you find a teacher, you find a teacher who might be interested in you when a parent wasn't interested in you, or you had no one else in the world that was interested in you, but you found a teacher, and that's what the educational system has done to hundreds and hundreds and hundreds of foster kids.

Now, we thought, well, we'll just write into Fostering Connections a change in Federal policy which would make sure that youth maintain some kind of continuity within their school when they're forced to move from home to home.

It says that a State welfare agency must coordinate with educational agencies to ensure that a child remains in the school in which he or she is enrolled at the time of placement. If remaining in the child's school of origin is not in his or her best interest, that State must ensure the child is immediately enrolled in a new school without waiting weeks or months for paperwork.

Now, with Fostering Connections, it seems like a simple thing to say that kids ought to continue in the same school. As with any law we pass, there is always this implementation period. As a result, it has taken us several years to figure out the problems and the barriers to successfully implementing this particular provision. Many teachers and school administrators are still unaware of these provisions. Many schools lack any coordinator or coordinating entity to facilitate cross-agency collaboration to serve the best interests of the child.

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

Mr. GEORGE MILLER of California. I yield the gentleman an additional 1 minute.

Mr. MCDERMOTT. In addition, we have evidence that the Family Education Rights and Privacy Act currently hinders child welfare agencies in their efforts to meet the educational needs of kids in their care. Child welfare agencies have difficulty in obtaining the school records of foster kids. Students miss school for long periods of time waiting for school records to be transferred.

We know that education is a predictor for future adult success. Yet too many children and foster youth are unable to get this start because of the barriers in our system. This piece of legislation is an attempt to break down those barriers and make it work more smoothly.

The passage of the Uninterrupted Scholars Act will help ensure that needed coordination and help to ensure foster care youth succeed academically. This bill will have enormous positive impact for thousands of children in the foster care system. I encourage my colleagues to support it.

Mr. GEORGE MILLER of California. I want to thank the gentleman from Washington for his leadership.

I would like to yield 4 minutes to the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. I want to thank the gentleman from California both for his longstanding leadership and the history of his emphasis on how important our children are.

As a founder and chair of the Congressional Children's Caucus, I'm delighted to have joined with my colleague, Congresswoman BASS, and various cochairs of the Foster Care Caucus on the bipartisan legislation that the Uninterrupted Scholars Act is, and the bicameral legislation, and to also add appreciation to Chairman KLINE of Minnesota and to Senator LANDRIEU for her leadership and partnership. I know of her great interest on the issues of both domestic adoption and international adoption.

Certainly, unfortunately, the system of foster care has many times, when it has not been intended to, been, if you will, a place of hopelessness. This legislation wants to provide a lifeline to foster care children, particularly as they approach adolescence and high school and going on to college, so that they can be taken out of the abyss of hopelessness.

I've had the opportunity, of course, to be able to meet with foster care children both in my district and here when they've lobbied on the Hill, and their stories are both of passion and commitment to having a future, a commitment to serving the Nation, a commitment to making a difference. Why shouldn't they have the opportunity to make a difference? Why can't they be considered just like those who have different lifestyles, if you will, in terms of a family situation?

So this legislation says that they should have, as well, that kind of orderliness. And if their orderliness comes through a social worker or a caseworker who will have access to their records to be able to plan for them the best format, whether it is to remain in a school, to transfer to a school, when they cannot access that natural parent or any other relative that would stand in for that child. There's nothing more, if you will, desperate and disappointing than to be able to find a child that has no hope, no one to turn to, and really wants to do, wants to accomplish, wants to graduate from high school.

So I believe that the Uninterrupted Scholars Act is a very important provision that reflects the laws that have been passed dealing with privacy as it relates to records of children in post-secondary school and the protection of those school records. This, in particular, allows, let me say, an exception to release the student's education records to a caseworker, State or local child welfare representative, or tribal organization that has a right to access that student's case plans. Again, that helps those students be able to have a lifeline.

□ 1750

Just a week or so ago, there was an article in The New York Times on three young people from Galveston, Texas. They were not necessarily foster care children, but it is indicative of what happens to children of less means. Part of their lack of success was their inability to access the Internet, to get timely notices that they were supposed to apply for a scholarship, to have their parents know that they were supposed to modify their income sheet.

If you can imagine, we just went through Hurricane Ike, and this one child's parents had received aid through Hurricane Ike. Well, they were told that they didn't meet the scholarship standards because they made too much money, and they didn't modify it to say that it wasn't money that we made; it was aid because we were victims of Hurricane Ike.

This is similar to what happens to foster care children, and I am very delighted that we have legislation that is common sense and that we can attribute to the Foster Care Caucus, which we work closely with as a Congressional Children's Caucus.

I want to thank Mr. MILLER and Mr. KLINE for their dedication and commitment to the Nation's children. They are, in fact, a precious resource, and the Uninterrupted Scholars Act is one element of saying that they are important to us.

Let me again thank Congresswoman BASS and Senator LANDRIEU for their leadership, as well.

Mr. ROE of Tennessee. I continue to reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

The care and concern for foster children has been a bit of a relay race for myself back in the late seventies and eighties, to Senator Russell Long, to former Congressman Tom Downey, former Majority Leader Tom DeLay, to Senator LANDRIEU, now KAREN BASS from my State of California, and Congressman MCDERMOTT before her.

We've tried to make sure that these young people, with a lot of chaos in their life, far beyond any of their own doing, have a chance to succeed. Clearly, the best chance to succeed is to see that they get a good education and an opportunity to participate in American society and in America's economy. This act, the Uninterrupted Scholars Act, goes a long way toward helping their advocates make sure that they get the best shot at the best education.

So I want to thank all the supporters of this legislation, Congressman ROE and Congressman KLINE, for their support and their willingness to bring it to the floor of the House so we can send it to the President of the United States.

Just before I conclude my remarks, Mr. Speaker, I want to take a moment to recognize a cherished member of my staff who will be leaving the committee at the beginning of January.

Ruth Friedman began her career with me as a fellow in my personal office more than a decade ago. Because of her hard work and dedication and unparalleled expertise, she rose to become my education policy director on the committee.

Ruth holds a Ph.D. in clinical psychology and is one of the foremost experts in early childhood policy. I can tell you that the children of this country benefited every day from her work on the Education Committee.

Ruth has spent her career fighting for the most vulnerable children on issues like child welfare, juvenile justice, early learning, child care, child abuse prevention and treatment. She has worked on countless pieces of legislation successfully, including today's bill, and was instrumental is passing the 2007 Head Start Reauthorization Act.

I want to thank Ruth for her extraordinary service to me, to the committee, to the Nation, and to the Nation's children. Her advice and counsel have been invaluable, and she will be sorely missed, but we know that she has great accomplishments ahead of her.

Ruth, I want to wish you, Pete, and Dylan all of the best. Thank you so much for all of your service to our committee on both sides of the aisle, and certainly to this Nation's children.

With that, Mr. Speaker, I ask my colleagues to support this legislation, thank Congressman ROE for managing this bill on the floor, and I yield back the balance of my time

Mr. ROE of Tennessee. Mr. Speaker, I yield myself the balance of my time.

I wish to conclude by saying, Ruth, congratulations, and thank you for all the hard work that you have done for both sides of the aisle and for the work you've done for the children of this Nation.

I also want to thank Senator LANDRIEU and Congresswoman BASS, who is my next-door neighbor in the Cannon Office Building, and Ranking Member MILLER for the work you've done for many decades for the children of this country, and Chairman KLINE.

I will conclude by just saying I'm proud to sponsor the Uninterrupted Scholars Act, and I urge my colleagues a ''yes'' vote.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. ROE) that the House suspend the rules and pass the bill, S. 3472.

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. ROE of Tennessee. 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.

FOREIGN AND ECONOMIC ESPIONAGE PENALTY ENHANCEMENT ACT OF 2012

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the 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.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. 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 FOREIGN 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 such title is amended

by striking ''not more than $10,000,000'' and inserting ''not more than the greater of $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 seriousness of these offenses, account for 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 to be committed for the benefit 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 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 enactment of this Act, the Commission shall complete its consideration and review under this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. SMITH of Texas. 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 the matter currently 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. Mr. Speaker, I yield myself as much time as I may consume.

First of all, I want to thank Judiciary Committee Chairman-elect BOB GOODLATTE, Ranking Member JOHN CONYERS, and IP Subcommittee Ranking Member MEL WATT for their work on this bill.

Mr. Speaker, the Foreign and Economic Espionage Penalty Enhancement Act of 2012 deters and pushes criminals who target U.S. economic and security interests on behalf of foreign interests.

In a dynamic and globally connected information economy, the protection of intangible assets is vital, not only to the success of individual enterprises, but also to the future of entire industries.

In recent years, cybercriminals have shifted from the theft of personal information such as credit cards and Social Security numbers to the theft of corporate intellectual capital.

Our intelligence community has warned us that foreign interests place a high priority on acquiring sensitive U.S. economic information and technologies. In the U.S., the Economic Espionage Act serves as a primary tool the Federal Government uses to protect secret, valuable commercial information from theft.

Our intelligence community declares that there is a ''significant and growing threat to our Nation's prosperity and security'' posed by criminals both inside and outside our borders who commit espionage. Congress should also recognize and confront this increasing threat by adjusting our penalties so that we can enhance deterrents and provide appropriate punishments for those criminals who knowingly target our companies for espionage.

I urge my colleagues to support H.R. 6029 as it was amended by the Senate. The original bill was developed in a bipartisan manner and was unanimously reported by both the Judiciary Committee and this House. This is a commonsense and much-needed measure that deserves our full support.

Mr. Speaker, I reserve the balance of my time.

I want to thank Judiciary Committee Chairman-Elect BOB GOODLATTE, Ranking Member JOHN CONYERS and IP Subcommittee Ranking Member MEL WATT for their work on this bill. It has been a privilege to serve with them during my tenure as Chairman and Ranking Member of the Judiciary Committee.

I look forward to continuing to explore areas where we can work together in the 113th Congress.

Mr. Speaker, the Foreign and Economic Espionage Penalty Enhancement Act of 2012 deters and punishes criminals who target U.S. economic and security interests on behalf of foreign interests.

In a dynamic and globally-connected information economy, the protection of intangible assets is vital not only to the success of individual enterprises but also to the future of entire industries.

A global study released last year by McAfee, the world's largest security technology company, and Science Applications International Corporation, concluded that corporate trade secrets and other sensitive intellectual capital are the newest ''currency'' of cybercriminals.

In recent years, cybercriminals have shifted from the theft of personal information such as credit cards and social security numbers to the theft of corporate intellectual capital.

Our intelligence community has warned us that foreign interests place a high priority on acquiring sensitive U.S. economic information and technologies.

We know that some individuals intentionally and persistently seek out U.S. information and trade secrets. The most recent report from the Office of the National Counterintelligence Executive specifically cited Chinese as ''the world's most active and persistent perpetrators of economic espionage.''

The report also described Russia's intelligence services as responsible for ''conducting a range of activities to collect economic information and technology from US targets.''

In the U.S., the Economic Espionage Act (EEA) serves as the primary tool the federal government uses to protect secret, valuable commercial information from theft.

On December 18, the House passed S. 3642, an important bill that clarifies the scope of protectable trade secrets.

Since enacting the EEA in 1996, Congress has not adjusted its penalties to take into account the increasing importance of intellectual property to the economic and national security of the U.S.

H.R. 6029, which the House unanimously passed this summer, increases the maximum penalties for an individual convicted of committing espionage on behalf of a foreign entity.

The bill the House passed increases the maximum penalty from 15 to 20 years imprisonment and increases the maximum fine from $500,000 to $5 million.

Several Senators wanted to give further consideration to the proposed statutory maximum increase from 15 to 20 years imprisonment.

The Senate amended H.R. 6029 by deleting this single provision. They then passed it unanimously on December 19, so that we may act again and send this bill directly to the desk of the President.

I thank Senators LEE and PAUL along with Senators LEAHY, KOHL and GRASSLEY for helping to resolve concerns and advancing this measure.

Our Intelligence community declares that there is a ''significant and growing threat to [our] nation's prosperity and security'' posed by criminals—both inside and outside our borders—who commit espionage.

Congress should also recognize and confront this increasing threat by adjusting our penalties so that we may enhance deterrence and provide appropriate punishments for those criminals who knowingly target our companies for espionage.

I urge my colleagues to support H.R. 6029 as it was amended by the Senate. The original bill was developed in a bipartisan manner and was unanimously reported by both the Judiciary Committee and this House. This is a common sense and much-needed measure that deserves our full support.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume

Mr. Speaker, I rise in support of the Senate amendment to H.R. 6029, the Foreign and Economic Espionage Penalty Enhancement Act of 2012. The House passed this legislation by voice vote in August, and the Senate recently passed a bill with amendment by unanimous consent.

Mr. Speaker, H.R. 6029 will increase the maximum fines that may be imposed for engaging in the Federal offense of economic espionage. The crime of economic espionage consists of knowingly misappropriating trade secrets with the intent or knowledge that the offense will benefit a foreign government.

As reported by the U.S. intellectual property enforcement coordinator, economic espionage is a serious threat to American businesses by foreign governments.

□ 1800

Economic espionage represents a significant cost to victim companies and threatens the economic security of the United States. This crime inflicts costs on companies, such as the loss of unique intellectual property, the loss of expenditures related to research and development, and the loss of future revenues and profits. Many companies are unaware when their sensitive data is pilfered, and those that find out are often reluctant to report the losses, fearing potential damage to their reputations with investors, customers, and employees.

The pace of the foreign collection of economic information and industrial espionage activities against major United States corporations is accelerating. For example, in fiscal year 2011, the Justice Department and the FBI saw an increase of 29 percent in economic espionage and trade secret theft investigations compared to those in fiscal year 2010.

Details related to recent Federal investigations and prosecutions suggest that economic espionage and trade secret theft on behalf of companies located in China is an emerging trend. For example, at least 34 companies were reportedly victimized by a set of attacks originating in China in 2010. In the attacks, computer viruses were spread via emails to corporate employees, allowing the attackers to have access to emails and sensitive documents.

Foreign hackers constantly target U.S. companies in such ways in order to get every piece of competitive intelligence information they can. We simply cannot allow this to continue to happen. In response to this growing threat, in her 2011 annual report, the U.S. Intellectual Property Coordinator called upon Congress to increase the penalties for economic espionage, and this bill is consistent with that recommendation.

I would like to commend Members on both sides of the aisle for their work on this bill, particularly the gentleman from Texas, the chair of the committee, Mr. SMITH; the ranking member, the gentleman from Michigan (Mr. CONYERS); the incoming chair of the Judiciary Committee, my colleague from Virginia (Mr. GOODLATTE); and the gentleman from North Carolina (Mr. WATT), who all worked very diligently on this bill. I also want to recognize the leadership of Senator LEAHY.

I urge my colleagues to support the Senate amendment to H.R. 6029, and I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, 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 concur in the Senate amendment to the bill, H.R. 6029.

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. SCOTT of Virginia. 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.

CORRECTING AND IMPROVING THE LEAHY-SMITH AMERICA INVENTS ACT

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 6621) to correct and improve certain provisions of the Leahy-Smith America Invents Act and title 35, United States Code.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. TECHNICAL CORRECTIONS.

(a) ADVICE OF COUNSEL.—Notwithstanding section 35 of the Leahy-Smith America Invents Act (35 U.S.C. 1 note), section 298 of title 35, United States Code, shall apply to any civil action commenced on or after the date of the enactment of this Act.

(b) TRANSITIONAL PROGRAM FOR COVERED BUSINESS METHOD PATENTS.—Section 18 of the Leahy-Smith America Invents Act (35 U.S.C. 321 note) is amended—

(1) in subsection (a)(1)(C)((i), by striking ''of such title'' the second place it appears; and

(2) in subsection (d)(2), by striking ''subsection'' and inserting ''section''.

(c) JOINDER OF PARTIES.—Section 299(a) of title 35, United States Code, is amended in the matter preceding paragraph (1) by striking ''or counterclaim defendants only if'' and inserting ''only if''.

(d) DEAD ZONES.—

(1) INTER PARTES REVIEW.—Section 311(c) of title 35, United States Code, shall not apply to a petition to institute an inter partes review of a patent that is not a patent described in section 3(n)(1) of the Leahy-Smith America Invents Act (35 U.S.C. 100 note).

(2) REISSUE.—Section 311(c)(1) of title 35, United States Code, is amended by striking ''or issuance of a reissue of a patent''.

(e) CORRECT INVENTOR.—

(1) IN GENERAL.—Section 135(e) of title 35, United States Code, as amended by section 3(i) of the Leahy-Smith America Invents Act, is amended by striking ''correct inventors'' and inserting ''correct inventor''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective as if included in the amendment made by section 3(i) of the Leahy-Smith America Invents Act.

(f) INVENTOR'S OATH OR DECLARATION.—Section 115 of title 35, United States Code, as amended by section 4 of the Leahy-Smith America Invents Act, is amended—

(1) by striking subsection (f) and inserting the following:

''(f) TIME FOR FILING.—The applicant for patent shall provide each required oath or declaration under subsection (a), substitute statement under subsection (d), or recorded assignment meeting the requirements of subsection (e) no later than the date on which the issue fee for the patent is paid.''; and

(2) in subsection (g)(1), by striking ''who claims'' and inserting ''that claims''.

(g) TRAVEL EXPENSES AND PAYMENT OF ADMINISTRATIVE JUDGES.—Notwithstanding section 35 of the Leahy-Smith America Invents Act (35 U.S.C. 1 note), the amendments made by section 21 of the Leahy-Smith America Invents Act (Public Law 112–29; 125 Stat. 335) shall be effective as of September 16, 2011.

(h) PATENT TERM ADJUSTMENTS.—Section 154(b) of title 35, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)(i)(II), by striking ''on which an international application fulfilled the requirements of section 371 of this title'' and inserting ''of commencement of the national stage under section 371 in an international application''; and

(B) in subparagraph (B), in the matter preceding clause (i), by striking ''the application in the United States'' and inserting ''the application under section 111(a) in the United States or, in the case of an international application, the date of commencement of the national stage under section 371 in the international application'';

(2) in paragraph (3)(B)(i), by striking ''with the written notice of allowance of the application under section 151'' and inserting ''no later than the date of issuance of the patent''; and

(3) in paragraph (4)(A)—

(A) by striking ''a determination made by the Director under paragraph (3) shall have remedy'' and inserting ''the Director's decision on the applicant's request for reconsideration under paragraph (3)(B)(ii) shall have exclusive remedy''; and

(B) by striking ''the grant of the patent'' and inserting ''the date of the Director's decision on the applicant's request for reconsideration''.

(i) IMPROPER APPLICANT.—Section 373 of title 35, United States Code, and the item relating to that section in the table of sections for chapter 37 of such title, are repealed.

(j) FINANCIAL MANAGEMENT CLARIFICATIONS.—Section 42(c)(3) of title 35, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking ''sections 41, 42, and 376,'' and inserting ''this title,''; and

(B) by striking ''a share of the administrative costs of the Office relating to patents'' and inserting ''a proportionate share of the administrative costs of the Office''; and

(2) in subparagraph (B), by striking ''a share of the administrative costs of the Office relating to trademarks'' and inserting ''a proportionate share of the administrative costs of the Office''.

(k) DERIVATION PROCEEDINGS.—

(1) IN GENERAL.—Section 135(a) of title 35, United States Code, as amended by section 3(i) of the Leahy-Smith America Invents Act, is amended to read as follows:

''(a) INSTITUTION OF PROCEEDING.—

''(1) IN GENERAL.—An applicant for patent may file a petition with respect to an invention to institute a derivation proceeding in the Office. The petition shall set forth with particularity the basis for finding that an individual named in an earlier application as the inventor or a joint inventor derived such invention from an individual named in the petitioner's application as the inventor or a joint inventor and, without authorization, the earlier application claiming such invention was filed. Whenever the Director determines that a petition filed under this subsection demonstrates that the standards for instituting a derivation proceeding are met, the Director may institute a derivation proceeding.

''(2) TIME FOR FILING.—A petition under this section with respect to an invention that is the same or substantially the same invention as a claim contained in a patent issued on an earlier application, or contained in an earlier application when published or deemed published under section 122(b), may not be filed unless such petition is filed during the 1-year period following the date on which the patent containing such claim was granted or the earlier application containing such claim was published, whichever is earlier.

''(3) EARLIER APPLICATION.—For purposes of this section, an application shall not be deemed to be an earlier application with respect to an invention, relative to another application, unless a claim to the invention was or could have been made in such application having an effective filing date that is earlier than the effective filing date of any claim to the invention that was or could have been made in such other application.

''(4) NO APPEAL.—A determination by the Director whether to institute a derivation proceeding under paragraph (1) shall be final and not appealable.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective as if included in the amendment made by section 3(i) of the Leahy-Smith America Invents Act.

(3) REVIEW OF INTERFERENCE DECISIONS.—The provisions of sections 6 and 141 of title 35, United States Code, and section 1295(a)(4)(A) of title 28, United States Code, as in effect on September 15, 2012, shall apply to interference proceedings that are declared after September 15, 2012, under section 135 of title 35, United States Code, as in effect before the effective date under section 3(n) of the Leahy-Smith America Invents Act. The Patent Trial and Appeal Board may be deemed to be the Board of Patent Appeals and Interferences for purposes of such interference proceedings.

(l) PATENT AND TRADEMARK PUBLIC ADVISORY COMMITTEES.—

(1) IN GENERAL.—Section 5(a) of title 35, United States Code, is amended—

(A) in paragraph (1), by striking ''Members of'' and all that follows through ''such appointments.'' and inserting the following: ''In each year, 3 members shall be appointed to each Advisory Committee for 3-year terms that shall begin on December 1 of that year. Any vacancy on an Advisory Committee shall be filled within 90 days after it occurs. A new member who is appointed to fill a vacancy shall be appointed to serve for the remainder of the predecessor's term.'';

(B) by striking paragraph (2) and inserting the following:

''(2) CHAIR.—The Secretary of Commerce, in consultation with the Director, shall designate a Chair and Vice Chair of each Advisory Committee from among the members appointed under paragraph (1). If the Chair resigns before the completion of his or her term, or is otherwise unable to exercise the functions of the Chair, the Vice Chair shall exercise the functions of the Chair.''; and

(C) by striking paragraph (3).

(2) TRANSITION.—

(A) IN GENERAL.—The Secretary of Commerce shall, in the Secretary's discretion, determine the time and manner in which the amendments made by paragraph (1) shall take effect, except that, in each year following the year in which this Act is enacted, 3 members shall be appointed to each Advisory Committee (to which such amendments apply) for 3-year terms that begin on December 1 of that year, in accordance with section 5(a) of title 35, United States Code, as amended by paragraph (1) of this subsection.

(B) DEEMED TERMINATION OF TERMS.—In order to implement the amendments made by paragraph (1), the Secretary of Commerce may determine that the term of an existing member of an Advisory Committee under section 5 of title 35, United States Code, shall be deemed to terminate on December 1 of a year beginning after the date of the enactment of this Act, regardless of whether December 1 is before or after the date on which such member's term would terminate if this Act had not been enacted.

(m) CLERICAL AMENDMENT.—Section 123(a) of title 35, United States Code, is amended in the matter preceding paragraph (1) by inserting ''of this title'' after ''For purposes''.

(n) EFFECTIVE DATE.—Except as otherwise provided in this Act, the amendments made by this Act shall take effect on the date of enactment of this Act, and shall apply to proceedings commenced on or after such date of enactment.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. SMITH of Texas. 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 the matter currently 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. Mr. Speaker, I yield myself such time as I may consume.

The Leahy-Smith America Invents Act, or AIA, was signed into law on September 16, 2011. It was the first major patent reform bill in over 60 years and the most substantial reform of U.S. patent law since the 1836 Patent Act. The Leahy-Smith AIA reestablishes the United States patent system as the global standard.

Over the past year, the Patent Office has worked diligently to implement the provisions of the Leahy-Smith AIA in order to ensure that the bill realizes its full potential to promote innovation and create jobs. The bill that we consider today includes several technical corrections and improvements that ensure that the implementation of the bill can proceed efficiently and effectively. The bill is supported by all sectors of our economy from all across the United States, including manufacturers, universities, technology, pharmaceutical and biotech companies, and innovators.

As the provisions of the Leahy-Smith AIA continue to take effect, our Nation's innovation infrastructure becomes much stronger, unleashing the full potential of American innovators and job creators, so I urge my colleagues to support this bill.

I reserve the balance of my time.

The Leahy-Smith America Invents Act, or "AIA," was signed into law on September 16, 2011. It was the first major patent reform bill in over 60 years and the most substantial reform of U.S. patent law since the 1836 Patent Act. The Leahy-Smith AIA re-establishes the United States patent system as a global standard.

Over the past year the Patent Office has worked diligently to implement the provisions of the Leahy-Smith AIA to ensure that the bill realizes its full potential to promote innovation and create jobs.

The bill that we consider today includes several technical corrections and improvements that ensure that the implementation of the bill can proceed efficiently and effectively.

The bill is supported by all sectors of our economy from all across the United States, including manufacturers, universities, technology, pharmaceutical and biotech companies and innovators.

I have also received letters in support from: the Coalition for 21st Century Patent Reform, which represents manufacturers, pharmaceutical, technology, defense companies and universities; the Innovation Alliance, which represents high tech companies and licensors; and the BSA: The Software Alliance, which represents a range of high technology and software companies.

The Leahy-Smith AIA fundamentally changes our nation's innovation infrastructure. With any such substantive and wide-ranging legislation, unforeseen issues may arise as implementation occurs.

H.R. 6621 corrects many of these issues. This package consists of several technical corrections to the AIA that are essential to the effective implementation of the Act.

Other technical corrections and improvements may arise in the future; for example, the issue surrounding the correction of the Post-Grant Review estoppel provision in the Leahy-Smith AIA.

This was the result of an inadvertent "scrivener's error," an error that was made by legislative counsel. That technical error has resulted in an estoppel provision with a higher threshold than was intended by either house of Congress.

Additionally, we must remain watchful as we examine ways to deal with the abusive and frivolous litigation that American innovators face from patent assertion entities or patent trolls.

The modified bill passed by the Senate takes out the report on pre-GATT patents. Even though the report is no longer mandated, it is within PTO's existing authority to conduct such a study, and I would call on them to do so.

As the provisions of the Leahy-Smith AIA continue to take effect, our nation's innovation infrastructure becomes much stronger, unleashing the full potential of American innovators and job creators.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of the Senate amendment to H.R. 6621 because the measure improves the America Invents Act—the most significant reform to the Patent Act since 1952—that was signed into law by President Obama last year. Earlier this month, the House passed H.R. 6621 by a vote of 308–89. The Senate subsequently passed the legislation with an amendment by unanimous consent. Now that the America Invents Act is law, our focus should be on how it can be improved, which is why I support H.R. 6621, because it accomplishes that very goal in several respects.

To begin with, H.R. 6621 clarifies and improves the provisions to help implement the America Invents Act. The bill clarifies provisions dealing with patent term adjustments, derivation proceedings, inventor's oath, and the terms of the Patent Public Advisory Committee.

The Senate amendment to this bill makes one change to the House-passed bill by removing the provision requiring the Patent Office to prepare a report on pre-GATT patent applications that have now been pending before the Patent Office for over 18 years. Although this provision has been removed, we must continue to study ways to improve the patent system and make sure that there are not delays to receiving patent protection.

The bill clarifies the act's advice of counsel section as it applies to civil actions commenced on or after the date of this legislation's enactment. This is important because the original bill created a new section 298 of title XXXV that prevents the use of evidence of an accused infringer's failure to obtain advice of counsel, or his failure to waive privilege and introduce such opinion, to prove either willfulness or intent to induce infringement. The provision, however, failed to specify when the new authority would go into effect, and it would be unfair to apply the new rule retroactively to pending cases which anticipate using such evidence.

In addition, H.R. 6621 makes a series of other technical clarifications to the act. In some, the bill makes necessary constructive technical corrections to the America Invents Act and avoids including any substantive revisions to the act.

It is my hope that the Judiciary Committee will continue its oversight of the act into the next Congress and consider ways in which it can be further improved. I urge my colleagues to support the bill.

I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, 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 concur in the Senate amendment to the bill, H.R. 6621.

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. SCOTT of Virginia. 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.

INTERCOUNTRY ADOPTION UNIVERSAL ACCREDITATION ACT OF 2012

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3331) to provide for universal intercountry adoption accreditation standards, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3331

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 ''Intercountry Adoption Universal Accreditation Act of 2012''.

SEC. 2. UNIVERSAL ACCREDITATION REQUIREMENTS.

(a) IN GENERAL.—The provisions of title II and section 404 of the Intercountry Adoption Act of 2000 (42 U.S.C. 14901 et seq.), and related implementing regulations, shall apply to any person offering or providing adoption services in connection with a child described in section 101(b)(1)(F) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)(F)), to the same extent as they apply to the offering or provision of adoption services in connection with a Convention adoption. The Secretary of State, the Secretary of Homeland Security, the Attorney General (with respect to section 404(b) of the Intercountry Adoption Act of 2000 (42 U.S.C. 14944)), and the accrediting entities shall have the duties, responsibilities, and authorities under title II and title IV of the Intercountry Adoption Act of 2000 and related implementing regulations with respect to a person offering or providing such adoption services, irrespective of whether such services are offered or provided in connection with a Convention adoption.

(b) EFFECTIVE DATE.—The provisions of this section shall take effect 18 months after the date of the enactment of this Act.

(c) TRANSITION RULE.—This Act shall not apply to a person offering or providing adoption services as described in subsection (a) in the case of a prospective adoption in which—

(1) an application for advance processing of an orphan petition or petition to classify an orphan as an immediate relative for a child is filed before the date that is 180 days after the date of the enactment of this Act; or

(2) the prospective adoptive parents of a child have initiated the adoption process with the filing of an appropriate application in a foreign country sufficient such that the Secretary of State is satisfied before the date that is 180 days after the date of the enactment of this Act.

SEC. 3. AVAILABILITY OF COLLECTED FEES FOR ACCREDITING ENTITIES.

(a) Section 403 of the Intercountry Adoption Act of 2000 (42 U.S.C. 14943) is amended by striking subsection (c).

(b) REPORT REQUIREMENT.—Section 202(b) of the Intercountry Adoption act of 2000 (42 U.S.C. 14922(b)) is amended by adding at the end the following:

''(5) REPORT ON USE OF FEDERAL FUNDING.—Not later than 90 days after an accrediting entity receives Federal funding authorized by section 403, the entity shall submit a report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives that describes—

''(A) the amount of such funding the entity received; and

''(B) how such funding was, or will be, used by the entity.''.

SEC. 4. DEFINITIONS.

In this Act, the terms ''accrediting entity'', ''adoption service'', ''Convention adoption'', and ''person'' have the meanings given those terms in section 3 of the Intercountry Adoption Act of 2000 (42 U.S.C. 14902).

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from California (Mr. BERMAN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

GENERAL LEAVE

Ms. ROS-LEHTINEN. 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 in the RECORD on this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of S. 3331, the Intercountry Adoption Universal Accreditation Act of 2012. This bipartisan bill, which recently received unanimous consideration in the Senate, is the Senate-side companion to H.R. 6027, which is the bipartisan House bill introduced by my good friend from New Jersey (Mr. SIRES).

This bill requires that all intercountry adoption providers in the U.S. meet the same accreditation standards regardless of whether the adoption is from a Hague Convention signatory country.

□ 1810

Mr. Speaker, before I close, I would like to direct attention to yet another outrage perpetrated by Russian strongman Vladimir Putin, one that he has knowingly directed at innocent Russian children awaiting adoption. His action was a shameful response to legislation overwhelmingly adopted by the Congress that targets Russian officials engaged in human rights abuses, specifically those regarding Sergei Magnitsky.

Magnitsky was a Russian lawyer killed in prison after having uncovered massive government corruption, including senior officials in Putin's regime. Instead of prosecuting those

criminals, Putin has instead cruelly chosen to target Russian orphans by banning adoptions by Americans.

Tens of thousands of Russian children have been adopted by families in this country, who have given these innocents the love and protection they otherwise likely would have never known. Now, countless numbers may be condemned to tragic lives, knowingly sacrificed by Vladimir Putin in a sickening effort to show the world just how tough he is. Is there any additional proof needed of the despicable nature of this man and his regime?

I call upon President Obama to tell Putin that the U.S. cannot and will not engage in a business-as-usual relationship with a regime so utterly devoid of humanity, a regime that deliberately tears apart the lives of its own children by depriving them the love of those Americans who wish only to give these innocents a family and a better future.

Let those in the administration who turn their eyes from this outrage explain to these orphans why they must be sacrificed for the sake of good relations with the Putin regime.

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

Mr. BERMAN. Mr. Speaker, I rise in support of S. 3331, the Intercountry Adoption Universal Accreditation Act of 2012, and I yield myself such time as I may consume.

I would like to thank Senator KERRY and my colleague from New Jersey, a member of the Foreign Affairs Committee, Mr. SIRES, for their hard work on this legislation.

This bill ensures American families adopting children will be protected from unethical and fraudulent practices by international adoption agencies. For years, conflicting country-by-country standards have plagued the international adoption process, causing harm to adoptive children and families.

The bill would expand accreditation standards to cover all international adoptions. Presently, those standards apply only to adoptions from countries that are parties to the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, known as the Hague Convention.

Accreditation standards help prevent the sale of children, thwart fraudulent financial practices, and ensure transparency in fees and the adoption process. They also encourage agencies to employ staff with professional qualifications and training.

This is a commonsense bill that should have been enacted long ago. Less than half of all families adopting internationally are protected by the Hague Adoption Convention process, and we want to make sure that we protect all families that open their homes and hearts to children in need of loving families. I urge my colleagues to support this legislation.

I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, we have no further requests for time, and we are ready to yield back once the gentleman from California yields back.

Mr. BERMAN. Mr. Speaker, I don't see the one individual who asked to join me in speaking on this, so I yield back the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and pass the bill, S. 3331.

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. ROS-LEHTINEN. 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.

FOREIGN AID TRANSPARENCY AND ACCOUNTABILITY ACT OF 2012

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3159) to direct the President, in consultation with the Department of State, United States Agency for International Development, Millennium Challenge Corporation, and the Department of Defense, to establish guidelines for United States foreign assistance programs, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3159

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 ''Foreign Aid Transparency and Accountability Act of 2012''.

SEC. 2. GUIDELINES FOR UNITED STATES FOREIGN DEVELOPMENT ASSISTANCE.

(a) PURPOSE.—The purpose of this section is to evaluate the performance of United States foreign development assistance and its contribution to policy, strategies, projects, program goals, and priorities undertaken by the United States, to foster and promote innovative programs to improve the effectiveness of United States foreign development assistance, and to coordinate the monitoring and evaluation processes of Federal departments and agencies that administer United States foreign development assistance.

(b) ESTABLISHMENT OF GUIDELINES.—Not later than 18 months after the date of the enactment of this Act, the President shall establish guidelines regarding the establishment of measurable goals, performance metrics, and monitoring and evaluation plans that can be applied with reasonable consistency to United States foreign development assistance. Such guidelines should be established according to best practices of monitoring and evaluation studies and analyses.

(c) OBJECTIVES OF GUIDELINES.—

(1) IN GENERAL.—The guidelines established under this section shall provide direction to Federal departments and agencies that administer United States foreign development assistance on how to develop the complete range of activities relating to the monitoring of resources, the evaluation of projects, the evaluation of program impacts, and analysis that is necessary for the identification of findings, generalizations that can be derived from those findings, and their applicability to proposed project and program design.

(2) OBJECTIVES.—Specifically, the guidelines shall provide direction on how to achieve the following objectives for monitoring and evaluation of programs:

(A) Building measurable goals, performance metrics and monitoring and evaluation into program design at the outset, including the provision of sufficient program resources to conduct monitoring and evaluation.

(B) Disseminating guidelines for the development and implementation of monitoring and evaluation programs to all personnel, especially in the field, who are responsible for the design, implementation, and management of United States foreign development assistance programs.

(C) Contributing to the collection and dissemination of knowledge and lessons learned to United States development professionals, implementing partners, the international aid community, and aid recipient governments, and as a repository of knowledge on lessons learned.

(D) Distributing evaluation reports internally.

(E) Establishing annual monitoring and evaluation agendas and objectives.

(F) Applying rigorous monitoring and evaluation methodologies, including choosing from among a wide variety of qualitative and quantitative methods common in the field of social scientific inquiry.

(G) Partnering with the academic community, implementing partners, and national and international institutions that have expertise in monitoring and evaluation and analysis when such partnerships will provide needed expertise or will significantly improve the evaluation and analysis.

(H) Developing and implementing a training plan for appropriate aid personnel on the proper conduct of monitoring and evaluation programs.

(d) IMPLEMENTATION OF GUIDELINES.—Beginning not later than one year after the date on which the President establishes the guidelines under this section, the head of each Federal department or agency that administers United States foreign development assistance shall administer the United States foreign development assistance in accordance with the guidelines.

(e) PRESIDENTIAL REPORT.—Not later than 18 months after the date of the enactment of this Act, the President shall submit to Congress a report that contains a detailed description of the guidelines that have been developed on measurable goals, performance metrics, and monitoring and evaluation plans for United States foreign development assistance established under this section. The report shall be submitted in unclassified form to the maximum extent possible, but may include a classified annex.

(f) COMPTROLLER GENERAL REPORTS.—The Comptroller General of the United States shall—

(1) not later than one year after the date of the enactment of this Act, submit to the appropriate congressional committees a report that contains an analysis of the actions that the major Federal departments and agencies that administer United States foreign development assistance have taken to ensure that United States foreign development assistance program evaluation is planned, conducted, and utilized effectively; and

(2) not later than two years after the date of the enactment of this Act, submit to the appropriate congressional committees a report that contains an analysis of—

(A) the guidelines established pursuant to subsection (b); and

(B) the implementation of the guidelines by the major Federal departments and agencies that administer United States foreign development assistance.

(g) EVALUATION DEFINED.—In this section, the term ''evaluation'' means, with respect to a United States foreign development assistance program, the systematic collection and analysis of information about the characteristics and outcomes of the program and projects under the program as a basis for judgments, to improve effectiveness, and to inform decisions about current and future programming.

SEC. 3. INTERNET WEBSITE TO MAKE PUBLICLY AVAILABLE COMPREHENSIVE, TIMELY, COMPARABLE, AND ACCESSIBLE INFORMATION ON UNITED STATES FOREIGN DEVELOPMENT ASSISTANCE PROGRAMS.

(a) ESTABLISHMENT; PUBLICATION AND UPDATES.—Not later than 30 days after the date of the enactment of this Act, the President shall direct the Secretary of State to establish and maintain an Internet website to make publicly available in unclassified form comprehensive, timely, comparable, and accessible information on United States foreign development assistance. The head of each Federal department or agency that administers United States foreign development assistance shall, not later than 3 years after the date of the enactment of this Act, publish and on a quarterly basis update on the Internet website such information with respect to the United States foreign development assistance programs of such Federal department or agency.

(b) MATTERS TO BE INCLUDED.—

(1) IN GENERAL.—Such information shall be published on a detailed program-by-program basis and country-by-country basis.

(2) TYPES OF INFORMATION.—To ensure transparency, accountability, and effectiveness of United States foreign development assistance, such information should include country assistance strategies, annual budget documents, congressional budget justifications, obligations, expenditures, and reports and evaluations, including those developed pursuant to the guidelines established by section 2, for United States foreign development assistance programs and projects under such programs. Each type of information described in this paragraph shall be published or updated on the Internet website not later than 90 days after the date of issuance of the information.

(3) REPORT IN LIEU OF INCLUSION.—If—

(A) the head of a Federal department or agency makes a determination that the inclusion of a required item of information on the Internet website would jeopardize the health or security of an implementing partner or program beneficiary, or

(B) the Secretary of State makes a determination that the inclusion of a required item of information on the Internet website would be detrimental to the national interests of the United States,

then the head of such Federal department or agency or the Secretary of State, as the case may be, shall provide briefings to Congress on the item of information or submit to Congress the item of information in a written report in lieu of it being included on the Internet website, along with the reasons for it not being included on the Internet website. Any such item of information may be submitted to Congress in classified form.

(c) SCOPE OF INFORMATION.—

(1) IN GENERAL.—The Internet website shall contain the information described in subsection (b) as follows:

(A) For fiscal year 2013, the information relating to such fiscal year and each of the immediately preceding 2 fiscal years.

(B) For fiscal year 2014, the information relating to such fiscal year and each of the immediately preceding 3 fiscal years.

(C) For fiscal year 2015, the information relating to such fiscal year and each of the immediately preceding 4 fiscal years.

(D) For fiscal year 2016 and each fiscal year thereafter, the information relating to such fiscal year and each of the immediately preceding 5 fiscal years.

(2) OLDER INFORMATION.—For fiscal year 2017 and each fiscal year thereafter, the Internet website shall also contain a link to a searchable database available to the public containing information described in subsection (b) relating to fiscal years prior to the immediately preceding 5 fiscal years but subsequent to fiscal year 2010.

SEC. 4. CONGRESSIONAL BRIEFINGS IF REQUIREMENTS OF SECTION 3 ARE NOT MET.

If the information described in section 3(b) with respect to a United States foreign development assistance program is not provided as required under section 3, then the head of the relevant Federal department or agency shall provide briefings to the appropriate congressional committees, along with a detailed explanation of why the requirements for publication on the Internet have not been met and when they will be met, with respect to each month for which such information is not published on the Internet.

SEC. 5. OFFSET.

Of the amounts authorized to be appropriated for United States foreign development assistance programs of a Federal department or agency that administers such programs for a fiscal year, up to 5 percent of such amounts are authorized to be appropriated to carry out this Act with respect to such programs for such fiscal year.

SEC. 6. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(2) UNITED STATES FOREIGN DEVELOPMENT ASSISTANCE.—The term ''United States foreign development assistance'' means assistance primarily for purposes of foreign development and economic support, including but not limited to assistance authorized under—

(A) part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), other than—

(i) title IV of chapter 2 of such part (relating to the Overseas Private Investment Corporation);

(ii) chapter 3 of such part (relating to International Organizations and Programs); and

(iii) chapter 8 of such part (relating to International Narcotics Control);

(B) chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C 2346 et seq.; relating to Economic Support Fund) for long-term development; and

(C) the Millennium Challenge Act of 2003 (22 U.S.C 7701 et seq.).

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from Virginia (Mr. CONNOLLY) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material in the RECORD on this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of H.R. 3159 introduced by my good friend from Texas, Judge POE.

This bill stands for the simple proposition that consistent evaluation and transparency will improve the effectiveness of U.S. development assistance around the world. H.R. 3159 will require the President to establish guidelines for measurable goals, monitoring, and evaluation plans that can be applied with reasonable consistency to all overseas development assistance.

I urge my colleagues to support H.R. 3159, and I reserve the balance of my time.

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise in support of H.R. 3159, as amended, and I yield myself such time as I may consume.

Let me start first by thanking my distinguished colleague from Texas (Mr. POE) for his leadership on this legislation. He and his staff have worked tirelessly to address a range of technical issues so that this bill could be considered under suspension.

H.R. 3159 is an important first step in bringing greater rationality and oversight to the foreign aid process. It contains two fundamental reforms to make our programs more efficient, more effective, and better at serving our national interests.

The first is to strengthen monitoring and evaluation so that we can be sure our aid is performing as intended. Right now we make most of our aid decisions in the dark. We set budgets year after year without having any idea necessarily what the outcomes might be. This bill requires the President to establish a consistent set of guidelines so that all Federal agencies carrying out development assistance will set measurable goals, establish indicators, monitor results, and evaluate impact. We can make much better decisions about how and where to invest our scarce resources once we know which types of programs are the most cost-effective and produce the best results.

The second reform is to increase aid transparency so that everyone can see where we're spending the money and why. There are all too many misperceptions about the size of the foreign aid budget and exactly what it does. This bill will address that.

It also requires the President to establish and maintain an Internet Web site that makes comprehensive and timely information accessible to the public.

Similar reforms are included in comprehensive foreign aid reform legislation recently introduced by the current ranking member of our committee, Mr. BERMAN, and myself. They were also included in the State Department authorization bills passed by the full House under the leadership of our outgoing chairwoman, ILEANA ROS-LEHTINEN of Florida, in 2009, and reported by the Foreign Affairs Committee in 2011. Both times, these provisions were adopted with strong bipartisan support.

The administration also recognizes the need for these types of changes. They've created the Foreign Assistance Dashboard, a Web site that provides accessible and easy-to-understand data about our aid programs. Both the Millennium Challenge Corporation and USAID have put into place their own rigorous evaluation policies.

This bill will ensure that all Federal agencies carrying out development programs will adhere to the same high standards, and at a time when there are so many issues that divide our parties and our Nation, I think this is one that we can come together on. Again, I urge my colleagues to support this legislation.

I reserve the balance of my time.

[From The Hill, Dec. 12, 2012]

OVERHAUL OF U.S. FOREIGN AID IS OVERDUE

(By Reps. Howard L. Berman (D–Calif.) and Gerald E. Connolly (D–Va.))

At a time when competing government priorities face the chopping block, advocates of effective foreign aid have a responsibility to make the case that aid directly serves our country's long-term national-security and economic interests, and in a cost-effective way.

A key goal of foreign aid is to make the right investments that reinforce America's priorities. Unfortunately, the current foreign aid process and the underlying statute are encrusted with legislative barnacles built up over half a century that are messy, conflicting and outdated, and that actually hinder our ability to deliver foreign aid effectively and efficiently.

It is time for a complete overhaul. The 21st century requires a foreign aid program that recognizes today's priorities and streamlines the process in the post-Cold War era. For instance, do we still need language in current law, passed in 1961, that requires the president to assure Congress that foreign aid recipients are not ''controlled by the international Communist conspiracy''?

The many task forces and policy committees that have examined U.S. foreign aid have cited the myriad goals, objectives and priorities contained in the Foreign Assistance Act of 1961. The Center for Global Development, for example, identified more than 33 major objectives, 75 priorities and 247 directives relating to foreign aid in the act. And all of this for a miniscule piece of the federal budget. Little wonder, then, that we lack any central focus to our effort and even less of an ability to measure its effectiveness.

The Global Partnerships Act of 2012 (H.R. 6644) replaces this byzantine labyrinth of priorities by identifying eight concise goals for development assistance. The legislation simplifies the bureaucracy administering foreign aid by restoring the U.S. Agency for International Development's policy and budget functions and clarifies the roles and relationships of key officials involved in its delivery.

In addition, the Global Partnerships Act tackles problems like the lack of transparency, accountability and oversight in the system. It requires the maintenance of an online database of information, easily accessible by the public, with complete information about all forms of U.S. foreign assistance, including an unclassified database on security assistance. This online database would provide detailed information on overhead and administrative costs for overseas projects, ensuring that U.S. taxpayers get the most out of their investment.

Opponents of foreign aid say that aid programs amount to little more than handouts. But the purpose of foreign assistance, as President Obama has insisted, must be to create the conditions where it's no longer needed. To do this, our programs should aim to build indigenous capacity in various sectors, with the ultimate goals of country ownership and self-reliance. The Global Partnerships Act emphasizes the importance of country ownership by transforming the donor-recipient relationship to one of partners working toward mutually agreed-upon and beneficial goals.

Many believe that foreign assistance is a luxury we can no longer afford in an era of tight budgets and fiscal challenges. They perpetuate the misconception that foreign aid encompasses a massive portion of the federal budget. In reality, this assistance amounts to only about 1 percent of federal spending.

Moreover, foreign aid is a critical component of our national-security strategy, which includes three key pillars: defense, diplomacy and development. National-security experts and military leaders frequently extol the importance of foreign aid, recognizing, as former Defense Secretary Robert Gates once said, that ''economic development is a lot cheaper than sending soldiers.''

It is critical that the United States modernize its foreign aid policies and maintain its foreign aid investments. It is also critical that we establish metrics to gauge the efficacy of those investments. There are other countries ready and willing to fill the vacuum that we will leave behind.

Foreign assistance is a critical tool in the diplomatic toolkit. A great power must have the tools to act—beyond simply intervening militarily. A streamlined, effective foreign aid template can enhance U.S. values and influence in a dangerous world and help avoid the enormous costs in blood and treasure that inevitably result from military intervention.

While admittedly some of our foreign aid investments have been ineffectively deployed in the field over the years, it is beyond dispute that foreign assistance has dramatically lowered infant mortality rates, raised hundreds of millions of people from poverty, extended longevity, created employment and fostered democratic institutions in every corner of the world. Its return is well worth the investment.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas, Judge POE, an esteemed member of our Foreign Affairs Committee and the author of this bill.

Mr. POE of Texas. I thank the gentlewoman and appreciate her yielding me this time. I want to thank Chairwoman ROS-LEHTINEN, Ranking Member BERMAN, and House leadership for getting this bill to the House floor, and also Mr. CONNOLLY from Virginia for his support of this legislation.

□ 1820

Mr. Speaker, H.R. 3159, the Foreign Aid Transparency and Accountability Act, is a simple, bipartisan bill. We have, in fact, equal numbers of Republicans and Democrats as cosponsors of this legislation.

Last year, the House Foreign Affairs Committee passed this bill unanimously as an amendment to the state authorization bill. This bill does two things: it increases monitoring and evaluation of our foreign aid programs, and it also increases transparency of foreign aid.

Our foreign aid can do some good to other countries, but there are also problems with American foreign aid. Unfortunately, we do not keep track of what we're spending, and we don't ask for real results.

Since the passage of the Foreign Assistance Act of 1961, foreign aid programs have spread across 12 departments, 25 agencies, and almost 60 Federal offices. There are so many Federal Government programs that they often don't know what each other is doing, and many Federal Government programs don't even keep track of what they're doing.

According to an independent study commissioned by USAID in 2009, agencies don't assess the impact their aid is having on foreign countries:

Do we know if our money actually helps people?

Is our money helping people become more self-sufficient or more reliant on U.S. dollars?

And does American aid leave people better off?

We don't know the answers to these questions. This bill addresses this problem by requiring the President to set up tough monitoring and evaluation guidelines for development programs.

These guidelines will be used for monitoring and evaluation of every foreign aid development program from agriculture to AIDS to democracy promotion. Monitoring will allow us to cut programs that simply do not work.

We also need transparency. Americans don't know what we spend our aid on, and so that is why many Americans are frustrated when the word or phrase ''foreign aid'' is mentioned. We need to be honest with American taxpayers.

Until November of 2011, the United States ranked 22nd out of 31 countries when it came to transparency in foreign aid programs. That's according to the Brookings Institute and the Center for Global Development.

We should have nothing to hide when it comes to foreign aid. Let's tell the American taxpayers what they're getting for their buck. This bill requires more information about foreign aid to be posted online so Americans can know what we are doing.

We can't continue down the path of the same-old same-old regarding foreign aid. We need to restore trust with the American people. Lack of transparency and accountability invites corruption, waste, and incompetence.

The losers are those who the programs aim to help and also Americans who pay for foreign aid. Regardless of whether a Member believes we need more foreign aid, less foreign aid, or no foreign aid at all, we should all agree that accountability and transparency are an absolute must.

Mr. CONNOLLY of Virginia. I have no other speakers. Mr. Speaker, I yield back the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I also yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and pass the bill, H.R. 3159, 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. CONNOLLY of Virginia. 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.

DEPARTMENT OF STATE REWARDS PROGRAM UPDATE AND TECHNICAL CORRECTIONS ACT OF 2012

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and pass the 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 Clerk read the title of the bill.

The text of the bill is as follows:

S. 2318

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 ''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 certain 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, prevented international terrorist attacks or helped convict individuals involved in terrorist attacks.

(3) The program has been credited with providing information in several high-profile cases, 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, believed to be 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, arms trafficking, and cybercrime; and

(2) target other individuals indicted by international, hybrid, or mixed tribunals for genocide, war crimes, or crimes against humanity.

SEC. 3. ENHANCED REWARDS AUTHORITY.

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 '', including the use by the organization of illicit narcotics production or international narcotics trafficking'' and inserting ''or transnational organized crime group, including the use by such organization or group of illicit 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

(E) by adding at the end the following new paragraphs:

''(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:

''(3) 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 submitted in classified form if necessary, setting forth the reasons why the arrest or conviction of such foreign national is in the national interests of the United States.''; and

(4) in subsection (k)—

(A) by redesignating 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 at least one jurisdiction outside the United States; or

''(B) any other criminal offense punishable by a term of imprisonment of at least four years under Federal, State, or local law that involves at least one jurisdiction outside the United States and 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.''.

SEC. 4. TECHNICAL CORRECTION.

Section 36(e)(1) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708) is amended by striking ''The Secretary shall authorize a reward of $50,000,000 for the capture or death or information leading to the capture or death of Osama bin Laden.''.

SEC. 5. RULE OF CONSTRUCTION.

Nothing in this Act or the amendments made by this Act shall be construed as authorizing the use of activity precluded under the American Servicemembers' Protection Act of 2002 (title II of Public Law 107–206; 22 U.S.C. 7421 et seq.).

SEC. 6. FUNDING.

The Secretary of State shall use amounts appropriated or otherwise made available to the Emergencies in the Diplomatic and Consular Services account of the Department of State to pay rewards authorized pursuant to this Act and to carry out other activities related to such rewards authorized under section 36 of the State Department Basic Authorities Act (22 U.S.C. 2708).

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from California (Mr. BERMAN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material in the RECORD on this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of S. 2318, the Department of State Rewards Program Update and Technical Corrections Act of 2012. This bipartisan bill is Senator KERRY's Senate companion to H.R. 4077, the House bill introduced 2 months prior by my good friend from California (Mr. ROYCE).

Since the 1980s, the State Department has had authority to offer rewards leading to the arrests and convictions for international narcotics trafficking, acts of terrorism, and war crimes. These reward programs have proven to be effective tools for disrupting and dismantling terrorist cells and drug cartels around the world, enjoying both high-profile and quiet successes in locating many dangerous individuals, including Ramzi Yousef, one of the perpetrators of the 1993 World Trade Center attack, Saddam Hussein's sons, and narcotrafficking commanders of the FARC in Colombia.

This bill is a critical tool in our ongoing efforts to locate Joseph Kony, the murderous head of the predatory Lord's Resistance Army, LRA, in Central Africa. This bill is a responsible, bipartisan bill that will significantly enhance our ability to fight transnational organized crime and grave human rights abuses. I urge unanimous support.

I reserve the balance of my time.

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

I rise in support of S. 2318. I want to join my chairman in commending the author of this legislation, Senator KERRY, and my friend and colleague, ED ROYCE, the incoming chairman of the House Foreign Affairs Committee, who authored the House version of this bill and fought long and hard for it.

The chairman has described the legislation and the existing law. The bill makes two key changes in existing law. They're small, but they're very important modifications to the rewards program.

It would authorize payments for the arrest or conviction of those engaged in transnational criminal activity, including intellectual property, piracy, money laundering, trafficking in persons and arms trafficking.

Transnational organized crime poses a growing threat to U.S. economic and national security interests. According to U.N. estimates, these criminal enterprises generate hundreds of billions of dollars in illicit revenues every year. Expanding the rewards program to cover this activity is manifestly in our interest.

Second, this legislation would expand the universe of individuals targeted for their involvement in gross violations of international humanitarian law, including genocide, war crimes, and crimes against humanity. Specifically, this bill would cover all individuals indicted by international tribunals for violations of international humanitarian law, not just those indicted by the existing tribunals for Rwanda, Sierra Leone, and the former Yugoslavia. The change is strongly supported by the Departments of Defense and State.

Mr. Speaker, I urge my colleagues to support this important legislation.

I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. ROYCE), the chairman of the Foreign Affairs Subcommittee on Terrorism, Nonproliferation and Trade, and the author of the original House-side version of this bill.

Mr. ROYCE. I thank the gentlelady.

And I do think it's important, as we move forward here, to expand the State Department's rewards program. We have found a technique that works; and if we can deploy this in order to bring Joseph Kony to the bar of justice for the mass killings that he's committed with the Lord's Resistance Army, or if we can use it to bring to the bar of justice some of the international crime figures that would be turned in under this bill, then it could be very, very beneficial.

The bill has already passed the House. It was included as a provision in the State Department authorization bill that the House Foreign Affairs Committee moved earlier this year. I think it's regrettable that the Senate chose not to act on the House's comprehensive State Department authorization bill; but with today's action, this bill can now go to the President's desk for signature where it promises to have an immediate impact.

The House companion bill that I introduced, H.R. 4077, has enjoyed very strong bipartisan support, and I want to thank Chairman ILEANA ROS-LEHTINEN. I want to thank Ranking Member HOWARD BERMAN and others for the support they've given to this measure.

As has been explained, this rewards program, to date, has had some very, very successful cases here; but it's been targeted mostly on those involved in drug trafficking, occasionally on terrorists.

Earlier this year, our subcommittee held a hearing where the State Department testified that one captured target, one narcoterrorist told DEA agents that he could no longer trust anyone in his organization after a reward was offered on his head.

□ 1830

He said, I felt like a hunted man.

And so he was turned in. Well, that was the plan—to make him feel like a hunted man, to make him feel like he could not trust anyone in his organization.

This bill would expand this program to additionally target those transnational organized criminals, those wanted for the most serious human rights abuses. Today, unfortunately, those involved in that line of work are diversifying. They're looking to sell anything to anybody. It could be arms. It could be intellectual property. It's even people. The overlap between the networks employed by criminals and employed by terrorists is growing. So this legislation helps us keep pace. And, very importantly, the legislation also allows the rewards program to target those wanted for genocide, to target those wanted for war crimes, for crimes against humanity—again, the world's worst human rights abusers.

The target of the new war crimes authority would be killers like Joseph Kony and the top commanders of the Lord's Resistance Army. This group has terrorized across Central Africa for over two decades with unspeakable crimes committed against children such as amputations committed against children, taking child soldiers, taking sex slaves. In accordance with U.S. policy, a small team of U.S. troops are currently in the field helping local forces hunt this killer. Our U.S. troops believe that a rewards program aimed at Kony could help generate intelligence and bolster their efforts. They are asking for this. They think this can make a difference on the ground. Let's answer their call and send this bill to the President for his signature.

I thank my colleagues for their support.

Mr. BERMAN. I have no further requests for time, and I yield back the balance of my time.

Ms. ROS-LEHTINEN. I also have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and pass the bill, S. 2318.

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. ROS-LEHTINEN. 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.

STATE AND PROVINCE EMERGENCY MANAGEMENT ASSISTANCE MEMORANDUM OF UNDERSTANDING

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and pass the joint resolution (S.J. Res. 44) granting the consent of Congress to the State and Province Emergency Management Assistance Memorandum of Understanding.

The Clerk read the title of the joint resolution.

The text of the joint resolution is as follows:

S.J. RES. 44

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONGRESSIONAL CONSENT.

Congress consents to the State and Province Emergency Management Assistance Memorandum of Understanding entered into between States of Illinois, Indiana, Ohio, Michigan, Minnesota, Montana, North Dakota, Pennsylvania, New York, and Wisconsin, and the Canadian Provinces of Alberta, Manitoba, Ontario, and Saskatchewan. The compact is substantially as follows:

''ARTICLE I—PURPOSE AND AUTHORITIES

''The State and Province Emergency Management Assistance Memorandum of Understanding, hereinafter referred to as the 'compact', is made and entered into by and among such of the jurisdictions as shall enact or adopt this compact, hereinafter referred to as 'participating jurisdictions'. For the purposes of this compact, the term 'jurisdictions' may include any or all of the States of Illinois, Indiana, Ohio, Michigan, Minnesota, Montana, North Dakota, Pennsylvania, New York, and Wisconsin, and the Canadian Provinces of Alberta, Manitoba, Ontario, and Saskatchewan, and such other States and provinces as may hereafter become a party to this compact. The term 'States' means the several States, the Commonwealth of Puerto Rico, the District of Columbia, and all territorial possessions of the United States. The term 'Province' means the 10 political units of government within Canada.

''The purpose of this compact is to provide for the possibility of mutual assistance among the participating jurisdictions in managing any emergency or disaster when the affected jurisdiction or jurisdictions ask for assistance, whether arising from natural disaster, technological hazard, manmade disaster or civil emergency aspects of resources shortages.

''This compact also provides for the process of planning mechanisms among the agencies responsible and for mutual cooperation, including civil emergency preparedness exercises, testing, or other training activities using equipment and personnel simulating performance of any aspect of the giving and receiving of aid by participating jurisdictions or subdivisions of participating jurisdictions during emergencies, with such actions occurring outside emergency periods.

''ARTICLE II—GENERAL IMPLEMENTATION

''Each participating jurisdiction entering into this compact recognizes that many emergencies may exceed the capabilities of a participating jurisdiction and that intergovernmental cooperation is essential in such circumstances. Each participating jurisdiction further recognizes that there will be emergencies that may require immediate access and present procedures to apply outside resources to make a prompt and effective response to such an emergency because few, if any, individual jurisdictions have all the resources they need in all types of emergencies or the capability of delivering resources to areas where emergencies exist.

''On behalf of the participating jurisdictions in the compact, the legally designated official who is assigned responsibility for emergency management is responsible for formulation of the appropriate inter-jurisdictional mutual aid plans and procedures necessary to implement this compact, and for recommendations to the participating jurisdiction concerned with respect to the amendment of any statutes, regulations, or ordinances required for that purpose.

''ARTICLE III—PARTICIPATING JURISDICTION RESPONSIBILITIES

''(a) FORMULATE PLANS AND PROGRAMS.—It is the responsibility of each participating jurisdiction to formulate procedural plans and programs for inter-jurisdictional cooperation in the performance of the responsibilities listed in this section. In formulating and implementing such plans and programs the participating jurisdictions, to the extent practical, may—

''(1) share and review individual jurisdiction hazards analyses that are available and determine all those potential emergencies the participating jurisdictions might jointly suffer, whether due to natural disaster, technological hazard, man-made disaster or emergency aspects of resource shortages;

''(2) share emergency operations plans, procedures, and protocols established by each of the participating jurisdictions before entering into this compact;

''(3) share policies and procedures for resource mobilization, tracking, demobilization, and reimbursement;

''(4) consider joint planning, training, and exercises;

''(5) assist with alerts, notifications, and warnings for communities adjacent to or crossing participating jurisdiction boundaries;

''(6) consider procedures to facilitate the movement of evacuees, refugees, civil emergency personnel, equipment, or other resources into or across boundaries, or to a designated staging area when it is agreed that such movement or staging will facilitate civil emergency operations by the affected or participating jurisdictions; and

''(7) provide, to the extent authorized by law, for temporary suspension of any statutes or ordinances that impeded the implementation of responsibilities described in this section.

''(b) REQUEST ASSISTANCE.—The authorized representative of a participating jurisdiction may request assistance of another participating jurisdiction by contacting the authorized representative of that jurisdiction. These provisions only apply to requests for assistance made by and to authorized representatives. Requests may be verbal or in writing. If verbal, the request must be confirmed in writing within 15 days of the verbal request. Requests must provide the following information:

''(1) A description of the emergency service function for which assistance is needed and of the mission or missions, including but not limited to fire services, emergency medical, transportation, communications, public works and engineering, building inspection, planning and information assistance, mass care, resource support, health and medical services, and search and rescue.

''(2) The amount and type of personnel, equipment, materials, and supplies needed and a reasonable estimate of the length of time they will be needed.

''(3) The specific place and time for staging of the assisting participating jurisdictions's response and a point of contact at the location.

''(c) CONSULTATION AMONG PARTICIPATING JURISDICTION OFFICIALS.—There shall be periodic consultation among the authorized representatives who have assigned emergency management responsibilities.

''ARTICLE IV—LIMITATION

''It is recognized that any participating jurisdiction that agrees to render mutual aid or conduct exercises and training for mutual aid will respond as soon as possible. It is also recognized that the participating jurisdiction rendering aid may withhold or recall resources to provide reasonable protection for itself, at its discretion. To the extent authorized by law, each participating jurisdiction will afford to the personnel of the emergency contingent of any other participating jurisdiction while operating within its jurisdiction limits under the terms and conditions of this agreement and under the operational control of an officer of the requesting participating jurisdiction the same treatment as is afforded similar or like human resources of the participating jurisdiction in which they are performing emergency services. Staff comprising the emergency contingent continue under the command and control of their regular leaders but the organizational units come under the operational control of the emergency services authorities of the participating jurisdiction receiving assistance. These conditions may be activated, as needed, by the participating jurisdiction that is to receive assistance or upon commencement of exercises or training for mutual aid and continue as long as the exercises or training for mutual aid are in progress, the emergency or disaster remains in effect or loaned resources remain in the receiving participating jurisdictions, whichever is longer. The receiving participating jurisdiction is responsible for informing the assisting participating jurisdiction when services will no longer be required.

''ARTICLE V—LICENSES AND PERMITS

''Whenever a person holds a license, certificate, or other permit issued by any participating jurisdiction evidencing the meeting of qualifications for professional, mechanical, or other skills, and when such assistance is requested by the receiving participating jurisdiction, such person is deemed to be licensed, certified, or permitted by the jurisdiction requesting assistance to render aid involving such skill to meet an emergency or disaster, subject to such limitations and conditions as the requesting jurisdiction prescribes by Executive order or otherwise.

''ARTICLE VI—LIABILITY

''Any person or entity of a participating jurisdiction rendering aid in another jurisdiction pursuant to this compact is considered an agent of the requesting jurisdiction for tort liability and immunity purposes. Any person or entity rendering aid in another jurisdiction pursuant to this compact is not liable on account of any act or omission in good faith on the part of such forces while so engaged or on account of the maintenance or use of any equipment or supplies in connection therewith. Good faith in this article does not include willful misconduct, gross negligence, or recklessness.

''ARTICLE VII—SUPPLEMENTARY AGREEMENTS

''Because it is probable that the pattern and detail of the compact for mutual aid among 2 or more participating jurisdictions may differ from that among the participating jurisdictions that are party to this compact, this compact contains elements of a broad base common to all participating jurisdictions, and nothing in this compact precludes any participating jurisdiction from entering into supplementary agreements with another jurisdiction or affects any other agreements already in force among participating jurisdictions.

''Supplementary agreements may include, but are not limited to, provisions for evacuation and reception of injured and other persons and the exchange of medical, fire, public utility, reconnaissance, welfare, transportation and communications personnel, equipment, and supplies.

''ARTICLE VIII—WORKERS' COMPENSATION AND DEATH BENEFITS

''Each participating jurisdiction shall provide, in accordance with its own laws, for the payment of workers' compensation and death benefits to injured members of the

emergency contingent of that participating jurisdiction and to representatives of deceased members of those forces if the members sustain injuries or are killed while rendering aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within their own jurisdiction.

''ARTICLE IX—REIMBURSEMENT

''Any participating jurisdiction rendering aid in another jurisdiction pursuant to this compact shall, if requested, be reimbursed by the participating jurisdiction receiving such aid for any loss or damage to, or expense incurred in, the operation of any equipment and the provision of any service in answering a request for aid and for the costs incurred in connection with those requests. An aiding participating jurisdiction may assume in whole or in part any such loss, damage, expense, or other cost or may loan such equipment or donate such services to the receiving participating jurisdiction without charge or cost. Any 2 or more participating jurisdictions may enter into supplementary agreements establishing a different allocation of costs among those jurisdictions. Expenses under article VIII are not reimbursable under this section.

''ARTICLE X—IMPLEMENTATION

''(a) This compact is effective upon its execution or adoption by any 1 State and 1 province, and is effective as to any other jurisdiction upon its execution or adoption thereby: subject to approval or authorization by the United States Congress, if required, and subject to enactment of provincial or State legislation that may be required for the effectiveness of the Memorandum of Understanding.

''(b) Additional jurisdictions may participate in this compact upon execution or adoption thereof.

''(c) Any participating jurisdiction may withdraw from this compact, but the withdrawal does not take effect until 30 days after the governor or premier of the withdrawing jurisdiction has given notice in writing of such withdrawal to the governors or premiers of all other participating jurisdictions. The action does not relieve the withdrawing jurisdiction from obligations assumed under this compact prior to the effective date of withdrawal.

''(d) Duly authenticated copies of this compact in the French and English languages and of such supplementary agreements as may be entered into shall, at the time of their approval, be deposited with each of the participating jurisdictions.

''ARTICLE XI—SEVERABILITY

''This compact is construed to effectuate the purposes stated in Article I. If any provision of this compact is declared unconstitutional or the applicability of the compact to any person or circumstances is held invalid, the validity of the remainder of this compact and the applicability of the compact to other persons and circumstances are not affected.

''ARTICLE XII—CONSISTENCY OF LANGUAGE

''The validity of the arrangements and agreements consented to in this compact shall not be affected by any insubstantial difference in form or language as may be adopted by the various states and provinces.''.

SEC. 2. INCONSISTENCY OF LANGUAGE.

The validity of the arrangements consented to by this Act shall not be affected by any insubstantial difference in their form or language as adopted by the States and provinces.

SEC. 3. RIGHT TO ALTER, AMEND, OR REPEAL.

The right to alter, amend, or repeal this Act is hereby expressly reserved.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from Virginia (Mr. CONNOLLY) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

GENERAL LEAVE

Ms. ROS-LEHTINEN. 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 in the RECORD on this joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support today of S.J. Res. 44, "Granting the Consent of Congress to the State and Province Emergency Management Assistance Memorandum of Understanding", a bill introduced by Senator KOHL of Wisconsin.

This bill is non-controversial and passed the Senate in September under unanimous consent with the full support of the National Emergency Management Association.

According to the Congressional Budget Office, this legislation would not affect direct spending or revenues and would impose no costs on state, local, or tribal governments.

S.J. Res. 44 gives our northern states the ability to enter into an agreement with Canadian provinces to facilitate cross border emergency management assistance through mutual aid.

The purpose of this legislation is to provide mutual assistance among entities that have entered into these agreements for the management of any emergency or disaster when requested.

This bill will allow states to coordinate relief efforts with their Canadian counterparts in order to better respond to any disaster that may impact both jurisdictions.

Mr. Speaker, my Congressional district is very familiar with the financial and emotional impact that a natural disaster can cause to our communities.

We must ensure that we leverage all of our resources to better prepare, coordinate, and respond to any such disasters when they arise.

I strongly support the passage of this legislation and look forward to the President signing it into law.

I reserve the balance of my time.

Mr. CONNOLLY of Virginia. Mr. Speaker, I also rise in support of S.J. Res. 44, and I yield myself such time as I may consume.

This resolution provides the consent of Congress for a Memorandum of Understanding reached among a number U.S. states and Canadian provinces to provide for mutual assistance in managing an emergency or disaster.

This MOU, which includes states in the upper Midwest and the provinces of central Canada, is very similar to existing cross-border agreements in the Northeast and Pacific Northwest.

These agreements provide for the sharing of personnel, equipment and other resources in an emergency or disaster, whether natural or man-made.

In the past, they have provided a framework for U.S. crews to help their Canadian counterparts clear roads after blizzards and to deploy search and rescue teams.

Mr. Speaker, as all of us know, disasters do not respect political boundaries, and it is in our interest to allow our states to coordinate emergency preparedness efforts with our close friends and allies to the north.

I urge my colleagues to support this resolution, and I yield back the balance of my time.

Ms. ROS-LEHTINEN. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and pass the joint resolution, S.J. Res. 44.

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. ROS-LEHTINEN. 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.

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. 3159, de novo;
H.R. 4057, de novo;
S. 3202, de novo.

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

FOREIGN AID TRANSPARENCY AND ACCOUNTABILITY ACT OF 2012

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 3159) to direct the President, in consultation with the Department of State, United States Agency for International Development, Millennium Challenge Corporation, and the Department of Defense, to establish guidelines for United States foreign assistance programs, and for other purposes, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and pass the bill, 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.

Ms. ROS-LEHTINEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 390, nays 0, not voting 41, as follows:

[Roll No. 649]

YEAS—390

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

NOT VOTING—41

Bass (NH)
Becerra
Bono Mack
Burton (IN)
Chandler
Clay
Cleaver
Costello
Crowley
DeGette
Forbes
Gallegly
Gerlach
Gingrey (GA)
Graves (MO)
Gutierrez
Johnson (IL)
Johnson, Sam
Jones
Keating
Kissell
Landry
Larson (CT)
Lewis (CA)
Lipinski
Mack
Nadler
Pastor (AZ)
Paul
Pence
Reyes
Rohrabacher
Roybal-Allard
Schock
Shuler
Smith (WA)
Stark
Thornberry
Visclosky
Welch
Woolsey

□ 1854

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 direct the President to establish guidelines for United States foreign development assistance, and for other purposes.''.

A motion to reconsider was laid on the table.

Stated for:

Mr. LARSON of Connecticut. Mr. Speaker, on rollcall No. 649, had I been present, I would have voted "yea."

IMPROVING TRANSPARENCY OF EDUCATION OPPORTUNITIES FOR VETERANS ACT OF 2012

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and concurring in the Senate 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.

The Clerk read the title of the bill.

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 concur in the Senate amendment.

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. REED. 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—yeas 392, nays 3, not voting 36, as follows:

[Roll No. 650]

YEAS—392

Ackerman
Adams
Aderholt
Akin
Alexander
Altmire
Amodei
Andrews
Austria
Baca
Bachmann
Bachus
Baldwin
Barber
Barletta
Barrow
Bartlett
Barton (TX)
Bass (CA)
Becerra
Benishek
Berg
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonamici
Bonner
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Curson (MI)
Davis (CA)
Davis (IL)
DeFazio
DeLauro
DelBene
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gardner
Garrett
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Guthrie
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Israel
Issa
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Jordan
Kaptur
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Kucinich
Labrador
Lamborn
Lance
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette

Latta
Lee (CA)
Levin
Lewis (GA)
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Maloney
Manzullo
Marchant
Marino
Markey
Massie
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Napolitano
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Paulsen
Payne
Pearce
Pelosi
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Royce
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schmidt
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Speier
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiberi
Tierney
Tipton
Tonko
Towns
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Webster
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

NAYS—3

Amash
Brooks
Lummis

NOT VOTING—36

Bass (NH)
Bono Mack
Burton (IN)
Chandler
Cleaver
Costello
DeGette
Gallegly
Garamendi
Gerlach
Graves (MO)
Gutierrez
Johnson (IL)
Johnson, Sam
Jones
Kissell
Landry
Lewis (CA)
Lipinski
Mack
Nadler
Pastor (AZ)
Paul
Pence
Reyes
Rohrabacher
Roybal-Allard
Schock
Shuler
Smith (WA)
Stark
Thornberry
Velázquez
Visclosky
Welch
Woolsey

□ 1901

So (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT REGARDING CLASSIFIED SCHEDULE OF AUTHORIZATIONS AND CLASSIFIED ANNEX ACCOMPANYING INTELLIGENCE AUTHORIZATION BILL FOR FY 2013

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

Mr. ROGERS of Michigan. Mr. Speaker, in light of anticipated House consideration of S. 3454, the Intelligence Authorization Act for FY 2013, tomorrow, I wish to announce to all Members of the House that the Classified Schedule of Authorizations and the Classified Annex accompanying S. 3454 will be available for review by Members at the offices of the Permanent Select Committee on Intelligence in room HVC–304 of the Capitol Visitor Center beginning tomorrow morning at 8:30 a.m.

I recommend that all Members wishing to review the Classified Annex contact the committee's director of security to arrange a time for that viewing. This will assure the availability of committee staff to assist Members who desire assistance during their review of these classified materials.

I urge interested Members to review these materials in order to better understand the committee's recommendations. The Classified Annex to S. 3454 contains the committee's recommendations on the intelligence budget for fiscal year 2013 and related classified information that cannot be disclosed publicly.

It is important that Members keep in mind the requirements of clause 13 of House rule XXIII, which only permits access to classified information by those Members of the House who have signed the oath and met the requirements provided for in the rule.

DIGNIFIED BURIAL AND OTHER VETERANS' BENEFITS IMPROVEMENT ACT OF 2012

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (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 for other purposes.

The Clerk read the title of the bill.

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.

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. REED. 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—yeas 393, nays 0, not voting 38, as follows:

[Roll No. 651]

YEAS—393

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Andrews
Austria
Baca
Bachmann
Bachus
Baldwin
Barber
Barletta
Barrow
Bartlett
Barton (TX)
Bass (CA)
Becerra
Benishek
Berg
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonamici
Bonner
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Curson (MI)
Davis (CA)
Davis (IL)
DeFazio
DeLauro
DelBene
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Garamendi
Gardner
Garrett
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Guthrie
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Israel
Issa
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Jordan
Kaptur
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Kucinich
Labrador
Lamborn
Lance
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (GA)
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Maloney
Manzullo
Marchant
Marino
Markey
Massie
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Napolitano
Neal
Neugebauer
Noem
Nugent

Nunes
Nunnelee
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Paulsen
Payne
Pearce
Pelosi
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Royce
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schmidt
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Southerland
Speier
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiberi
Tierney
Tipton
Tonko
Towns
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Velázquez
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Webster
West
Westmoreland
Whitfield
Wilson (FL)
Wittman
Wolf
Womack
Woodall
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—38

Ackerman
Bass (NH)
Bono Mack
Burton (IN)
Chandler
Cleaver
Costello
DeGette
Gallegly
Gerlach
Graves (MO)
Gutierrez
Johnson (IL)
Johnson, Sam
Jones
Kissell
Landry
Lewis (CA)
Lipinski
Mack
Nadler
Pastor (AZ)
Paul
Pence
Reyes
Rohrabacher
Roybal-Allard
Schock
Shuler
Smith (TX)
Smith (WA)
Stark
Stearns
Thornberry
Visclosky
Welch
Wilson (SC)
Woolsey

□ 1910

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.

HOUR OF MEETING ON TOMORROW

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet tomorrow at 9 a.m. for morning-hour debate and 10 a.m. for legislative business.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

CONGRATULATIONS, ERIC DELL

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

Mr. WILSON of South Carolina. Mr. Speaker, I am grateful for the opportunity to recognize Eric Dell, chief of staff for the Second District of South Carolina. Eric has accepted to serve as senior vice president for the National Automatic Merchandising Association. This is a tremendous vote of confidence in his competence, dedication, and integrity.

There are no words to express the amount of appreciation I have had for Eric and for his service to South Carolina's Second Congressional District over the last 11 years. Throughout my years in public service, whether it be deciding to run for office, serving in the South Carolina Senate, or representing constituents in Congress, I can always count on Eric to offer his support to me, my family, or any constituent in need. He is devoted to serving the people of South Carolina.

It is with mixed feelings but with great happiness that I bid Eric farewell. He and his wife, Torry, will always be cherished by me and my wife, Roxanne, and our sons for their friendship. Godspeed.

Happy anniversary to my wife, Roxanne—the love of my life—whom I married 35 years ago this moment at Columbia's First Presbyterian Church in a ceremony conducted by the Reverend Dr. Hugh McClure.

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

RECESS

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 7 o'clock and 15 minutes p.m.), the House stood in recess.

□ 2020

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. FOXX) at 8 o'clock and 20 minutes p.m.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 112–734) on the resolution (H. Res. 843) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following resignation from the House of Representatives:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 30, 2012.

Hon. JOHN BOEHNER,
Speaker, House of Representatives, Washington, DC.

DEAR SPEAKER BOEHNER: I am writing to inform you that I have notified the Governor of South Carolina of my resignation from the U.S. House of Representatives effective January 2, 2013. A copy of that letter is attached. I do not intend to take the office of Representative for the First Congressional District of South Carolina in the 113th Congress.

It has truly been an honor to serve the First District of South Carolina, and I look forward to continuing that service in my new role as United States Senator. I have enjoyed working with you, Majority Leader Cantor, and all of our colleagues in the House, and wish you the best of luck in the future.

Sincerely,

TIM SCOTT,
Member of Congress.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 28, 2012.

Hon. NIKKI HALEY,
Governor, State of South Carolina, Statehouse, Columbia, SC.

DEAR GOVERNOR HALEY: I am writing to resign my position as United States Representative from the First Congressional District of South Carolina, effective January 2, 2013. It has been a tremendous honor to represent the First District, and I look forward to continuing that service in my new role as the junior United States Senator for our great state.

I look forward to working with you, as well as Senator Graham and my friends in our state's U.S. House delegation, to build not only a better South Carolina, but a stronger America. Our nation finds itself at a crossroads, and through strong, principled leadership we can ensure a brighter future for our children and grandchildren.

I also want to thank the people of the First District, from Myrtle Beach to Hilton Head Island, for the opportunity to serve our great state in the U.S. House of Representatives. Together we have stood up for our principles, and worked hard every day to lower federal spending and create the right environment for job creation. While the challenges before us may look daunting, I am certain we will look back on them as a positive turning point for our nation.

Sincerely,

TIM SCOTT,
Member of Congress.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. ROYBAL-ALLARD (at the request of Ms. PELOSI) for today and through January 2 on account of death in family.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 3667. An act to rename section 219(c) of the Internal Revenue Code of 1986 as the Kay Bailey Hutchison Spousal IRA; to the Committee on Ways and Means.

ENROLLED BILLS SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1339. An act to designate the City of Salem, Massachusetts, as the Birthplace of the National Guard of the United States.

H.R. 1845. An act to provide a demonstration project providing Medicare coverage for in-home administration of intravenous immune globulin (IVIG) and to amend title XVIII of the Social Security Act with respect to the application of Medicare secondary payer rules for certain claims.

H.R. 2338. An act to designate the facility of the United States Postal Service located at 600 Florida Avenue in Cocoa, Florida, as the ''Harry T. and Harriette Moore Post Office''.

H.R. 3869. An act to designate the facility of the United States Postal Service located at 600 East Capitol Avenue in Little Rock, Arkansas, as the ''Sidney 'Sid' Sanders McMath Post Office Building''.

H.R. 3892. An act to designate the facility of the United States Postal Service located at 8771 Auburn Folsom Road in Roseville, California, as the ''Lance Corporal Victor A. Dew Post Office''.

H.R. 4053. An act to intensify efforts to identify, prevent, and recover payment error, waste, fraud, and abuse within Federal spending.

H.R. 4310. An act 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.

H.R. 4389. An act to designate the facility of the United States Postal Service located at 19 East Merced Street in Fowler, California, as the ''Cecil E. Bolt Post Office''.

H.R. 5859. An act to repeal an obsolete provision in title 49, United States Code, requiring motor vehicle insurance cost reporting.

H.R. 5949. An act to extend the FISA Amendments Act of 2008 for five years.

H.R. 6260. An act to designate the facility of the United States Postal Service located at 211 Hope Street in Mountain View, California, as the ''Lieutenant Kenneth M. Ballard Memorial Post Office''.

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

H.R. 6587. An act to designate the facility of the United States Postal Service located at 225 Simi Village Drive in Simi Valley, California, as the ''Postal Inspector Terry Asbury Post Office Building''.

H.R. 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, written consent on an ongoing basis and that consent may be obtained through the Internet.

SENATE ENROLLED BILL AND JOINT RESOLUTION SIGNED

The Speaker announced his signature to an enrolled bill and joint resolution of the Senate of the following titles:

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

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

BILLS PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House, reported that on December 30, 2012, she presented to the President of the United States, for his approval, the following bills:

H.R. 5949. To extend the FISA Amendments Act of 2008 for five years.

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.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 8 o'clock and 22 minutes p.m.), under its previous order, the House adjourned until tomorrow, Monday, December 31, 2012, at 9 a.m. for morning-hour debate.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Official Foreign Travel during the fourth quarter of 2012 pursuant to Public Law 95–384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO THE CZECH REPUBLIC, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 8 AND NOV. 12, 2012

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Mike Turner	11/8	11/12	Czech Republic		1,624.00		(3)				1,624.00
Hon. David Scott	11/8	11/12	Czech Republic		1,624.00		(3)				1,624.00
Hon. Jeff Miller	11/8	11/12	Czech Republic		1,624.00		(3)				1,624.00
Hon. John Shimkus	11/8	11/12	Czech Republic		1,624.00		(3)				1,624.00
Hon. Jo Ann Emerson	11/9	11/12	Czech Republic		1,218.00		[3] 5,437.00				6,655.00
Hon. Mario Diaz-Balart	11/8	11/12	Czech Republic		1,624.00		(3)				1,624.00
Hon. Rob Bishop	11/8	11/12	Czech Republic		1,624.00		(3)				1,624.00
Hon. David Loebsack	11/8	11/12	Czech Republic		1,624.00		(3)				1,624.00
Riley Moore	11/8	11/12	Czech Republic		1,624.00		(3)				1,624.00
Janice Robinson	11/8	11/12	Czech Republic		1,624.00		(3)				1,624.00
Greg McCarthy	11/8	11/12	Czech Republic		1,624.00		(3)				1,624.00
Committee total											22,895.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

HON. MICHAEL R. TURNER, Dec. 11, 2012.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

8949. A letter from the Associate General Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — HUD Acquisition Regulations (HUDAR) [Docket No.: FR-5571-F-02] (RIN: 2501-AD56) received December 19, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8950. A letter from the Deputy Bureau Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Parts 32, 51, and 69 of the Commission's Rules received December 20, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8951. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Revisions to Authorization Validated End-User Provisions: Requirement for Notice of Export, Reexport or Transfer (In-Country) and Clarification Regarding Termination of Condition on VEU Authorization [Docket No.: 110331231-2686-01] (RIN: 0694-AF19) received December 20, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

8952. A letter from the Associate Director, Department of Treasury, transmitting the Department's final rule — Iranian Transactions and Sanctions Regulations received December 20, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

8953. A communication from the President of the United States, transmitting a letter regarding the deteriorating security situation in the Central African Republic and the

potential threat to U.S. citizens, U.S. embassy personnel and several private U.S. citizens that were evacuated from Bangui, Central African Republic on December 27, 2012 and a stand-by response and evacuation force of approximately 50 U.S. military personnel; (H. Doc. No. 112—159); to the Committee on Foreign Affairs and ordered to be printed.

8954. A letter from the Senior Procurement Executive/Deputy Chief Acquisition Officer, General Service Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Nondisplacement of Qualified Workers Under Service Contracts [FAC 2005-64; FAR Case 2011-028; Docket 2011-028; Sequence 1] (RIN: 9000-AM21) received December 20, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

8955. A letter from the Senior Procurement Executive/Deputy Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005; Introduction [Docket FAR: 2012-0080, Sequence 9] received December 20, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

8956. A letter from the Senior Procurement Executive/Deputy Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-64; Small Entity Compliance Guide [Docket FAR: 2012-0081, Sequence 9] received December 20, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

8957. A letter from the Acting Deputy Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels using Jig Gear in the Central Regulatory Area of the Gulf of Alaska [Docket No.: 111207737-2141-02] (RIN: 0648-XC344) received December 17, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8958. A letter from the Federal Liaison Officer, Patent and Trademark Office, Department of Commerce, transmitting the Department's final rule — Changes to Implement Micro Entity Status for Paying Patent Fees [Docket No.: PTO-P-2011-0016] (RIN: 0651-AC78) received December 20, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

8959. A letter from the Chairman, Department of Transportation, transmitting the Administration's final rule — Solid Waste Rail Transfer Facilities [Docket No.: EP 684] received December 19, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Submitted December 28, 2012]

Mr. ROGERS of Michigan: Permanent Select Committee on Intelligence. Semi-annual Report on the Activity of the Permanent Select Committee on Intelligence for the 112th Congress (Rept. 112–733). Referred to the Committee of the Whole House on the state of the Union.

[Filed December 30, 2012]

Mr. SESSIONS: Committee on Rules. House Resolution 843. A resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the committee on Rules (Rept. 112–734). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. DICKS:

H.R. 6716. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to eliminate the sequestrations for fiscal year 2013; to the Committee on the Budget.

By Mr. CONYERS (for himself, Mr. COHEN, Mr. GRIJALVA, and Mr. ELLISON):

H.R. 6717. A bill to provide consumer protections for students; to the Committee on Education and the Workforce, and in addition to the Committees on Armed Services, and Veterans' Affairs, 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. RICHARDSON:

H.R. 6718. A bill to reauthorize part C of the Individuals with Disabilities Education Act; to the Committee on Education and the Workforce.

By Mr. THOMPSON of California:

H.R. 6719. A bill to promote and expand the application of telehealth under Medicare and other Federal health care programs, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Oversight and Government Reform, Armed Services, and Veterans' Affairs, 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.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. DICKS:

H.R. 6716.

Congress has the power to enact this legislation pursuant to the following:

The principal constitutional authority for this legislation is clause 7 of section 9 of article I of the Constitution of the United States (the appropriation power), which states: 'No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law . . .' In addition, clause 1 of section 8 of article I of the Constitution (the spending power) provides: 'The Congress shall have the Power . . . to pay the Debts and provide for the common Defense and general welfare of the United States . . .' Together, these specific constitutional provisions establish the congressional power of the purse, granting Congress the authority to appropriate funds, to determine their purpose, amount, and period of availability and to set forth terms and conditions governing their use.

By Mr. CONYERS:

H.R. 6717.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the United States Constitution

By Ms. RICHARDSON:

H.R. 6718.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. THOMPSON of California:

H.R. 6719.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 3 of the United States Constitution.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 2721: Ms. DELAURO and Ms. ROYBAL-ALLARD.

H.R. 3993: Mr. SCHIFF.

H.R. 4378: Mr. CICILLINE and Ms. MATSUI.

H.R. 5975: Mr. RUSH.

H.R. 6600: Mr. TOWNS, Mr. GRIMM, Mr. NADLER and Mr. RANGEL.

H. Res. 837: Mr. LEVIN, Mr. MORAN, Mr. BERMAN, Mr. LEWIS of Georgia, Ms. BERKLEY, Ms. SCHAKOWSKY, Mr. COSTELLO, Mrs. DAVIS of California and Mr. OLVER.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, SECOND SESSION

Vol. 158 WASHINGTON, SUNDAY, DECEMBER 30, 2012 No. 170

Senate

The Senate met at 1 p.m. and was called to order by the Honorable MICHAEL F. BENNET, a Senator from the State of Colorado.

PRAYER

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

Let us pray.

Mighty God, have mercy upon us because of Your unfailing love. Because of Your great compassion let us feel Your presence today on Capitol Hill. As we gather with so much work left undone, guide our lawmakers with Your wisdom. Lord, show them the right thing to do and give them the courage to do it. Be their shelter in the midst of the storm, regardless of how high the waters rise. When they feel exhausted, remind them of the great sufficiency of Your grace. Look with favor on our Nation and save us from self-inflicted wounds.

We pray in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MICHAEL F. BENNET led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. LEAHY).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 30, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MICHAEL F. BENNET, a Senator from the State of Colorado, to perform the duties of the Chair.

PATRICK J. LEAHY,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, there will be an hour of debate on the Galante nomination. At 2 p.m. there will be two rollcall votes on confirmation of the nominations of William Baer to be an Assistant Attorney General and Carol Galante to be an Assistant Secretary for HUD.

Following those votes, there will be a recess allowing for caucus meetings. The majority's meeting will begin at 3 o'clock today.

Would the Chair announce the business of the day.

RESERVATION OF LEADER TIME

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

EXECUTIVE SESSION

NOMINATION OF CAROL J. GALANTE TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT

NOMINATION OF WILLIAM JOSEPH BAER TO BE AN ASSISTANT ATTORNEY GENERAL

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to consider the following nominations, which the clerk will report.

The assistant legislative clerk read the nominations of Carol J. Galante, of California, to be an Assistant Secretary of Housing and Urban Development, and William Joseph Baer, of Maryland, to be an Assistant Attorney General.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 60 minutes of debate equally divided in the usual form on the Galante nomination.

The Senator from California.

THE FISCAL CLIFF

Mrs. BOXER. Mr. President, as we stand here—or sit here—and watch what is happening, we know there are negotiations going on to avert at least part of the fiscal cliff. I want to say—I have said this privately, but I want to do it publicly—I hope our leaders can find a way out of this.

I watched the President speak today and I thought, as usual, he was very fair in what he said. What he basically said is it is the middle class that grows this economy. It is the middle class that needs to be lifted up. It is the middle class that cannot afford tax hikes. Those at the very top can do just a little bit more.

It is a very simple point. I hope, given that everyone says they are for the middle class—I know my colleagues on the other side of the aisle say that every day, that they agree with that—that finding this compromise will not be elusive but will come to pass.

I have been here for a while. My understanding is we have not met between Christmas and New Year's Day since 1962. So it does take a crisis of major proportions to make that happen. I think we are in a crisis right now, but it is a self-made one. It is a self-imposed one. It is similar to the crisis we had on the debt ceiling—self-imposed. It is not some, God forbid, exterior attack on our country which we

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

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could not prevent. It is not some, God forbid, plague or a terrible virus that is running across the land. To me it is something that is not that complicated.

As the President said, we have a series of tax cuts that are expiring. If we let them expire, it means there will be a huge tax increase, mostly hitting the middle class and the working poor. The upper incomes, the people in that category, have done so well that even they say they would have to talk to their accountant before they even knew there was any impact on their tax bill. So we can come together.

The President favored a limit which would be $250,000, meaning that everyone who earns up to that would get a tax break. Everybody's income up to $250,000 gets a tax break, everybody, 100 percent of the people. But those who are fortunate to have higher incomes would go back to the tax rates that prevailed when Bill Clinton was President.

Why the other side is horrified by that is perplexing to me. I look back at the Clinton era. I was here. That is a long time ago. I came to the Senate with Senator FEINSTEIN when Bill Clinton was President, and he faced similar issues in that we had a deficit that was getting out of control, a debt that was getting out of control. We needed to have growth. So he put forward a budget plan that invested in our people, invested in the infrastructure, invested in education, and at the same time said we can find cuts in other areas and we can raise taxes on those who are doing very well.

What happened with that fair and balanced approach? What happened was the greatest prosperity in modern history—23 million jobs, no more deficits, we got to a balanced budget. I remember saying to my husband: My goodness, what is going to happen? There will not be any more U.S. Government bonds because we are going to be out of the debt situation. We saw it on the horizon.

When George W. Bush became President, he decided to go back, backward on rates across-the-board, from the wealthiest to the middle to the poor, and he put two wars on a credit card and we are where we are.

To add to this history, we all know we are coming out of the worst recession since the Great Depression. It has been difficult. It was led by, unfortunately, some unscrupulous people on Wall Street who created a nightmare in the housing market. I remember saying to Treasury Secretary Paulson: Can you please explain the role of derivatives here and what happened and how we got into this crisis? He put his head in his hands and he said: Not now. I will talk to you later.

That is not very encouraging when the Secretary of the Treasury puts his head in his hands and says I can't explain it now.

We are coming out of this difficult time, and guess what. We are doing much better. We had an election. It was pretty clear. People want to see us reach a balance.

As I stand here, I know there are negotiations going on in the rooms surrounding us. I wish for the best, I hope for the best, and I ask for the best. There is a word called ''compromise.'' It doesn't mean you compromise your principles, but it means that you can compromise because that is what the American people want us to do. Yes; they do.

I wish to give an example. Say you were out hiking. Mr. President, in your State there are a lot of hikers. If you saw someone on a cliff, trapped, caught on a rope and you knew the only way to save the person was first to cut the rope—you are standing with someone else and you say: Cut the rope at the top. He says: Cut the rope at the bottom, and you stand there arguing; meanwhile, the man is struggling on this cliff: Get me down. Wouldn't it be smart to cut the rope in the middle and save the guy? You can argue later, should I have cut the rope at the top or the bottom—no, cut it in the middle, save the man.

That is a pretty simplistic example of where we are. But I have the privilege of knowing we can get it done when we work together. I was so proud to bring to this Senate a highway bill, a transportation bill. Millions of jobs were at stake. Our States were worried they would stop getting their highway funds. We would have had to stop road projects in the middle. We would not have had State funding for transit. But you know what happened. Senator INHOFE and I sat in a room. You could not find two more divergent people in their thinking, he a conservative Republican and I a progressive Democrat. We sat in a room and he said I want this, this, and this. I said I want that, that, and that. Then we said let's make a deal. Let's meet in the middle. We did it—much to everyone's surprise—and that bill passed the Senate.

When it got to the House, it got stuck. So Senator INHOFE and I and Senator REID went over to meet with JOHN BOEHNER and Chairman MICA and we all agreed we would get it done. Neither side got everything they wanted. Anyone who takes that position, in my opinion, is not putting country first. I don't care whether they are Republican, Democrat or anything else.

We are not, each of us, going to get everything we want, Lord knows. There is a lot I could do if I had a wand and could make it happen. But everybody has a different view of exactly how to go forward. I think we are being tested.

I know it is tough going. I know if we do not get a deal, it does not stop there; we will keep on working. But there is no reason on this beautiful, God's green Earth why we cannot get a deal. If everyone is sincere and saying they want the middle class to be protected, we can get a deal. President Obama says $250,000 is the line. Maybe I think $350,000 is the line; maybe someone else, $500,000; maybe someone else, $150,000. We can meet somewhere and cut that rope somewhere in the middle and save this country from the uncertainty that plagues us right now.

In the olden days—when I say ''olden,'' it is a long time ago—I was a stockbroker. I was an economics major and a stockbroker on Wall Street. The thing Wall Street and investors cannot take is uncertainty. If they know taxes are going up, they will refigure things. If they know taxes are going down, they will refigure things. If they know taxes are staying the same, they will figure it out. But right now they are frozen because they do not know. Families are also, in many ways, frozen. They do not know whether they have to budget so they will have $2,000 less next year. They do not know whether it will be $4,000. They don't know if it is ever going to change. The uncertainty is the fault of leaders who cannot get together. I think it is critical that we get a deal, and I hope it is in the next couple of hours.

I believe it was a reporter who asked me: What is the difference if it is done now or 5 days from now?

I said the difference is this uncertainty, this pall, and an unneeded escalating crisis.

Then someone might say: Well, we don't have to do it now. We will do it on January 4. Well, we don't have to do it on January 4; we will get it done on the 10th.

We need to get it done. America wants us to get it done.

The President has shown that he is willing to be flexible. He has come out with some ideas that I have to swallow—very hard—to accept. I know personally how strongly he feels that $250,000 should be where we draw the line when we allow tax breaks, but he was willing to offer $400,000. He was willing to look at changing some of our programs. It is very tough for him to do that, but he is willing to do that even though he ran on his program and won by millions of votes on his program.

So if the President can be flexible and say: OK, I will step back from everything I really want to do and move in the direction of the Republicans, then the Republicans need to move in our direction. I think we are going to be judged by whether we are going to be stuck in the mud because we just don't have the courage to change or whether we step forward at this moment. I think it should be this moment.

If we cannot get it done, I certainly hope we will have an up-or-down vote on the President's plan, which I feel was very fair. The President offered a plan. Do I like everything about it? Absolutely not. But he showed he is willing to take those steps. I would hate to think our colleagues would filibuster that and demand a 60-vote threshold as we go over this cliff.

The American people are hanging from the cliff, and we can let them

down very gently today and solve this problem. If all we do is stand and stay in our corners, I am very fearful the message is that we don't know how to meet each other halfway, and that is not a good thing. Voters are going to turn on those people who stand in their corners and don't move. That is not the role of legislators.

I will close with this. We have a different form of government than they have in Europe. This is not a parliamentary system. In a parliamentary system, one government rules everything, one party rules everything. They have the Prime Minister, the equivalent of the Speaker, and the leader all in one party, and then they don't compromise. They put their agenda there and get their program through. If there is a lack of confidence, the people can change parties. The next party then comes in and does what it wants. That is not what we do here.

Sometimes I wish it were the form of government we had because at least there would be some action and we would know what to expect. We would not have this uncertainty because each party has its dreams, its hopes, its plans, and they would have a chance to get those policies through. We don't have that here. We have to meet each other halfway because the House is run by the Republicans, and it will be next year. The Senate is run by the Democrats, but it is not a supermajority. We have to deal with our colleagues. The President is a Democrat. We have to work together. That is the name of the game.

If I can work with JIM INHOFE on the highway bill and DEBBIE STABENOW can work with PAT ROBERTS on the farm bill—and there are other examples I could give. For instance, Senator FEINSTEIN worked with her Republican counterpart. I could give many examples on the Appropriations Committee. We know we can do this. We just have to take a deep breath and put our egos aside for this country's sake and make those compromises that allow us to still stand tall. I am only 5 feet, so that's hard, but you get the point.

We can do this, and we should do it now. If we don't do it now, we should vote on the President's plan because the people of this country deserve better than to be left hanging on a cliff. They don't deserve that. It is not right.

Thank you very much.

I yield the floor, and I note the absence of a quorum. I ask that the time be equally divided between the two sides.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

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

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

Mr. ISAKSON. Happy New Year, Mr. President.

Mr. President, I rise to speak about the nominee for Commissioner of FHA, Carol Galante. I opposed her nomination earlier in the year because of some concerns about what the FHA may or may not do; however, I had no concern whatsoever about her qualifications or ability. She is coming up in the second vote today, and I want to put on the record my wholehearted support for the Senate reaching the 60 votes necessary to confirm her appointment, and I want to explain why.

There are some people in the Chamber who justifiably have concerns about the FHA, its liability on insurance and the fact that it is bearing so much of the burden on housing finance. But that is not the FHA's fault, that is the fault of Dodd-Frank. The restrictions on lenders would have forced FHA to be the lender of last resort—or most resort—for most American people. That is something we in the Senate have the ability to fix, but we should not punish a talented, experienced, well-qualified, and highly recognized individual who knows housing, both multi and single family, from being Commissioner of the FHA.

So I rise to say to any Member that if they have a problem with the FHA, don't take it out on Ms. Galante. Look at what happened after the passage of Dodd-Frank and the fact that the FHA had to take on the burden because there was no other alternative in housing finance. What we need to do, rather than defeating good nominees for office, is give those nominees the kinds of underpinnings where the laws allow capital to flow to the mortgage market through various and numerous entities so the whole burden doesn't have to be borne by the FHA and the U.S. Government.

I rise with pleasure to say I will vote in favor of Carol Galante as Commissioner of the FHA.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee

Mr. CORKER. Mr. President, I rise to speak behind the distinguished Senator from Georgia. He has more experience in the housing market than any Senator in the Senate and always speaks with eloquence and balance. I would like to second what he said.

I spent a lot of time with the nominee, Carol Galante. She is technically very proficient. Over the past 2 weeks she has put in place reforms that are very strong. It is just a start. I know a lot more needs to happen at FHA, but she has put in place some very significant reforms.

I know we have been losing billions of dollars at FHA—and I think seniors have been taking advantage of it—on something called a full-draw fixed-rate reverse mortgage. The advertisements for that have been on TV. The FHA has been losing its shirt over that program. She ended that program—or will end it by the end of January—on her own, along with doing some other things relative to debt-to-income. That is one example of why I think she is technically very proficient.

I know there are Members of this body today who may work against her because they are very dissatisfied with what has been happening at FHA. Candidly, much of that is due to us. We need to pass some legislation to deal with FHA, and we have been resistant to do that. I know JOHNNY ISAKSON, DAVID VITTER, and others in our body have been pushing for us to address that. I know the Presiding Officer serves on the Banking Committee with me, and we know reforms need to take place.

Here is what I would say. The main reason FHA is in the problem it is in is due to loans that were made back in 2006, 2007, 2008, and the beginning of 2009. What is happening is that the losses from those loans are just now kicking in. There is no question that FHA has some issues relative to their economic value, but there have been five increases in rates at FHA recently to try to get it back to where it needs to be.

So what I would say to my friends on this side of the aisle is that if we think the FHA can get better by not having a Commissioner, I find that to be kind of strange. She has been the Acting Commissioner since David Stevens left. It seems to me we would be much better having somebody in that position who is actually accountable and able to bring permanent staff with her. They know the issues that are going to need to be dealt with at FHA.

Again, I think I have spent about as much time with her as anybody in this body. I know Senator ISAKSON has done the same. I find her to be very technically proficient. Over the last few weeks I have seen her do some bold things relative to the debt-to-income ratio with some of the FHA participants. We need to do something about the loan amounts at FHA. They are at 729 now. At some point, they probably need to drop down once we get the rest of the market working in the fashion it should be.

I wholeheartedly support her in this position. There is a lot of work that needs to take place at the FHA. I think she is somebody who has the ability to carry that out. The biggest issue with FHA right now is this body and the folks down the hallway. We need to pass legislation to deal with overall housing finance. I know Senator ISAKSON from Georgia is going to be very involved with that. I hope to be involved, and my guess is the Presiding Officer is going to be involved as well.

My sense is that we need to have someone who is running the FHA to help it to work better. I hope my colleagues on this side of the aisle—hopefully many of them—will join in giving her strong support today and work closely with her to help the FHA to be the kind of place it ought to be. I agree with the Senator from Georgia in that

it should not have the market share it has today, but a big part of that has to do with our inaction in this body and our inability to thus far deal with GSE.

I hope many Members will join in supporting Carol Galante.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California

Mrs. BOXER. Mr. President, how much time remains on this side?

The ACTING PRESIDENT pro tempore. Thirteen minutes for the majority.

Mrs. BOXER. Will the Presiding Officer let me know when I have talked for 4 minutes.

The ACTING PRESIDENT pro tempore. The chair will let the Senator know.

Mrs. BOXER. Mr. President, I wish to thank Senator CORKER for his remarks and join in with his support for Carol Galante. She has a long and distinguished career of building and promoting affordable housing, and she is very well qualified.

She began her career as a housing coordinator for the city of Santa Barbara, rising to become the city's housing and redevelopment manager. I want to point out that Santa Barbara is a magnificent part of my State. I have a beautiful State. At the time, they didn't have much in the way of moderate-income housing, and that was part of the very important work she did.

She moved on to Eden Housing, a nonprofit affordable-housing developer, where she developed over 400 homes as a project manager. She eventually took over as executive director.

She later joined BRIDGE Housing as vice president, and in 1996 she took the helm of that organization as its president and chief executive. BRIDGE is the largest nonprofit developer of affordable-income and mixed-use developments in California. While she was there, Carol oversaw the creation of 13,000 affordable homes for more than 35,000 Californians and programs that helped one-fourth of their residents advance to home ownership because she knew that was the goal. Home ownership, even after all we have been through, is the dream, and she understands that.

So in 2009, President Obama appointed Carol as HUD's Deputy Assistant Secretary for multifamily housing programs where she oversaw a $50 billion portfolio of affordable and market rate multifamily properties through FHA's multifamily insurance program. At a time when support for housing was desperately needed, she took a smaller staff and grew annual lending from $2.5 billion to over $10 billion.

Carol has served for a year now as Acting Commissioner for FHA where she has worked to weed out bad lenders, ensuring greater stability of the reverse mortgage program, and increasing counseling resources for borrowers. As we look over what happened in the housing sector, we know people bought homes who shouldn't have bought homes, lenders took advantage of them, and everybody was in the mix in terms of why things went so sour.

Carol's accomplishments have been recognized through numerous honors, including inductions into the Hall of Fame for Bay Area business leaders in California. She has been recognized by California Home Building and the California Housing Consortium. So she gets support from everybody—from the builders, from the homeowners, from the renters.

Carol has the strong support of a broad coalition of housing advocates and lenders. I ask unanimous consent to have printed in the RECORD a letter from the Mortgage Bankers Association and a letter from what looks to be two or three dozen other housing organizations.

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

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

JULY 26, 2012.

Hon. HARRY REID,
Majority Leader, U.S. Senate,
The Capitol, Washington, DC.
Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate,
The Capitol, Washington, DC.

DEAR LEADERS REID AND MCCONNELL: The members of the Mortgage Bankers Association, the National Association of Home Builders, and the National Association of Realtors wish to offer our continued support of the nomination of Carol Galante to be Assistant Secretary for Housing and Federal Housing Administration (FHA) Commissioner at the U.S. Department of Housing and Urban Development (HUD).

FHA continues to play a critical role as the overall housing market struggles toward recovery. FHA is especially vital to homebuyers who may need a little ''extra help'' securing safe, decent, and affordable housing, focusing more on the needs of first-time, minority, and low- and moderate-income borrowers than any other national program. At present, approximately 77 percent of FHA-insured home purchase loans are made to first-time homebuyers, and 31 percent of these first-time homebuyers are minorities.

FHA has also played an important role in the financing of multifamily rental housing, which has enabled the construction and rehabilitation of needed affordable rental units, as private market sources of capital have not been available. Since FY2008, FHA's commitments in multifamily loans grew from $2 billion to $13 billion in FY2011. Because of its essential role in the current housing marketplace, FHA must have a seasoned leader to direct its mission at this crucial time in all geographic areas of the country.

Carol Galante will bring tremendous expertise and a deep commitment to strengthening FHA's program areas to the post of Commissioner. Her decades of work in affordable housing development and more recently, managing FHA's multifamily programs, give her a unique perspective on the issues facing our nation's housing and mortgage markets. This experience and practical understanding will serve her well in this new position.

Our organizations are eager to continue working with Ms. Galante in this capacity when she is confirmed, and we are pleased that the Senate reached an agreement to consider her nomination next week. We hope that the full Senate will approve her nomination when it comes to a vote. Thank you in advance for your consideration of these views.

Sincerely,

MORTGAGE BANKERS ASSOCIATION.
NATIONAL ASSOCIATION OF HOME BUILDERS.
NATIONAL ASSOCIATION OF REALTORS.

NOVEMBER 16, 2011.

Hon. TIM JOHNSON,
Chairman, Committee on Banking, Housing & Urban Affairs, U.S. Senate, Dirksen Building, Washington, DC.
Hon. RICHARD SHELBY,
Ranking Member, Committee on Banking, Housing & Urban Affairs, U.S. Senate, Dirksen Building, Washington, DC.

DEAR CHAIRMAN JOHNSON AND RANKING MEMBER SHELBY: The undersigned organizations strongly endorse the nomination of Carol J. Galante as Assistant Secretary for Housing/Federal Housing Commissioner. We believe her tenure as Acting Commissioner, Deputy Assistant Secretary for Multifamily Housing and her 31–year long private sector real estate experience has prepared her well to be the Assistant Secretary. We urge you to approve her nomination.

As Acting Commissioner, Ms. Galante already has had several impressive achievements. She spearheaded a major overhaul of the HUD Housing Counseling Program, including establishing the new Office of Housing Counseling. The changes to HUD's Housing Counseling Program will improve effectiveness, better target resources to maximize efficiency and ensure that HUD grant funds achieve maximum impact in the communities where they are invested.

She also prioritized a global review of the Home Equity Conversion Mortgage (HECM or reverse mortgage) program, including issuing guidance to the industry on the use of borrower financial assessments and analysis of other potential changes to ensure the long-term stability of this important program.

As the nation contends with the foreclosure crisis, Ms. Galante has ensured that taxpayers are protected from waste, fraud and abuse by holding lenders accountable for non-compliance with the Federal Housing Administration's (FHA) requirements. This included the November 1, 2011 suspension of Allied Home Mortgage Corporation and its President; the withdrawal of 11 lenders from FHA's program and the imposition of more than $1.5 million in civil money penalties on non-compliant lenders.

Lastly, she oversaw the publication of two significant Mortgagee Letters that outline changes to FHA's requirements for lenders, making FHA programs work more effectively for FHA's lender partners.

Prior to becoming Acting Commissioner, she led the Multifamily Housing Division of FHA, with 1600 employees and 53 field offices. Ms. Galante was responsible for a $50 billion portfolio of affordable and market rate multifamily properties through the FHA Multifamily Insurance Program, as well as the administration of the $9 billion Project Based Rental Assistance Program and the 202/811 grant programs for elderly and disabled housing.

And before she began her federal service, she was President and Chief Executive of BRIDGE Housing, California's largest nonprofit housing development corporation, and its affiliate companies. This included overseeing a Property Management company, an economic development corporation, senior

services and land development. BRIDGE is widely known as a leading practitioner using the best private sector business practices and entrepreneurial ideas to build affordable homes and apartments in a wide variety of communities.

As the nation's housing market remains fragile, we need Ms. Galante's demonstrated experience at FHA to provide leadership on and practical solutions to America's housing challenges. We urge you to approve Ms. Galante to take on this challenge.

Sincerely,

Affordable Housing Tax Credit Coalition; Center for American Progress Action Fund; Center for Responsible Lending; Consortium for Citizens With Disabilities Housing Task Force; Corporation for Enterprise Development; Corporation for Supportive Housing; Council of Large Public Housing Authorities; Council of State Community Development Agencies; Enterprise Community Partners, Inc.; Habitat for Humanity; Housing Assistance Council; Housing Partnership Network; LeadingAge; Local Initiatives Support Corporation; Low Income Investment Fund; McCormack Baron Salazar; Mortgage Bankers Association.

National Affordable Housing Management Association; National Alliance on Mental Illness; National Alliance to End Homelessness; National Association of Affordable Housing Lenders; National Association of Housing & Redevelopment Officials; National Association of Local Housing Finance Agencies; National Community Reinvestment Coalition; National Community Stabilization Trust; National Housing & Rehabilitation Association; National Housing Conference; National Housing Trust; National Leased Housing Association; National Low Income Housing Coalition; Self-Help; Stewards of Affordable Housing for the Future; The Community Builders; Volunteers of America.

Mrs. BOXER. Mr. President, I wish to read from a letter the majority and minority leaders received from the Mortgage Bankers Association, the National Association of Homebuilders, and the National Association of Realtors. These are the businesspeople, and this is what they said about her:

Carol Galante will bring tremendous expertise and a deep commitment to strengthening FHA's programs . . . Her decades of work in affordable housing development and more recently, managing FHA's multifamily programs, give her a unique perspective on the issues facing our nation's housing and mortgage markets.

So here we have a person who understands the business side, and she understands the renters and the owners.

The ACTING PRESIDENT pro tempore. The Senator has used 4 minutes.

Mrs. BOXER. I ask for an additional 30 seconds, please.

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

Mrs. BOXER. So we have someone who understands the business side, the renter side, and the home ownership side.

I am very proud this woman is a Californian. I know there are lots of issues within FHA, and we all have to work on them, and we have heard that from Senator CORKER. But, my goodness, we want someone who can work with us. She is the perfect person.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair.

In a short while the Senate will vote on two nominees for service in the executive branch of our government. I rise today to speak in support of one of those two, which is William Baer, who has been nominated to serve as Assistant Attorney General managing the Antitrust Division of the U.S. Department of Justice.

I happen to have come to know Bill Baer personally because he practices law in a firm with a very good friend and neighbor of mine here in Washington, and in that regard I can certainly testify to the fact that he is an honorable, interesting, enjoyable person. But that alone doesn't qualify him to hold this high office. He has extraordinary experience. I would say he is very widely acknowledged as one of the best antitrust lawyers in our country. I would say this nomination is really a merit selection nomination. I will get to that in a minute.

Bill Baer graduated from Lawrence University and the School of Law at Stanford University. He has served with distinction throughout his career, earning accolades such as recognition as the Washington, DC, Antitrust Lawyer of the Year by Best Lawyers, as well as one of the decade's most influential lawyers by the National Law Journal.

He is currently head of the Antitrust Practice Group of a very distinguished firm based in Washington, Arnold & Porter, and there he draws on his 35 years of experience in civil and criminal investigation to manage that firm's work in the areas of antitrust litigation, international cartel investigations, and merger and acquisition reviews.

In an earlier chapter in his life, Bill Baer served over several periods at the Federal Trade Commission, rising from a trial attorney during his first term there in 1975 to serve as assistant to the chairman, then assistant general counsel, and between 1995 and 1999 as Director of the Bureau of Competition.

Here is the point I think really speaks to the fact that Bill Baer's nomination to head the Antitrust Division is nonpartisan and based on his extraordinary capabilities. His nomination has received a letter of support signed by 12 prior Assistant Attorneys General for the Antitrust Division of the Department of Justice who served between 1972 and 2011, and these include people who have led the Antitrust Division from President Nixon through Presidents of both political parties, to President Obama. His nomination has also received a letter of support signed by each chair of the Section of Antitrust Law of the American Bar Association—those who have served as chair of that section between 1977 and 2011. So 29 of the most distinguished practitioners of antitrust law from all around the country, all different political persuasions, have written in support of this nomination.

I just wanted to take this opportunity to say it is an honor to not just thank the President for this nomination but to thank Bill Baer for being willing to leave a quite successful law practice to return to the service of our country in an area that is critically important to our free market economy in which he happens to be one of our Nation's foremost experts.

So I hope my colleagues will support the nomination of Bill Baer when it comes to a vote very soon this afternoon.

I thank the Chair, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

Mr. SHELBY. Mr. President, I wish to take a few minutes this afternoon to explain why I will be opposing the nomination of Carol Galante and why I encourage my colleagues on both sides of the aisle to do the same.

This nomination is not one of the many ''go along to get along'' nominations we do so often in the Senate; this is a nomination that will have a direct effect on our constituents' pocketbooks and it demands, I believe, our serious attention today.

Carol Galante has been the Acting Assistant Secretary and Federal Housing Commissioner at the Department of Housing and Urban Development since July 2011. Therefore, this nomination vote, in a sense, will serve as a referendum of sorts on the current management of the Federal Housing Administration.

Ms. Galante, in her role as Acting FHA Commissioner, has failed to take serious actions to shore up the solvency and prevent a taxpayer bailout of the Federal Housing Administration that we know as FHA.

The latest actuarial report shows that FHA has a negative economic value, and a taxpayer bailout is most likely. Despite these warnings, FHA waited until April 2012 to raise additional premiums, and Secretary Donovan, the Secretary of HUD, has testified to the Senate Banking Committee that it will wait until next year to increase premiums by a meager 10 basis points despite having statutory authority to do more to protect the taxpayers.

Ms. Galante has denied the true severity of the problems at the FHA. In a New York Times piece last year, Ms. Galante said: ''[there] is no evidence or widespread prediction that home prices are going to decline to the kind of levels'' that would require a bailout.

Really? Yet although some prices have risen slightly, the FHA's financial position continues to deteriorate. Several experts now conclude that a taxpayer bailout is simply a matter of time.

The 2012 actuarial report and the disastrous state of FHA's finances led the Washington Post editorial board to conclude:

Right now the critics are starting to look pretty prescient. . . . Affordable possession of one's own home is the American dream. Government support for excessive borrowing has turned into a national nightmare.

The FHA's capital reserve is still well below the level determined by Congress to be the bare minimum to cover FHA's future losses. Even though FHA narrowly avoided a bailout this year, dangers remain in the years ahead due to its over $1 trillion exposure to risky loans and precarious economic conditions.

Most of the FHA's recent actions have only concealed these dangers. For example, instead of adequately raising insurance premiums over the life of the loan, FHA has increased upfront premiums to simply cover losses in the short term. Also, upfront premiums can be rolled into the mortgage principal balance, thereby decreasing equity for borrows who, in most cases, have little equity to begin with. Increasing the upfront premiums could make FHA loans even riskier for both the borrower and the taxpayer who stands behind the mortgages.

I believe it is time to face the reality that the Federal Housing Administration is dangerously undercapitalized, and because of the lack of serious reform FHA teeters on the brink of a bailout, as I have said.

Andrew Kaplan, a New York University economics professor said:

> They [the FHA] are doing very badly . . . there's no two ways about it. Over the next five years, there won't be enough of an economic recovery to fix FHA's finances. Not a chance.

A study by a Wharton professor estimates that an FHA bailout could cost between $50 billion and $100 billion and warned that only a ''quick and substantial economic and housing market recovery'' can avoid ''substantial losses for the American taxpayer.''

Data from the actuarial report shows that the serious delinquency rate for all FHA loans is 9.6 percent. The delinquency rates for loans originated in 2006, 2007, and 2008 are between 20 and 30 percent. Approximately 739,000 loans are seriously delinquent, an increase of over 100,000 loans from last year. If the borrowers of these delinquent loans all default on their mortgages, it would result in $57 billion in claims to the FHA. We hope that would not happen.

The FHA's latest quarterly report shows capital resources of $32 billion. It also states that cash flow from operations, which largely consists of premium revenues, covered only 80 percent of net claims last quarter.

The latest actuarial report in 2012 confirms that FHA's finances are dramatically worse than last year.

FHA's capital ratio has gone negative for the first time since 1991, and economic value is in excess of negative $16 billion. Last year the report projected a $9.4 billion value, representing a decline of $24.9 billion.

FHA's delinquencies continue to rise and continued high loan limits keep FHA's role in the market very broad. The projected loss on outstanding business is at an all-time $39 billion.

FHA is leveraged at 422:1—422:1—and has a sparse $2.55 billion equity cushion on its over $1 trillion portfolio. Think about it. FHA has underestimated its loan losses every year for the past 3 years.

In addition, since the Treasury Department already has so-called permanent and indefinite authority to provide funding for the FHA, a bailout of the FHA could occur without, as the Presiding Officer knows, any congressional vote. This is not a vote today to determine whether we support the President. This is also not a vote to determine whether we can vote in a bipartisan manner. I think this is a vote to determine whether we support the American taxpayer.

I believe Ms. Galante has demonstrated her inability to identify the multitude of problems at the FHA, and I believe it is incumbent upon us, on behalf of the American people—the taxpayers—to reject this nomination and demand real reforms at FHA and a nominee who represents and appreciates the urgency of this situation and a willingness to address it.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. CORKER. Mr. President, very briefly—I know the Senator from Ohio wants to make some comments—I very much enjoy working with the Senator from Alabama. He has been outstanding on the Banking Committee, and I agree with almost every criticism he has made regarding the FHA. As a matter of fact, we have stood together trying to cause the housing industry to work much better than it is for not just those trying to purchase homes but, obviously, the American taxpayers to whom he just alluded.

But I wish to also point out something that was just said. One of the main reasons the FHA is in the problem it is in is the loans that were made in 2006, 2007, and 2008—long before this nominee was there. I agree this nominee needs to be more aggressive in making changes, and I agree that, even more so, this Congress needs to be more aggressive in making changes.

I ask unanimous consent that a letter from the nominee to myself regarding reforms that are being implemented between now and January 1 be printed in the RECORD.

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

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT,
Washington, DC, December, 18, 2012.

Senator BOB CORKER,
Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR CORKER: Thank you for commitment to the health and stability of the Federal Housing Administration (FHA), as expressed most recently at the December 6, 2012 Senate Banking Committee and through your proposed amendment designed to strengthen and protect FHA's Mutual Mortgage Insurance Fund. Secretary Donovan and I share your concerns and I am committed to continuing to take aggressive action to rebuild the reserves of the Mutual Mortgage Insurance Fund, which have been so negatively impacted by the legacy loans insured by FHA—particularly those from the 2007–2009 vintages.

As you know, the actions we have taken to date, including those recently announced in our Annual Report to Congress, are designed to increase recoveries from this legacy book, price risk appropriately on new loans, and begin to shrink FHA's presence in the market. You and I agree, however, that more can and should be done to correct fundamental structural problems in FHA's reverse mortgage program (the Home Equity Conversion Mortgage, or HECM, program), and to refine FHA's risk profile so that both FHA and borrowers are better able to weather the difficulties of any future downturn in the housing market and economy. We are also committed to measures that facilitate the return of private capital to the market. I appreciate your strong advocacy to ensure that FHA takes the actions needed to restore its financial health. I would like to address each of the four critical policies you raised and the immediate actions FHA is taking to address them:

1. Minimum Credit Score for New FHA Loans: FHA is finalizing a formal policy directive (Mortgagee Letter) that will require borrowers with credit scores below 620 to have a maximum total debt-to-income (DTI) ratio no greater than 43 percent in order for their loan applications to be approved through FHA's TOTAL Scorecard, a system used by lenders to score the quality of an FHA loan application. If a borrower's DTI exceeds 43 percent, lenders will be required to manually underwrite the loan, and to document compensating factors that qualify the borrower for FHA-insured financing, such as a larger down payment or a higher level of reserves. Our preliminary data indicate that this requirement would reduce claim rates by approximately 20 percent for borrowers with credit scores of 620 or below. I believe this policy change will significantly strengthen the extent to which FHA is protected from unwarranted risk and borrowers are offered loans that are sustainable for them.

2. Moratorium on the Full-draw HECM Reverse Mortgage: Through the HECM program, seniors have access to a number of different product options. However, in recent years, several structural problems have developed that have altered the usage of FHA's HECM products, changing the risks associated with the program. While declining home prices and greater longevity of seniors have yielded greater projected losses, another major contributor has been the lack of a secondary market for these loans. There are many explanations for the evolution of these complexities, but the end result has been an increase in risk to both FHA and borrowers that must be rectified immediately. As discussed in our Annual Report to Congress, FHA is preparing a policy directive that would result in the immediate cessation of the use of the Standard Fixed Rate HECM product. This product currently represents a large majority of the loans insured through the HECM program, with the Variable Rate Standard product and the HECM Saver products (Fixed Rate and Variable) representing the balance. The amount that can be drawn under the Saver product is substantially less than under the Standard program, and the upfront fees to the borrower are all but eliminated for Saver loans. Eliminating the use of the Fixed Rate Standard program is an immediate stop gap measure, and FHA will also commence rulemaking to make several other important changes, including establishing formal guidelines for conducting financial assessments of borrowers and the creation of set-asides for payment of taxes and insurance.

3. Scale Back of FHA Market Share: In June 2012, FHA began administratively pricing mortgage insurance premiums for large loans (loans above $625,500) at a level 25 basis points higher than those with lower loan limits (150 bps compared to 125 bps). FHA, as mandated by Congress, is currently the only federal entity able to insure loans between $625,500 and $729,000. FHA is committed to taking steps to redirect this business to the private market where it has typically been served. With the premium increase we announced in November, these large loans will now be priced at the current statutory maximum for annual mortgage insurance premiums (155 bps). Further, FHA will implement a policy change that lowers the maximum loan-to-value ratio on loans above $625,500 to 95% from 96.5%, or in other words, raising the down payment from 3.5% to 5% for these loans. The combination of a higher down payment and higher mortgage insurance premiums for these loans will continue our efforts to drive this business to the private market.

4. Access to FHA Loans After a Foreclosure: Borrowers are able to access FHA-insured financing three years after they have experienced a foreclosure only if they have reestablished good credit and qualify for an FHA loan in accordance with the fully documented underwriting requirements for any FHA-insured mortgage origination. FHA is concerned that a few lenders are inappropriately advertising and soliciting borrowers with the false pretense that they can somehow ''automatically'' qualify after three years. First and foremost, FHA will step up its enforcement for FHA-approved lenders with regard to such advertising and remind them of their duty to fully underwrite loan applications in accordance with FHA guidelines. In addition, the credit score/DTI policy outlined above will be applicable to borrowers seeking to obtain FHA-insured financing following a foreclosure. Furthermore, FHA is committed to performing additional data analysis to determine if the original cause of a borrower's foreclosure was due to a one-time economic event, such as the loss of employment that has since been regained, and whether that results in any different or better performance than other reasons for foreclosure. This effort may inform future policies in this area. Finally, as discussed in our Annual Report to Congress, FHA is also committed to structuring a new housing counseling initiative that would apply to a number of borrower classifications, including borrowers with previous foreclosures.

Senator, I deeply appreciate the advocacy, focus, and concern you bring to ensuring that the Mutual Mortgage Insurance Fund is restored to financial health as rapidly as possible. I share your sense of urgency about these matters, and I commit to you that I will move on these additional actions by January 31, 2013, and I have confirmed that the Administration will support these new policies. You have my word on this and I expect to be held accountable to perform.

Sincerely,

CAROL J. GALANTE,
Acting Assistant Secretary for Housing—Federal Housing Commissioner.

Mr. CORKER. Again, I wish to thank the Senator from Alabama for his comments regarding FHA. I agree; a lot has to change. I just think we are much better having a Director there to try to make those changes happen than not.

With that, I yield the floor and see the Senator from Ohio in the Chamber.

The ACTING PRESIDENT pro tempore. The Senator from Ohio.

Mr. BROWN of Ohio. Mr. President, I thank the Senator from Tennessee, who is a valued member of the Banking Committee. I thank him for his comments in support of Ms. Galante's nomination, and I appreciate some of the criticisms Senator SHELBY offered. I wish to answer a couple of those but then move directly to Ms. Galante and concur in the support for Ms. Galante from Senator CORKER.

Two years ago, Senator BEGICH and I introduced an FHA reform bill which, unfortunately, because of people on the other side, has been blocked, for whatever reasons.

Two weeks ago, we tried to pass the FHA Emergency Fiscal Solvency Act—a commonsense reform measure that came out of the House of Representatives, sponsored by a Republican from Illinois, Congressman BIGGERT. She is the chair of the relevant House Financial Services Subcommittee. It passed the House on a suspension, 402 to 7—an unusual demonstration of bipartisanship in the House of Representatives.

Passing that bill would not have prevented action next Congress. Yet some of my colleagues again stand in the way of these taxpayer protections.

Let me turn to Ms. Galante and the reasons I am supporting her nomination.

As an Ohioan, I am inclined to support an Ohio Wesleyan graduate who is married to an Akron native. Obviously, more important than that, she has shown deep interest in the challenges facing the housing market in northeast Ohio, a place that has been devastated by a hollowing out of our manufacturing base and preyed upon by unscrupulous subprime lenders—for a period of more than a decade, I might add.

She has met with the Cuyahoga County Land Bank, the Cleveland Housing Network, city officials to hear about all the great work people are doing in northeast Ohio to rebuild the city's housing market. Some of the most innovative ideas in the country have come out of Cleveland and the land bank and the housing network.

After I sat down with her and shared stories of big banks that were allowing FHA properties in Cincinnati to fall into decay, FHA updated its servicing rules to hold these banks accountable.

FHA has selected Cleveland, Akron, and Canton for its next round of note sales. This program allows for the sale of distressed and delinquent FHA mortgages to parties that will rehabilitate the loans in order to help stabilize these neighborhoods.

Because of her many years of experience in housing and real estate and her commitment to addressing the crucial issues facing today's hardest hit cities—big cities and smaller cities alike—and what has happened to these housing markets, I urge a ''yes'' vote on the Galante nomination.

I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

Mr. JOHNSON of South Dakota. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. JOHNSON of South Dakota. Mr. President, I rise in support of the nomination of Ms. Carol J. Galante to be HUD Assistant Secretary for Housing and Federal Housing Commissioner.

Carol Galante currently serves in the position for which she has been nominated. Prior to her designation as the Acting FHA Commissioner, Ms. Galante served as the Deputy Assistant Secretary for Multifamily Housing Programs, overseeing HUD's FHA multifamily portfolio as well as 1.6 million units of assisted housing.

The FHA is playing an important countercyclical role in the housing market, providing credit as private sources of capital have withdrawn. Much has been done by the administration and Congress to strengthen FHA's underwriting and fiscal position in recent years. However, as we have seen in a recent report on the financial status of the FHA, the legacy of loans insured in prior years still pose a threat to the fund that must be managed. It is important that the FHA have a confirmed management team in place to continue oversight of these legacy loans. Ms. Galante is a highly qualified nominee, and I urge my colleagues to confirm her without delay.

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

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

The bill clerk proceeded to call the roll.

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

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

THE FISCAL CLIFF

Mr. MCCONNELL. Mr. President, my office submitted our latest offer to the majority leader last night at 7:10 p.m. and offered to work through the night to find common ground. The majority leader's staff informed us they would be getting back to us this morning at 10 a.m., despite the obvious time crunch we all have. It is now 2 p.m. We have yet to receive a response to our good-faith offer. I am concerned about the lack of urgency here. I think we all know we are running out of time. There is far too much at stake for political gamesmanship. We need to protect the American families and businesses from this looming tax hike.

Everyone agrees action is necessary. In order to get things moving, I have just spoken with the majority leader. I also placed a call to the Vice President to see if he could help jump-start the negotiations on his side. The Vice President and I have worked together on solutions before and I believe we can again.

I want my colleagues to know that we will keep everyone updated. The consequences of this are too high for the American people to be engaged in a political messaging campaign. I am interested in getting a result. I was here all day yesterday. As I indicated, we submitted our latest proposal at 7 p.m. last night. I am willing to work with whoever can help.

There is no single issue that remains an impossible sticking point. The sticking point appears to be a willingness, an interest, or, frankly, the courage to close the deal. I want everyone to know I am willing to get this done, but I need a dance partner.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, we have been negotiating now for 36 hours or thereabouts. We did have conversations last night that ended late in the evening between the staffs. This morning we have been trying to come up with some counteroffer to my friend's proposal. We have been unable to do that.

I have had a number of conversations with the President. At this stage, we are not able to make a counteroffer. The Republican leader has told me that—he just said here that he is working with the Vice President. I wish them well. In the meantime, I will continue to try to come up with something, but at this stage, I do not have a counteroffer to make. Perhaps as the day wears on, I will be able to.

I will say that I think the Republican leader has shown absolute good faith. It is just that we are apart on some pretty big issues.

Mr. GRASSLEY. Mr. President, today, the Senate turns to the nomination of William Joseph Baer, of Maryland, to be an Assistant Attorney General. If confirmed he will head the Antitrust Division of the Department of Justice. In considering the confirmation of the President's nominees, I give the President great deference. I believe he should have great latitude in selecting his advisors and officers. But that does not mean that I will not make an independent determination of the nominee's qualifications and fitness for the job. I am not here to merely rubberstamp the President's desires. Factors that I consider relevant include respect for the Constitution, fidelity to the law, intellectual ability, personal integrity, and professional competence. In reviewing Mr. Baer's entire record, I was disappointed to find he does not meet this test. Therefore I will vote no on his confirmation.

Mrs. FEINSTEIN. Mr. President, I come to the floor to express my support for Carol Galante, who is from my home State of California, in her nomination for Commissioner of the Federal Housing Administration and Assistant Secretary for Housing.

The FHA Commissioner is directly responsible for oversight of the FHA insurance portfolio, which includes single family, multifamily housing and insured health care facilities. Carol Galante has been serving in an acting capacity since last year, but it is critical that she be confirmed by the Senate today.

While Acting FHA Commissioner, Carol Galante has made improvements to the long term health and position of the FHA. It is important that we confirm her to this position because continuing in an acting capacity adds to overall uncertainty in the market regarding the role of the FHA.

In the wake of the collapse of the housing bubble, the FHA has played a vital role in providing access to credit for worthy homebuyers looking to purchase a home. As the private mortgage insurance market pulled back, the FHA has stepped in to make sure that credit-worthy borrowers have the ability to get a mortgage.

Carol Galante has taken steps as the Acting Commissioner to help FHA better manage risk, bolster the Mutual Mortgage Insurance Fund and streamline programs to better enable FHA to fulfill its mission of contributing to the creation and growth of stable, sustainable, inclusive communities.

This includes placing a moratorium on the troubled full drawdown reverse mortgage program, increasing underwriting standards for riskier borrowers, and increasing down payment requirements and insurance premiums for higher balance mortgages.

I believe that these steps will help enhance the future solvency of the FHA while allowing the agency to fulfill its mission of providing low-income and first time homebuyers with access to affordable mortgage credit.

Carol Galante had decades of work experience in affordable housing development before she went to HUD to manage FHA's multifamily programs; this gives her a unique perspective on the issues facing our Nation's housing and mortgage markets.

In addition to her early work in the private sector in real estate development, ownership, and management, she worked for a number of California cities as a city planner and in community economic development.

These roles led to her eventual position for 25 years as president and chief executive of BRIDGE Housing Corporation, the largest nonprofit developer of affordable, mixed-income and mixed-use developments in California. While at BRIDGE, she helped create partnerships between government, private industry and nonprofits.

This blend of public and private experience has been extremely valuable for the Federal Housing Administration as it deal with both the private loan and mortgage industry.

Given her demonstrated and unique experience in the housing market, I strongly urge the confirmation of Carol J. Galante as Federal Housing Administration Commissioner and Assistant Secretary for Housing.

VOTE ON THE NOMINATION OF WILLIAM BAER

The PRESIDING OFFICER. Under the previous order, there is now 2 minutes of debate prior to a vote on the Baer nomination.

Who yields time?

Mr. REID. We yield back all time.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of William Joseph Baer, of Maryland, to be an Assistant Attorney General?

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

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachussetts (Mr. KERRY), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Vermont (Mr. LEAHY) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Georgia (Mr. CHAMBLISS), the Senator from South Carolina (Mr. DEMINT), the Senator from Nebraska (Mr. JOHANNS), the Senator from Illinois (Mr. KIRK), the Senator from Ohio (Mr. PORTMAN), and the Senator from Florida (Mr. RUBIO).

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

The result was announced—yeas 64, nays 26, as follows:

[Rollcall Vote No. 249 Ex.]

YEAS—64

Akaka	Graham	Nelson (FL)
Ayotte	Hagan	Paul
Baucus	Harkin	Pryor
Begich	Heller	Reed
Bennet	Johnson (SD)	Reid
Bingaman	Johnson (WI)	Rockefeller
Blumenthal	Klobuchar	Sanders
Boxer	Kohl	Schatz
Brown (MA)	Landrieu	Schumer
Brown (OH)	Lee	Shaheen
Cantwell	Levin	Snowe
Cardin	Lieberman	Stabenow
Carper	Lugar	Tester
Casey	Manchin	Toomey
Collins	McCaskill	Udall (CO)
Conrad	Menendez	Udall (NM)
Coons	Merkley	Warner
Corker	Mikulski	Webb
Durbin	Moran	Whitehouse
Feinstein	Murkowski	Wyden
Franken	Murray	
Gillibrand	Nelson (NE)	

NAYS—26

Barrasso	Enzi	McConnell
Blunt	Grassley	Risch
Boozman	Hatch	Roberts
Burr	Hoeven	Sessions
Coats	Hutchison	Shelby
Coburn	Inhofe	Thune
Cochran	Isakson	Vitter
Cornyn	Kyl	Wicker
Crapo	McCain	

NOT VOTING—10

Alexander	Kerry	Portman
Chambliss	Kirk	Rubio
DeMint	Lautenberg	
Johanns	Leahy	

The nomination was confirmed.

Mr. LEAHY. Mr. President, I am glad that the Senate voted to confirm the nomination of Bill Baer to serve as Assistant Attorney General in the Antitrust Division of the Department of Justice. His nomination has been pending for 10 months, and more than three

months have passed since the Judiciary Committee favorably reported his nomination with bipartisan support. The Antitrust Division has continued its important work with three acting heads who have worked diligently to fulfill the mission of the office. But those solutions are only temporary, and it is essential that the Senate undertook its constitutional responsibility to advise and consent on a permanent division head with responsibility for enforcing our Nation's antitrust laws.

Mr. Baer is an outstanding candidate to fulfill this role. He has spent over 35 years working in the field of antitrust and consumer protection law. He served as Director of the Bureau of Competition at the Federal Trade Commission in the 1990s, and now chairs the Antitrust Group at the law firm of Arnold & Porter. His nomination has received bipartisan support from leading practitioners of antitrust law, including 12 former heads of the Antitrust Division representing every presidential administration since 1972. His nomination has also received bipartisan support from 29 former chairs of the American Bar Association's Section on Antitrust Law, who praise his ''demonstrated ability as an antitrust lawyer and his outstanding record of public service.''

Bill Baer is a leading voice on antitrust matters. He advised the Antitrust Modernization Commission, and frequently contributes to workshops at the Department of Justice and FTC. He was named one of ''The Decade's Most Influential Lawyers'' by The National Law Journal in 2010, and the ''Leading Lawyer for Antitrust'' in 2011. Chambers, Who's Who, and the Legal 500 have all recognized him as one of our country's leading practitioners in antitrust law.

When the 12 former heads of the Antitrust Division wrote to the Senate Judiciary Committee in support of Mr. Baer's nomination earlier this year, they wrote: ''Mr. Baer's tenure as Director of the [FTC] Bureau of Competition was marked by principled, effective enforcement of the antitrust laws and . . . procedures that balanced the needs of the Commission with the legitimate concerns of both businesses and consumers. We are confident that he will continue the strong, rational, and nonpartisan antitrust enforcement tradition of the United States Department of Justice.''

After months and months of needless delays, Bill Baer can at last begin that important work to help protect the American people.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, we had a brief colloquy, the Republican leader and I, before the vote. Now that everyone is on the floor, I will elaborate a little bit. We have one more vote today. Then we are both going to have our respective caucuses. We hope there will be an announcement after that. We will have to wait and see.

Over the last 24 hours, we have been working with Senator MCCONNELL's staff and Senator MCCONNELL to craft legislation to shield middle-class families from huge tax increases that could pass both Chambers on a bipartisan basis. But I wish to be clear. There are still serious differences between the two sides. I am only going to talk about one. We have made a lot of progress. I said earlier today, I appreciate very much Senator MCCONNELL's good-faith efforts, and I am confident he feels the same way about me.

The one thing I do want to mention is that we are not going to have any Social Security cuts. At this stage, that just doesn't seem appropriate. We are open to discussion about entitlement reforms, but we are going to have to take it in a different direction. The present status will not work. We are willing to make difficult concessions as part of a balanced comprehensive agreement, but we will not agree to cut Social Security benefits as part of a small or short-term agreement, especially if that agreement gives more handouts to the rich.

With 36 hours left until the country goes over the Cliff, I remain hopeful but realistic about the prospects of reaching a bipartisan agreement. At some point in the negotiating process it becomes obvious, when the other side is intentionally demanding concessions they know the other side is not willing to make, we are not there.

I hope we are going to be able to go further. Right now, with the status of the negotiations, we are not where we could come forward and say we have this for you. As I indicated, and just to make another statement in that regard, at some point in the negotiating process it appears there are things that stop us from moving forward. I hope we are not there, but we are getting real close, and that is why I still hold out hope we can get something done. I am not overly optimistic, but I am cautiously optimistic we can get something done.

I hope I have made it clear we have one vote. That is all we have. I hope later in the evening there will be another vote or two, but right now we don't have that. We have one scheduled vote, and that is taking place right now. But everybody should hang loose because something may break and we will be able to get something done.

VOTE ON NOMINATION OF CAROL J. GALANTE

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes equally divided prior to a vote on the nomination.

Who yields time?

Mr. REID. I yield back the remaining time.

The PRESIDING OFFICER. All time is yielded back. The question is, Will the Senate advise and consent to the nomination of Carol J. Galante, of California, to be an Assistant Secretary of Housing and Urban Development?

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KERRY), and the Senator from New Jersey (Mr. LAUTENBERG), are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from South Carolina (Mr. DEMINT), the Senator from Illinois (Mr. KIRK), the Senator from Ohio (Mr. PORTMAN), the Senator from Tennessee (Mr. ALEXANDER), and the Senator from Georgia (Mr. CHAMBLISS).

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

The result was announced—yeas 69, nays 24, as follows:

[Rollcall Vote No. 250 Ex.]

YEAS—69

Akaka	Feinstein	Mikulski
Ayotte	Franken	Murkowski
Baucus	Gillibrand	Murray
Begich	Graham	Nelson (NE)
Bennet	Hagan	Nelson (FL)
Bingaman	Harkin	Pryor
Blumenthal	Hoeven	Reed
Blunt	Hutchison	Reid
Boxer	Isakson	Rockefeller
Brown (MA)	Johnson (SD)	Sanders
Brown (OH)	Johnson (WI)	Schatz
Burr	Klobuchar	Schumer
Cantwell	Kohl	Shaheen
Cardin	Landrieu	Snowe
Carper	Leahy	Stabenow
Casey	Levin	Tester
Coats	Lieberman	Thune
Coburn	Lugar	Udall (CO)
Collins	Manchin	Udall (NM)
Conrad	McCain	Warner
Coons	McCaskill	Webb
Corker	Menendez	Whitehouse
Durbin	Merkley	Wyden

NAYS—24

Barrasso	Heller	Risch
Boozman	Inhofe	Roberts
Cochran	Johanns	Rubio
Cornyn	Kyl	Sessions
Crapo	Lee	Shelby
Enzi	McConnell	Toomey
Grassley	Moran	Vitter
Hatch	Paul	Wicker

NOT VOTING—7

Alexander	Kerry	Portman
Chambliss	Kirk	
DeMint	Lautenberg	

The PRESIDING OFFICER. The 60-vote threshold having been achieved, the nomination is confirmed.

Under the previous order, the motions to reconsider are considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

VOTE EXPLANATION

• Mr. KERRY. Mr. President, I was necessarily absent for the votes on the nomination of Carol J. Galante to be Assistant Secretary at the Department of Housing and Urban Development and William Baer to be Assistant Attorney General at the Department of Justice. If I were able to attend today's session, I would have supported the nominations of Carol J. Galante and William Baer.•

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

RECESS

Mr. REID. Mr. President, I ask unanimous consent the Senate recess subject to the call of the Chair.

There being no objection, the Senate, at 3:05 p.m., recessed subject to the call of the chair and reassembled when called to order by the Presiding Officer (Mr. BROWN of Ohio.)

MORNING BUSINESS

Mr. REID. Mr. President, I was gratified to hear the Republicans taking their demand for Social Security cuts off the table. The truth is that they should never have been on the table to begin with.

There is still a significant difference between the two sides but negotiations continue. There is still time left to reach an agreement, and we intend to continue negotiations.

I ask unanimous consent that the Senate now proceed to a period of morning business for debate only, with Senators permitted to speak for up to 10 minutes each.

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

ORDER OF BUSINESS

Mr. REID. Mr. President, we are going to come in at 11 a.m. tomorrow morning. We will have further announcements, perhaps, at 11 o'clock in the morning. I certainly hope so.

The PRESIDING OFFICER. The senior Senator from Connecticut is recognized.

REPORT ON THE TERRORIST ATTACK AT BENGHAZI

Mr. LIEBERMAN. Mr. President, I guess the good news is that I am rising today not to speak about the fiscal cliff. What I am speaking about is not good news because it deals with the tragic event that occurred in Benghazi, Libya, on September 11, when terrorists took the lives of our Ambassador, Chris Stevens, and three other brave Americans who were serving us there.

I rise today, along with the ranking member of the Homeland Security and Governmental Affairs Committee, Senator COLLINS, to submit for the RECORD the report she and I have been working on with our staffs and other members of the committee following those events in Libya. We call this report ''Flashing Red: A Special Report On The Terrorist Attack At Benghazi.'' ''Flashing red'' is a term that was used in a conversation with us by an official of the State Department, and it could not have been more correct. All the evidence was flashing red that we had put American personnel in Benghazi in an increasingly dangerous situation, with violent Islamic extremists gathering there, with events having occurred, attacks on our mission there—two others prior that year. Yet we did not give them the security they needed to protect them, and we did not make the decision that I believe we should have made, since we did not provide them with the security, that we should have closed our mission there. As a result, people really suffered.

We recognize that the congressionally mandated Accountability Review Board at the Department of State has issued a report on the events in Benghazi. I think it was an excellent report. There are other committees of Congress continuing with their own investigations. Each of these will and should make a valuable contribution to our understanding of what happened at Benghazi so that we can take steps to make sure nothing like it ever happens again.

Under the rules of the Senate, the Committee on Homeland Security and Governmental Affairs has a unique mandate to investigate the effectiveness and efficiency of governmental agencies, especially when matters that span multiple agencies are involved.

Our report is intended to inform the Senate and the American people about events immediately before, during, and after the attack at Benghazi. In order to contribute most to the public debate, we have chosen to include only unclassified information in this report. We are hopeful that the report can and will make an important contribution to the ongoing discussions about how to better protect our diplomatic personnel abroad.

Our report contains 10 findings and 11 recommendations that we believe can help us better protect our diplomats and others who serve our country, often in very dangerous places. I ask unanimous consent that the full text of the report be printed in the RECORD.

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

(See exhibit 1.)

Mr. LIEBERMAN. Mr. President, this is probably the last opportunity I will have to do this, to thank the ranking member again for the extraordinary partnership we have had for more than a decade now on the Homeland Security and Governmental Affairs Committee. It is really meaningful to me that we have this last opportunity to do something together, across party lines, that we believe and hope will be in our national interest.

EXHIBIT 1

FLASHING RED: A SPECIAL REPORT ON THE TERRORIST ATTACK AT BENGHAZI

(By Joseph I. Lieberman, Chairman and Susan M. Collins, Ranking Member)

UNITED STATES SENATE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

December 30, 2012

While our country spent September 11, 2012, remembering the terrorist attacks that took place 11 years earlier, brave Americans posted at U.S. government facilities in Benghazi, Libya, were fighting for their lives against a terrorist assault. When the fight ended, U.S. Ambassador to Libya John C. (Chris) Stevens and three other Americans were dead and U.S. facilities in Benghazi were left in ruin. We must remember the sacrifice that these selfless public servants made to support the struggle for freedom in Libya and to improve our own national security. While we mourn their deaths, it is also crucial that we learn from how they died. By examining the circumstances of the attack in Benghazi on September 11th, we hope to gain a better understanding of what went wrong and what we must do now to ensure better protection for American diplomatic personnel who must sometimes operate in dangerous places abroad.

We are cognizant that the Congressionally-mandated Accountability Review Board (ARB) of the Department of State has now issued its important and constructive report and that other Congressional committees are investigating the Benghazi attack as well. Each makes significant contributions to our collective understanding of what transpired and what we must do going forward.

The Committee on Homeland Security and Governmental Affairs (HSGAC), pursuant to its authority under Rule XXV(k) of the Standing Rules of the Senate, Section 101 of S. Res 445 (108th Congress) and Section 12(e) of S. Res 81 (112th Congress), has a unique mandate to investigate the effectiveness and efficiency of governmental agencies, especially when matters that span multiple government agencies are involved. Over the years, HSGAC has spent much time and dedicated considerable resources to understanding the challenges inherent in national security interagency relationships, and it is through this lens that we have examined and drawn lessons from the attack in Benghazi.

Since the 112th Congress is drawing to a close, this investigation has necessarily been conducted with a sense of urgency and with focused objectives. Our findings and recommendations are based on investigative work that the Committee has conducted since shortly after the attack of September 11, 2012, including meetings of members and staff with senior and mid-level government officials; reviews of thousands of pages of documents provided by the Department of State, Department of Defense, and the Intelligence Community (IC); written responses to questions posed by the Committee to these agencies; and reading of publicly-available documents.

In the report that follows we provide a brief factual overview of the attacks in Benghazi and then discuss our findings and recommendations.

BRIEF OVERVIEW OF THE BENGHAZI ATTACKS

The attacks in Benghazi occurred at two different locations: a Department of State ''Temporary Mission Facility'' and an Annex facility (''Annex'') approximately a mile away used by another agency of the United States Government. On September 11th, Ambassador Stevens was in Benghazi, accompanied by two Diplomatic Security (DS) agents who had traveled there with him. Also present were three other DS agents and a Foreign Service Officer, Sean Smith, who were posted at the Temporary Mission Facility (''facility'' or ''compound''). There were also three members of the February 17 Brigade, a Libyan militia deputized by the Libyan government but not under its direct control, and four unarmed local contract guards protecting the compound.

During the day on September 11th, the Ambassador held several meetings on the compound and retired to his room at approximately 9:00 p.m. local time. About 40 minutes later, several agents and guards

heard loud shouting, noises coming from the gate, as well as gunfire, and an explosion. A closed-circuit television monitor at the facility's Tactical Operations Center (''TOC'') showed a large number of armed people flowing unimpeded through the main gate. One of the DS agents in the compound's TOC triggered an audible alarm, and immediately alerted the U.S. Embassy in Tripoli and DS headquarters in Washington. These notifications were quickly transmitted from the Department of State to the Department of Defense. DS headquarters maintained open phone lines with the DS personnel throughout the attack. That same DS agent also called the Annex to request assistance from security personnel there, who immediately began to prepare to aid the U.S. personnel at the diplomatic facility.

When the attack commenced, four DS agents and Foreign Service Officer Smith were in or just outside the same building where the Ambassador was spending that night. A fifth DS agent was in the TOC when the terrorist attack began. Ambassador Stevens, Smith, and one DS agent sought shelter in the building's safe haven, a fortified area designed to keep intruders out, while the other three agents went to retrieve additional weapons and tactical gear such as body armor, helmets, and ammunition. After retrieving their gear, at least two of the DS agents sought to return to the building where the Ambassador was. On the way back, however, the DS agents encountered attackers. The lone DS agent with the Ambassador reported via radio that he was secure within the safe haven, allowing the two agents who had left in search of weapons to seek refuge in the same building where they had armed themselves. The third DS agent who had gone to the TOC to retrieve his gear, stayed there with the DS agent who had been manning the TOC since the beginning of the attack.

The attackers started to set several of the compound's structures on fire, using diesel fuel found on site, and groups of attackers tried to enter several buildings on the compound. The attackers did not succeed in entering the TOC, but did succeed in entering the building where Ambassador Stevens was staying and the building where the two DS agents were seeking refuge. No safe havens were breached during the initial assault. The attackers spread the diesel fuel throughout the building where the Ambassador was hiding, and ignited it, causing the building to fill with smoke.

When the smoke became so thick that breathing was difficult, the DS agent attempted to lead the Ambassador and Smith to escape through a nearby window. The agent opened the window to make sure it was safe to leave, and stepped out but then realized he had become separated from the Ambassador and Smith. The agent radioed the TOC, requesting assistance and returned numerous times to the building to look for the Ambassador and Smith. When the other agents arrived, they also took turns entering and searching the building. Though they were able to find and remove Smith's body, they were unable to find Ambassador Stevens.

After being notified about the attack, Annex personnel had attempted to contact the February 17 Brigade, other militias, and the Libyan government to ask for assistance. After gathering necessary weapons and gear, at approximately 10:04 p.m., six security personnel and a translator left the Annex en route to the facility. Prior to reaching the facility, they again attempted to contact and enlist assistance from the February 17 Brigade, other militias, and the Libyan government. By 10:25 p.m., the security personnel from the Annex had entered the compound and engaged in a 15-minute firefight with the armed invaders. The team reached the Ambassador's building at 10:40 p.m. but was unable to find him due to the intense fire and smoke.

At 11:15 p.m., the Annex security personnel sent the DS agents (who were all suffering from smoke inhalation from their continuous search for Ambassador Stevens and Smith) to the Annex, and followed there later, both groups taking fire while en route. By this time, an unmanned, unarmed surveillance aircraft began circling over the Benghazi compound, having been diverted by the Department of Defense from its previous surveillance assignment over another location. Soon after the Americans returned to the Annex, just before midnight, they were attacked by rocket-propelled grenade (RPG) and small arms fire. The sporadic attacks stopped at approximately 1:01 a.m.

U.S. government security personnel who were based in Tripoli had deployed to Benghazi by chartered aircraft after receiving word of the attack, arriving at the Benghazi airport at 1:15 a.m. They were held at the airport for at least three hours while they negotiated with Libyan authorities about logistics. The exact cause of this hours-long delay, and its relationship to the rescue effort, remains unclear and merits further inquiry. Was it simply the result of a difficult Libyan bureaucracy and a chaotic environment or was it part of a plot to keep American help from reaching the Americans under siege in Benghazi?

The team from Tripoli finally cleared the airport and arrived at the Annex at approximately 5:04 a.m., about ten minutes before a new assault by the terrorist began, involving mortar rounds fired at the Annex. The attack concluded at approximately 5:26 a.m., leaving Annex security team members Tyrone Woods and Glen Doherty dead and two others wounded. The decision was then made to leave the Annex. Libyan forces, not militia, arrived around 6:00 a.m. with 50 vehicles and escorted the Americans to the airport. Two planes carrying all remaining U.S. personnel then left Benghazi. The first flight departed between 7:00 a.m. and 7:40 a.m. (agency timelines vary on this point) and the second at 10:00 a.m.

American government officials outside of Benghazi learned of the attack shortly after it started at 3:40 p.m. EST (9:40 p.m. Benghazi time). DS agents, in addition to notifying personnel at the Annex, immediately alerted officials at the U.S Embassy in Tripoli and the Department of State Headquarters in Washington, D.C. As noted earlier, the U.S. Africa Command (AFRICOM) at the Department of Defense (DOD) directed an unarmed surveillance aircraft to the skies over the Benghazi compound at 3:59 p.m. EST. It arrived there at 5:10 p.m. EST (11:10 p.m. Benghazi time). At 4:32 p.m., the National Military Command Center in the Pentagon alerted the Office of the Secretary of Defense and the Joint Staff, and the information was shared with Secretary of Defense Leon Panetta and Chairman of the Joint Chiefs of Staff, General Martin Dempsey. Secretary Panetta and General Dempsey were at the White House for a previously scheduled meeting at 5:00 p.m. and so were able to brief the President on the developments in Benghazi as they were occurring.

From 6:00 to 8:00 p.m. EST, Secretary Panetta met with senior DOD officials to discuss the Benghazi attack and other violence in the region in reaction to the anti-Muslim video. The Secretary directed three actions: 1) that one Fleet Antiterrorism Security Team (FAST) platoon stationed in Rota, Spain, deploy to Benghazi and that a second FAST platoon in Rota prepare to deploy to Tripoli; 2) that U.S. European Command's In-extremis Force, which happened to be training in central Europe, deploy to a staging base in southern Europe; and 3) that a special operations force based in the United States deploy to a staging base in southern Europe. The National Command Center transmitted formal authorization for these actions at 8:39 p.m. A FAST platoon arrived in Tripoli the evening (local time) of September 12th, and the other forces arrived that evening at a staging base in Italy, long after the terrorist attack on the U.S. facilities in Benghazi had ended and four Americans had been killed.

KEY FINDINGS AND RECOMMENDATIONS

Finding 1. In the months leading up to the attack on the Temporary Mission Facility in Benghazi, there was a large amount of evidence gathered by the U.S. Intelligence Community (IC) and from open sources that Benghazi was increasingly dangerous and unstable, and that a significant attack against American personnel there was becoming much more likely. While this intelligence was effectively shared within the Intelligence Community (IC) and with key officials at the Department of State, it did not lead to a commensurate increase in security at Benghazi nor to a decision to close the American mission there, either of which would have been more than justified by the intelligence presented.

Security decisions concerning U.S. facilities and personnel overseas are informed by several different types of information, including classified threat reporting from the IC; cables and spot reports from U.S. diplomatic posts, which describe local incidents and threats; and publicly available information. Prior to the attack, the IC and the Department of State were aware of the overall threat landscape in Libya and the challenges facing the new Libyan government in addressing those threats. This understanding evolved over time, consistent with broader changes in the nature of the threat, and also based on reported incidents and attacks in Benghazi and other parts of Libya in 2012.

The Committee has reviewed dozens of classified intelligence reports on the evolution of threats in Libya which were issued between February 2011 and September 11, 2012. We are precluded in this report from discussing the information in detail, but overall, these intelligence reports (as the ARB similarly noted) provide a clear and vivid picture of a rapidly deteriorating threat environment in eastern Libya—one that we believe should have been sufficient to inform policy-makers of the growing danger to U.S. facilities and personnel in that part of the country and the urgency of them doing something about it. This information was effectively shared by the IC with key officials at the Department of State. For example, both the Deputy Assistant Secretary of State for International Programs in the Bureau of Diplomatic Security, Charlene Lamb, who was responsible for the security at more than 275 diplomatic facilities, and former Regional Security Officer (RSO) for Libya Eric Nordstrom, who was the principal security adviser to the U.S. Ambassador in Libya from September 21, 2011 to July 26, 2012, told the Committee that they had full access to all threat information from the IC about eastern Libya during the months before the attack of September 11, 2012. Yet the Department failed to take adequate action to protect its personnel there.

This classified intelligence reporting was complemented by open-source reporting on attacks and other incidents targeting western interests in Libya during the months prior to the September 11, 2012 attack. The RSO in Libya compiled a list of 234 security incidents in Libya between June 2011 and

July 2012, 50 of which took place in Benghazi. The document describes an array of incidents, including large-scale militia clashes, protests involving several hundred people, and the temporary detention of non-governmental organization (NGO) workers and of U.S. diplomatic personnel in Benghazi. Under Secretary for Management Patrick Kennedy noted in a briefing for the Committee, that Libya and Benghazi were ''flashing red'' around the time of the attack.

The incident reporting shows that western facilities and personnel became an increasing focus of threats in the spring of 2012. For example, on April 2, 2012 in Benghazi, a British diplomatic vehicle was attacked by a mob of demonstrators. Four days later, on April 6th, a crude improvised explosive device (IED) was thrown over the wall of the U.S. facility in Benghazi, causing minimal damage. A spot report on the day of the event stated that shortly after the event two individuals were questioned. The suspects included one current and one former guard employed by Blue Mountain Group, the company which supplied the unarmed Libyan contract guards responsible for screening visitors to the U.S. compound—underscoring the potential risk of an insider threat in Benghazi. Four days after that, on April 10th, also in Benghazi, a crude IED was thrown at the convoy of the United Nations Special Envoy to Libya.

Other publicly reported incidents occurred during this time frame, but there are four that we believe are particularly noteworthy. Taken as a whole, they demonstrated the capability and intent of Benghazi-based Islamist extremist groups to conduct a significant attack against U.S. or other western interests in Libya:

On May 22, 2012, the International Committee for the Red Cross/Red Crescent (ICRC) building in Benghazi was hit by two RPG rounds, causing damage to the building but no casualties. Several days later, the Brigades of the Imprisoned Sheikh Omar Abdel Rahman claimed responsibility for this attack, accusing the ICRC of proselytizing in Libya.

On June 6, 2012, the U.S. Temporary Mission Facility in Benghazi was targeted by an IED attack that blew a hole in the perimeter wall. Credit for this attack was also claimed by the Brigades of the Imprisoned Sheikh Omar Abdel Rahman, which said it carried out the attack in response to the reported drone strike on al Qaeda leader Abu Yahya al-Libi in Northern Waziristan.

On June 11, 2012, an attack was carried out in Benghazi on the convoy of the British Ambassador to Libya. Attackers fired an RPG on the convoy, followed by small arms fire. Two British bodyguards were injured in the attack. This attack was characterized afterwards in an incident report by the Department of State's Bureau of Diplomatic Security as a ''complex, coordinated attack.''

On June 18, 2012, the Tunisian consulate in Benghazi was stormed by individuals affiliated with Ansar al-Sharia Libya (AAS), allegedly because of ''attacks by Tunisian artists against Islam.''

Overall, the threat to western interests in eastern Libya and in Benghazi specifically was high even prior to the attack of September 11, 2012. Reviewing these incidents, an unclassified open source report by a contractor to AFRICOM noted in July 2012 that:

''Nonetheless, Benghazi has seen a notable increase in violence in recent months, particularly against international targets. These events point to strong anti-Western sentiments among certain segments of the population, the willingness of Salafi-jihadi groups in the city to openly engage in violence against foreign targets, and their capacity to carry out these attacks.''

Taking classified reporting on the increasing dangers in eastern Libya together with the open source incidents should have provided a clear picture of the dangers for American personnel in Benghazi unless their security were greatly improved.

Finding 2. Notwithstanding the increasingly dangerous environment in eastern Libya in 2011 and 2012, the U.S. government did not have specific intelligence of an imminent attack on the U.S. mission in Benghazi. The lack of such actionable intelligence may reflect a failure in the IC to focus sufficiently on terrorist groups that have weak or no operational ties to core al Qaeda and its main affiliates.

While the IC had developed and adequately shared general threat information on terrorist groups and Islamist extremist militias in eastern Libya prior to the attack, it did not have specific warning that this attack was to take place on September 11, 2012. Intelligence capabilities that provide early, specific warnings have played a critical role in preventing terrorist attacks against U.S. facilities overseas and in the homeland in the last decade. There were no such warnings available for Benghazi before the attack of September 11, 2012. Why?

First, there may not have been significant or elaborate advance planning for the attack. In a hearing before our Committee on September 19, 2012, National Counterterrorism Center (NCTC) Director Matthew Olsen described the attack as ''opportunistic'' and stated that the IC had no indication of ''significant advanced planning or coordination for this attack.''

However, the activities of local terrorist and Islamist extremist groups in Libya may have received insufficient attention from the IC prior to the attack, partially because some of the groups possessed ambiguous operational ties to core al Qaeda and its primary affiliates. For example, public statements by Libyan officials and many news reports have indicated that Ansar al-Sharia Libya (AAS) was one of the key groups involved in carrying out this attack on the U.S. facility in Benghazi. The group took credit on its own Facebook page for the attack before later deleting the post. U.S. officials viewed AAS prior to the attack as a ''local extremist group with an eye on gaining political ground in Libya.'' AAS has not been designated as a foreign terrorist organization by the U.S. government, and apparently the IC was ''not focused'' on this group to the same extent as core al Qaeda and its operational affiliates.

This finding has broader implications for U.S. counterterrorism activities in the Middle East and North Africa. With Osama bin Laden dead and core al Qaeda weakened, a new collection of violent Islamist extremist organizations and cells have emerged in the last two to three years. These groups are not all operationally linked to core al Qaeda or in some cases have only weak ties to al Qaeda. This trend is particularly notable in countries such as Libya, Egypt, Tunisia, and Syria that are going through political transition or military conflict as a result of the political upheavals referred to as the ''Arab Spring.''

While such groups do not always have strong operational ties to al Qaeda, they adhere to a similar violent Islamist extremist ideology. As an unclassified August 2012 report by the Library of Congress noted, AAS in Libya shares common symbols (the black flag) and ideology with al Qaeda. This Committee has spent several years focusing on the role that this ideology plays in motivating homegrown violent Islamist extremists, most of whom have no direct ties to al Qaeda. A similar phenomenon, though potentially much more dangerous, is at work with respect to many of these nascent terrorist groups, and is leading many of them to shift their focus from local grievances to foreign attacks against U.S. and other western facilities overseas.

Recommendation: U.S. intelligence agencies must broaden and deepen their focus in Libya, and beyond, on nascent violent Islamist extremist groups in the region that lack strong operational ties to core al Qaeda or its main affiliate groups. One benefit of doing so would be improved tactical warning capabilities, the kind of which were not present at Benghazi, but might have been even for an ''opportunistic'' attack.

Finding 3. The absence of specific intelligence about an imminent attack should not have prevented the Department of State from taking more effective steps to protect its personnel and facilities in Benghazi.

This finding reflects earlier conclusions of the 1985 Advisory Panel on Overseas Security (''Inman Report'') and the 1999 Accountability Review Board report on the attacks on the U.S. embassies in Kenya and Tanzania, which both warned the Department of State against becoming too reliant on tactical intelligence to determine the level of potential terrorist threats. The Inman report points out that ''it would be foolhardy to make security decisions on the basis of an expectation of advance warning of peril.''

Deputy Assistant Secretary Charlene Lamb stated that the level and kind of attack at Benghazi was something they had never seen before anywhere in the world. However, given clear warnings that threats were increasing in the Benghazi area, the Department of State should not have waited for a specific incident to happen or expected the delivery of tactical intelligence of a specific, imminent threat before taking additional steps to protect its diplomats or, if that was not possible, to close the Benghazi facility.

Recommendation: In providing security for its personnel around the world, the Department of State must fully consider the types of attacks that could take place given the strategic threat environment, even in the absence of imminent warning intelligence.

Finding 4. Prior to the terrorist attacks in Libya on September 11, 2012, it was widely understood that the Libyan government was incapable of performing its duty to protect U.S. diplomatic facilities and personnel, as required by longstanding international agreements, but the Department of State failed to take adequate steps to fill the resulting security gap, or to invest in upgrading the Libyan security forces.

A host country's responsibility to protect and safeguard a foreign nation's diplomatic personnel and facilities in its country has been codified in several international treaties, including the 1963 Vienna Convention on Consular Relations, which states that ''[t]he receiving State is under a special duty to take all appropriate steps to protect the consular premises against any intrusion or damage and to prevent any disturbance of the peace of the consular post or impairment of its dignity.'' The Treaty also states that ''[t]he receiving State shall treat consular officers with due respect and shall take all appropriate steps to prevent any attack on their person, freedom or dignity.''

A host country's protection of an American embassy or other diplomatic facilities is one of the most important elements of security at that facility, but it is not the only one. A facility's own security, such as its U.S. Marine Corps Security Guards, DS agents, and in some cases, private security guards under contract, is also critical to its overall security posture. States whose governments do not exercise full control over their sovereign territory, or that have a limited security capability, cannot be counted

on to safeguard U.S. diplomatic personnel and facilities. This is usually true, of course, in the aftermath of a revolution or civil war—as was the case in Libya—where the provision of protective services by the host nations is unpredictable at best. In those instances, the Department of State must improve one or more of the other three protectors of mission security within its control: Marine Corps Security Guards, Dipolmatic Security agents, or private security contractors.

In February 2011, the revolution began to end Colonel Muammar al-Qadhafi's autocratic rule of Libya. Between February and October of 2011, Libya was consumed with intense fighting between anti-government groups and Qadhafi's regime. On October 20, 2011, opposition forces conquered the last Qadhafi stronghold in Sirte and killed Qadhafi. Qadhafi's death ended the revolt but left open the question of who would govern Libya and how.

Just days after Qadhafi's death, Libyans turned to the interim Transitional National Council (TNC), established in the spring of 2011, to improve security and begin the process of reconstituting national institutions. However, the TNC faced numerous challenges and ''struggled to calm the incendiary regional and factional disputes or exert control even over its own militias.'' Since no cohesive opposition group emerged from the civil war, the TNC had to contend with various armed factions that ''remained a law unto themselves.''

On July 7, 2012, Libyan voters participated in the first national election since 1965 and elected 200 members to the General National Congress. The election of the General National Congress represented a significant political achievement, but the formation of a new government was still under negotiation when the attacks in Benghazi occurred three months later in September. Civil order had not yet been restored. According to one expert review, ''[a]ttacks on international targets, a series of aggressive attacks by armed Salafists on religious buildings around the country, and an assassination campaign against senior security officers have fueled widespread criticism of interim leaders since early 2012.''

Given the unstable political and security situation, particularly in eastern Libya, the Libyan government was unable to provide security protection to foreign diplomatic facilities in a manner consistent with international law. That is why the Department of State relied in part on a local militia, the February 17 Brigade, to provide protection for the Benghazi facility, as well as unarmed Libyan guards under contract with a private security firm. Throughout 2012, Department of State officials questioned the February 17 Brigade's competence and expressed concerns about its abilities. U.S. Department of State personnel were also concerned about the involvement of members of the February 17 Brigade in the extrajudicial detention of U.S. diplomatic personnel in at least one incident in Benghazi. Eric Nordstrom, told the Committee that while the February 17 Brigade did provide some protection and would likely respond to an attack, they clearly needed additional training. Only limited training ever occurred.

Some U.S. personnel also questioned the Brigade's loyalty to the Libyan government and their capacity or desire to safeguard American interests. In June 2012, an RSO in Benghazi wrote, ''Unfortunately, given the current threat to the diplomatic mission, the militia members not currently on the [four-man team stationed at the facility] have expressed concern with showing active open support for the Americans in Benghazi.'' Notably, the contract between the State Department and the February 17 Brigade had expired by the time of the attack. In a handoff email to his replacement on August 29, 2012, the principal U.S. diplomatic officer in Benghazi wrote that the contract with the militia ''lapsed several weeks ago'' but that they were still operating under its terms. He said that ''[t]his is a delicate issue, as we are relying on a militia in lieu of the central authorities and [Feb 17 Brigade] has been implicated in several of the recent detentions. We also have the usual concerns re their ultimate loyalties. But they are competent, and give us an added measure of security. For the time being, I don't think we have a viable alternative.'' In early September, a member of the February 17 Brigade told another RSO in Benghazi that it could no longer support U.S. personnel movements. The RSO also asked specifically if the militia could provide additional support for the Ambassador's pending visit and was told no.

The ability of the Libyan government to provide surge forces to rescue or evacuate personnel from the Benghazi facility was also extremely limited. The Department of State recognized this limitation. As early as February 1, 2012, RSO Nordstrom stated in a memo to his superiors that the political situation in post-revolution Libya ''was fragile'' and that ''[m]any basic state institutions, including emergency services and tourist facilities are not yet fully operational.''

Nordstrom noted that ''various factions and militias continue to vie for power in the absence of a stable political and security environment, often resulting in violence.''

This view of the Libyan government's inadequate security capabilities persisted through the attack on September 11, 2012. Communications from U.S. personnel in Libya continued to repeat the same conclusions stated by Nordstrom earlier in February. For instance, an early August cable from the Tripoli Embassy to the Department of State in Washington, states that even though the TNC had established a Supreme Security Council (SSC) to stabilize the security situation in Benghazi, its own commander had said that the SSC had ''not coalesced into an effective, stable security force.'' Further, the cable warned that the ''absence of a significant deterrence, has contributed to a security vacuum that is being exploited by independent actors.'' Similarly, an August 20, 2012 security update reported that other diplomats believed the SSC was '''fading away,' unwilling to take on 'anyone with powerful patrons from powerful tribes.'''' That same month, DS personnel reviewing tripwires for an ordered departure of the post—that is, political, security, and intelligence benchmarks which would prompt diplomatic officials to close a facility or modify its operations—stated that ''[m]ission opinion is that Libyan security forces are indifferent to the safety needs of the U.S. mission.'' On September 11, 2012, the day of the attack, the ''Weekly Report'' prepared by Department of State officers on the security situation in Benghazi described the frustrations of an SSC commander that the police and security forces were ''too weak to keep the country secure.''

Prior to Ambassador Stevens' visit to Benghazi in September 2012, the U.S. mission in Benghazi had made a request to the Libyan Ministry of Foreign Affairs for additional security in Benghazi to support the visit. At a minimum, these requests included appeals for a 24/7 police presence consisting of a vehicle and personnel at each of the compound's three gates. The only Libyan government response appears to have been an SSC police vehicle parked in front of the front gate (which, as the ARB noted, sped away as the attack began).

Though a few members of the February 17 Brigade and the Libya Shield militia assisted the Americans on the night of the attack, the security that these militias and the local police provided to U.S. personnel was woefully inadequate to the dangerous security environment in Benghazi.

The unarmed local contract guards also provided no meaningful resistance to the attackers. The Department of State's Inspector General had previously found that concerns about local security guards were not limited to Libya. A February 2012 Department of State Inspector General (IG) report found that more than two-thirds of 86 diplomatic posts around the world surveyed reported problems with their local guard contractors. Of those posts that reported problems with their contractors, 37 percent said there was an insufficient number of local guards and 40 percent said there was insufficient training. The IG found that overseas diplomatic posts, particularly those in high-threat situations beyond Iraq, Afghanistan, and Pakistan urgently needed best-value contracting, which takes into account the past performance of contractors.

Recommendation: When it becomes clear that a host nation cannot adequately perform its functions under the Vienna Convention, the Department of State must provide additional security measures of its own, urgently attempt to upgrade the host nation security forces, or decide to close a U.S. Diplomatic facility and remove U.S. personnel until appropriate steps can be taken to provide adequate security. American personnel who serve us abroad must often work in high risk environments, but when they do, we must provide them with adequate security. That clearly was not the case in Benghazi on September 11, 2012.

Recommendation: The Department must conduct a review of its local guard programs and particularly the use of local guard contractors at high-risk posts who do not meet appropriate standards necessary for the protection of our personnel or facilities.

Finding 5. The Benghazi facility's temporary status had a detrimental effect on security decisions, and that fact was clearly known by DS personnel in Benghazi and to their superiors who nevertheless left the American personnel in Benghazi in this very dangerous situation. The Department of State did not take adequate measures to mitigate the facility's significant vulnerabilities in this high-threat environment.

The Department of State opened the temporary mission in Benghazi in 2011 after the revolution against the Qadhafi government began because eastern Libya was the headquartes of the opposition to Qadhafi, and the embassy in Tripoli had been closed due to security concerns. The temporary mission was first located in a hotel and then moved, based on security concerns, to the compound referred to as the Temporary Mission Facility. After the U.S. Embassy was reopened in Tripoli when Qadhafi was overthrown, the Department of State initially planned to close the Benghazi facility in late 2011. However, in December 2011, the Department decided to extend its presence in Benghazi until December 2012. In the memo approving this decision, the Department stated that the facility would be a ''smaller operation'' but noted its importance to eastern Libyans and the assistance it could provide to the embassy in Tripoli.

The temporary status of the Benghazi facility contributed to its vulnerability. For example, DS agents stationed in Benghazi were always on temporary duty assignments, remaining there for relatively short periods, often no longer than a month. As Nordstrom noted, having temporary duty agents made ''developing security procedures, policies,

and relationships more difficult.'' The temporary status also made it difficult to procure funds for security upgrades. A briefing paper prepared for a meeting of Assistant Secretary of State for Diplomatic Security Eric Boswell and then-Ambassador to Libya Gene Cretz noted, ''Due to the ambiguity surrounding the duration of the U.S. Mission in Benghazi, RSO Benghazi has encountered funding issues for projects that are commonplace at most U.S. missions.'' The Committee received conflicting evidence with regard to whether the temporary Benghazi facility was on the Security Environment Threat List—a semiannual document that aids DS management in the allocation of overseas security resources and programs. In any event, it is hard to imagine there were more than a few Department of State missions anywhere in the world that were in a more dangerous environment than Benghazi.

In the December 2011 memo approving the Temporary Mission Facility in Benghazi, the Department of State noted the need for corrective security measures for the facility. According to RSO Nordstrom, the Department of State never consulted with him about the security requirements of the facility before the December 2011 action memo was sent to Under Secretary Kennedy for approval. The memo approved by Kennedy indicated that the Department of State would ''rapidly implement a series of corrective security measures as part of the consolidation of the State footprint.'' However, the memo lacked details as to the security standards to be followed and the resources required to implement the security measures. The absence of dedicated resources contributed to the constraints under which those in Washington and Benghazi would operate throughout 2012.

During 2012, however, the Department did make a variety of field expedient security enhancements, including:

The installation of concrete jersey barriers;

The installation of four vehicle barriers for access control and anti-ram protection;

Increased compound lighting;

The installation of barbed wire on top of the existing perimeter wall to raise height and on top of the interior chain link fence to create secondary barrier;

The installation of platforms for property and street surveillance;

The construction of four guard booths;

The installation of steel grillwork on windows;

The installation of emergency releases on select windows grills for fire/emergency exit;

The replacement of several wooden doors with steel doors with appropriate locking hardware;

Sandbag emplacements for internal defense purposes; and

Hardening villas with safe rooms with a steel door.

But these physical security upgrades were insufficient to deter or repel the dozens of armed attackers that swarmed the compound, unimpeded, on September 11, 2012. As discussed in more detail below, the facility lacked the type of pedestrian barriers that could have slowed the attackers, even though the Department of State Inspector General and an earlier Accountability Review Board had each recommended the installation of such barriers at diplomatic posts in high-risk places like Benghazi.

Because the Benghazi facility was temporary, no security standards applied to it. While existing security standards require meaningful physical barriers to slow pedestrian access for permanent U.S. diplomatic facilities, there were few meaningful physical barriers at the Benghazi facility that would slow pedestrian access other than the closed gate. Once the gate was opened, there were no other physical impediments at that access point to keep anyone out of the facility's grounds or slow their assault.

Having additional physical barriers to reinforce the gate might have delayed the breach of the compound, giving those inside more time to prepare for the attack. For example, some permanent diplomatic facilities have a compound access control (CAC) point, a ''mantrap,'' or both. Both of these types of barriers act as gates or enclosures that are used to limit the movement of pedestrians entering a diplomatic facility. While a CAC is primarily installed in conjunction with a pedestrian entrance, a mantrap is typically installed in conjunction with a vehicle gate or barrier. According to Deputy Assistant Secretary Charlene Lamb, a CAC was not in place at Benghazi due to time and money constraints. She estimated a CAC there would have cost hundreds of thousands of dollars. No mantrap was in place either, though the reason for that is less clear. Unfortunately, we will never know if the additional investment in either a CAC or mantrap would have provided the time needed to save the lives of Ambassador Chris Stevens and Foreign Service Officer Sean Smith because of the fires set by the terrorists.

The absence of mantraps has been identified as a security vulnerability at least twice in the last ten years by the Department of State. According to a 2009 Department of State Inspector General Report, the 2004 Accountability Review Board regarding the attack on the U.S. consulate in Jeddah, Saudi Arabia recommended the installation of pedestrian barriers at U.S. diplomatic facilities overseas. During that attack, terrorists exited their vehicle and quickly breached the perimeter after being stopped by the entrance's anti-vehicle barrier. The attackers killed six and wounded several others.

Five years later, the Department of State Inspector General found that the absence of approved security standards or recent directives from the Bureau of Diplomatic Security regarding the installation of mantraps resulted in a fewer number of mantraps at overseas posts than required worldwide. At the time, 25 percent of critical threat posts that responded to the IG's survey did not have or request a mantrap and 39 percent of posts rated as a high threat post that responded to the survey also had no mantraps, plans for a mantrap, or were unable to accommodate mantraps. The numbers were worse for low and medium threat posts. According to the Department of State IG report, the average cost of installing mantraps at a U.S. diplomatic post (including related infrastructure) is approximately $55,000.

In determining the amount of additional security to provide to the Benghazi facility, the Department of State did not conduct a joint analysis or confer with other agencies, such as DOD or members of the IC. For U.S. diplomatic facilities at greatest risk, such as Benghazi, more interagency analysis of security needs must be done to identify gaps in security and take the steps to address them. Since the attack in Benghazi, the Department of State and the Department of Defense have jointly begun this important work, focusing initially on the highest threat facilities around the globe, but that should have happened before the attack.

Resourcing for security is a joint responsibility of the Executive Branch and the Legislative Branch. The Department of State's decisions regarding security at the Benghazi facility were made in the context of its budget and security requirements for diplomatic facilities around the world. Overall, the Department of State's base requests for security funding have increased by 38 percent since Fiscal Year (FY) 2007, and base budget appropriations have increased by 27 percent in the same time period. Other security funding provided beyond that in supplemental appropriations bills has been nearly entirely for diplomatic facilities in just three countries—Iraq, Afghanistan, and Pakistan. Less has gone elsewhere and very little is available to the temporary facilities such as the one in Benghazi.

Importantly, funding requests for baseline diplomatic security programs have not been fully funded in any year since FY 2010. These accounts fund local guards, security technology, DS agents, and maintenance, construction and security upgrades for facilities. The Administration requested almost $2.4 billion for the Worldwide Security Protection (WSP) and Embassy Security, Construction and Maintenance (ESCM) accounts in fiscal year 2011 (the Department of State's two largest diplomatic security accounts), but the House of Representatives recommended a funding level that was $127.5 million less than the President's Budget request. The Senate restored $38 million of the funding in the final enacted appropriations bill for that year. In fiscal year 2012, the gap was larger: Congress enacted appropriations for diplomatic security that were $275 million less than was requested.

At the same time, Congress has generally been responsive in providing supplemental and Overseas Contingency Operations (OCO) funds to the Department of State—more than $1.7 billion since 2007—in response to emergent, security-driven funding requests, although primarily for facilities in Iraq, Afghanistan and Pakistan. However, there was no supplemental or OCO request made by the President for additional diplomatic security enhancements in FY2010 or FY2011. Neither the Department of State nor Congress made a point of providing additional funds in a supplemental request for Libya, or more specifically, Benghazi.

Congress' inability to appropriate funds in a timely manner has also had consequences for the implementation of security upgrades. RSO Nordstrom stated that Continuing Resolutions had two detrimental effects on efforts to improve security in Benghazi. First, the Department of State would only allow funds to be expended at a rate of 80 percent of the previous year's appropriations level, so as not to risk a violation of the Anti-Deficiency Act. Second, in the absence of a supplemental appropriations or reprogramming request, security funds for Benghazi had to be taken ''out of hide'' from funding levels for Libya because Benghazi was not included in previous budget requests.

Recommendation: The Department of State should establish a mandatory process to determine what security standards are applicable to temporary facilities to ensure that they are adequately protected.

Recommendation: In the future, more interagency joint assessments or analyses of security needs must be done for U.S. diplomatic facilities at greatest risk. A joint assessment could not only improve our government's ability to identify security gaps, it would make all agencies more aware of assets available to meet security challenges and those available to respond to a crisis.

Recommendation: The Administration and Congress must work together to provide sufficient, steady, and timely funding resources to secure diplomatic facilities and personnel worldwide.

Finding 6. The Department of State did not adequately support security requests from its own security personnel in Benghazi.

Throughout 2012, the number of DS agents temporarily deployed to Benghazi fluctuated, decreasing to as low as *one* agent for a six week period in March and April 2012 due to visa problems. At the time of the attack, there were three DS agents who were stationed in Benghazi and two more who accompanied the Ambassador there from Tripoli.

RSO Nordstrom said that security personnel in Tripoli were sometimes used to augment Benghazi security when necessary.

As conditions changed in late spring and early summer, officers in Tripoli and in Washington had good situational awareness of the growing threats in Libya and especially in Benghazi. However, the Department of State did not provide enough security to address the increased threats and did not adequately support field requests for additional security. For example, in March 2012 the Tripoli Embassy had requested five full-time security positions for Benghazi. However, a day after sending this request, Nordstrom was told that Washington had capped the number of agents in Benghazi at three, even though the request for five agents was consistent with the December 2011 action memo approved by Under Secretary Kennedy to extend the duration of the Benghazi facility. In addressing the March request for five DS agents, Deputy Assistant Secretary Lamb questioned RSO Nordstrom about the fact that two of those five requested positions would be used for non-personnel security related duties—one for driving and one to secure a computer. Deputy Assistant Secretary Lamb asked that local employees be hired for these positions since they were arguably not related to security. Later, two local nationals were hired to fulfill these duties. In July Embassy officials in Tripoli requested a *minimum* of three DS agents for Benghazi.

Nordstrom also testified that he would have preferred to extend a DOD support team, which DOD provided to the Department of State on a non-reimbursable basis, that was scheduled to depart in August 2012. The 16–person Site Security Team (SST) was stationed in Tripoli, but on occasion some of its members also helped with security in Benghazi. The team's deployment had previously been extended twice. Nordstrom said he thought that requesting an extension would have ''too much political cost,'' and he was not told to do so. In July 2012, Nordstrom had sent a request, via cable approved by Ambassador Stevens, for a minimum of 13 temporary U.S. security personnel—which he said could be either DS employees or SST personnel, or a combination of both—to support needs in Tripoli. Nordstrom said he never received a response to that request. Though the Department of State never formally asked DOD to extend the SST team, at the time of the attack several members of the SST were still in Tripoli for other purposes, and two participated in the rescue effort the night of the attack.

In the Department's late 2011 plan describing a transition to ''locally staffed operations,'' one of the reasons given for that transition was that ''DS does not have sufficient resources to sustain the current level of the security assets in Libya.'' Lamb commented on this issue in her interview with the Committee, stating that it was hard to sustain large numbers of DS agents on short-term tours because there is not a floating pool of agents so that to fill a gap in Libya she needed to create a gap elsewhere.

Finding 7. Despite the inability of the Libyan government to fulfill its duties to secure the facility, the increasingly dangerous threat assessments, and a particularly vulnerable facility, the Department of State officials did not conclude the facility in Benghazi should be closed or temporarily shut down. That was a grevious mistake.

The Department of State kept the Benghazi facility open despite the inability of the Libyan government to fulfill its duties to secure the facility and the increasingly dangerous threat environment that American intelligence described. Though diplomatic security officials in Libya repeatedly considered and discussed the adequacy of security at the Benghazi facility, we found no evidence that any official ever recommended closing the facility even though the facility's vulnerability remained high, particularly in relation to the limited number and quality of the security personnel on site including the militia, the contracted guards, and DS agents on short-term assignments.

In the months leading up to the September 11, 2012 attack, U.S. personnel sitting on the Benghazi Emergency Action Committee (EAC)—the interagency entity responsible for assessing the security of the facility—met several times to discuss the growing threats in eastern Libya, and whether additional actions to protect U.S. personnel ought to be taken. As late as August 15, 2012, an EAC was convened and resolved to update the ''tripwires'' for the facility. The updates were to include a new category, ''suspension of operations,'' under which diplomatic personnel remain present at a post but limit activity off U.S. grounds. Notes from that meeting show that joint security exercises were carried out with Annex security personnel that same month, and that conditional manpower requests and the revised set of tripwires were sent to the Embassy in Tripoli for review. A Department of State document shared between officials in Tripoli show various ''tripwires'' in Benghazi were, in fact, set off weeks before September 11, 2012. Following a bomb attack on a Libyan Army colonel in August, the principal U.S. diplomatic officer in Benghazi wrote that ''[g]iven our small size, there is really no distinction between authorized and ordered departure from Benghazi: if we lose one more person, we will be ineffective . . . we are already at a skeleton crew.''

Still, no additional security was provided to the facility in Benghazi and there was no ordered evacuation. RSO Nordstrom said the inability of the host nation to provide security is a significant tripwire. Yet neither he nor, to his knowledge anyone else at the Department of State, recommended the Benghazi post be closed.

Despite the Department of State's initial determination that the facility in Benghazi would be a temporary one, as time progressed, some Department of State officials believed U.S. diplomats needed to remain there longer than they initially expected. Just weeks before his death and even after there had been attacks against the facility and other western targets in Benghazi, Ambassador Stevens continued to make the case that the Department of State needed a long term presence in Benghazi.

A number of other western governments also continued to maintain a presence in Benghazi throughout the summer and fall of 2012. Under Secretary Kennedy noted that diplomats for Italy, France, Turkey and the United Nations remained in Benghazi during that time period.

One option American officials did consider was co-locating the American government facilities in Benghazi. By December 27, 2011, officials had ''come to the conclusion that co-location is the best and most economical option for'' a continued presence in Benghazi. They also recognized that there were administrative hurdles to this—such as finding a suitable location large enough for the presence of all personnel. The ARB report on the 1998 Nairobi and Dar es Salaam attacks recommended that, ''When building new chanceries abroad, all U.S. government agencies, with rare exceptions, should be located in the same compound.'' The Department of State should also examine whether similar standards should be adopted for the co-location of temporary facilities.

Finding 8. The Department of Defense and the Department of State had not jointly assessed the availability of U.S. assets to support the Temporary Mission Facility in Benghazi in the event of a crisis and although DOD attempted to quickly mobilize its resources, it did not have assets or personnel close enough to reach Benghazi in a timely fashion.

The Department of Defense (DOD) has a longstanding cooperative relationship with the Department of State, providing support for evacuation and security of diplomatic facilities. For Libya, responsibility for DOD support for diplomatic missions primarily rested with AFRICOM and its Combatant Commander, General Carter F. Ham, headquartered in Stuttgart, Germany. AFRICOM is one of DOD's six geographic combatant commands and is responsible for all DOD operations, exercises, and security cooperation on the African continent (with the exception of Egypt), its island nations, and surrounding waters. The command is also responsible to the Secretary of Defense for military relations with 54 African nations, the African Union, and African regional security organizations. It was established in February 2007 and became a standalone command in October 2008. The reason for establishing AFRICOM grew out of concerns about DOD's division of responsibility for Africa among three geographic commands—European Command (EUCOM), Central Command (CENTCOM), and Pacific Command (PACOM)—and worries that security in Africa was receiving less attention than it required based on the increasing presence of Islamist extremists and terrorists there.

Since its creation, AFRICOM has been involved in a number of operations in Africa, with a focus on training African forces and engaging in counterterrorism activities in the Horn of Africa. Unlike many of the other geographical combatant commands, AFRICOM was developed to maintain a light footprint. It maintains a single base on the entire continent, in Djibouti. In the spring of 2011, AFRICOM directed U.S. support to the NATO military operations in Libya, and in October 2011, it established a joint task force to command and control post-conflict U.S. operations related to Libya. Since DOD assumes responsibility for evacuation of diplomatic personnel, U.S. citizens, and designated host nation and third country nationals in crises, AFRICOM was responsible for working with Department of State officials in Libya to develop and coordinate Noncombatant Evacuation Operations (NEO) plans for the diplomatic facilities within the region. But the Department of State did not know how long it would take DOD to evacuate personnel at the Benghazi facility in the case of a crisis, naturally making it more difficult for the Department of State to ensure it had adequate security at the facility.

In addition, General Ham did not have complete visibility of the extent and number of government personnel in Benghazi in the event that a NEO was required. If sufficient time had been available for such an evacuation, we are concerned that this limitation could have impeded AFRICOM's ability to respond and fulfill its mission responsibility.

AFRICOM's lack of operational assets near Benghazi hindered its capacity to evacuate U.S. personnel during the attacks. The Djibouti base was several thousand miles away. There was no Marine expeditionary unit, carrier group or a smaller group of U.S. ships closely located in the Mediterranean Sea that could have provided aerial or ground support or helped evacuate personnel from Benghazi. AFRICOM also lacked a dedicated Commander's In-extremis Force (CIF)—a specially trained force capable of performing no-notice missions. As a result,

General Ham was forced to call on the European Command's CIF whose location in Eastern Europe prevented it from getting to Benghazi before the four Americans were killed and all other U.S. personnel were evacuated. We note that AFRICOM later received an independent CIF in October, 2012. DOD and AFRICOM tried to provide effective support on September 11th, but given the nature of the attack in Benghazi and the distance of their assets from Benghazi, they were tragically unable to do so.

Recommendation: DOD and the Department of State must jointly perform comprehensive crisis defense and evacuation planning for personnel at U.S. diplomatic facilities worldwide, particularly in high risk environments to determine whether DOD can provide timely support and evacuation capabilities, and assist the Department of State in deciding whether to keep facilities open.

Recommendation: Because Africa has increasingly become a haven for terrorist groups in places like Libya and Mali, DOD should provide more assets and personnel within range on land and sea to protect and defend both Americans and our allies on the African continent.

Finding 9. Although the September 11, 2012 attack in Benghazi was recognized as a terrorist attack by the Intelligence Community and personnel at the Department of State from the beginning, Administration officials were inconsistent in stating publicly that the deaths in Benghazi were the result of a terrorist attack.

One of the key lessons of this Committee's six-year focus on the threat of violent Islamist extremism is that, in order to understand and counter the threat we face, we must clearly identify that threat. During the Committee's investigation into the Fort Hood massacre, for example, we found systemic problems with the way the military addressed violent Islamist extremism in its policies and procedures (treating this specific threat within the broader context of ''workplace violence''). Similarly, while we welcomed the Administration's release last year of a national strategy and implementation plan for countering radicalization domestically, we expressed our disappointment in the Administration's continued refusal to identify violent Islamist extremism as our enemy. The enemy is not a vague catchall of violent extremism, but a specific violent Islamist extremism. It is unfair to the vast majority of law-abiding Muslims not to distinguish between their peaceful religion and a twisted corruption of that religion used to justify violence.

There are related lessons to be learned from the Administration's public comments about Benghazi, which we believe contributed to the confusion in the public discourse after the attack about exactly what happened.

The NCTC and U.S. law define terrorism as the ''premeditated, politically motivated violence perpetrated against noncombatant targets by subnational groups or clandestine agents.'' Senior officials from the IC, the Department of State, and the FBI who participated in briefings and interviews with the Committee said they believed the attack on the mission facility in Benghazi to be a terrorist attack immediately or almost immediately after it occurred. The ODNI's spokesman also has publicly said, ''The intelligence community assessed from the very beginning that what happened in Benghazi was a terrorist attack.''

In short, regardless of questions about whether there had been a demonstration or protest outside the Temporary Mission Facility in advance of the attack, the extent to which the attacks were preplanned, or the role of an anti-Islamic video which had sparked protests at the U.S. embassy in Cairo and elsewhere earlier on September 11th, there was never any doubt among key officials, including officials in the IC and the Department of State, that the attack in Benghazi was an act of terrorism.

For example, two emails from the State Department Diplomatic Security Operations Center on the day of the attack, September 11, and the day after, September 12, 2012, characterized the attack as an ''initial terrorism incident'' and as a ''terrorist event.'' Agencies and offices responsible for terrorism, including the National Counterterrorism Center (NCTC), the CIA's Office of Terrorism Analysis, and the FBI's Counterterrorism Division, were immediately involved with gathering information about the attack. Indeed, how could there have been any doubt in anyone's mind that, when a large number of armed men break into a U.S. diplomatic facility, set fire to its buildings, and fire mortars at Americans, that it is by definition a terrorist attack?

However, the IC's assessment was not reflected consistently in the public statements made by Administration officials, several of whom cited the ongoing investigation, in the week following the attack:

On September 12th, Secretary of State Hillary Clinton attributed the attack to ''heavily armed militants'' who assaulted the compound . . .'' Her suspicion was that the people involved in this ''were looking to target Americans from the start.'' She also noted that we ''continue to apply pressure on Al Qaeda and other elements that are affiliated . . .''

Also that September 12th President Obama, referring to the anti-Islamic video, said ''we reject all efforts to denigrate the religious beliefs of others. But there is absolutely no justification to this type of senseless violence . . .'' He went on to add, ''Of course, yesterday was already a painful day for our nation as we marked the solemn memory of the 9/11 attacks,'' and that ''No acts of terror will ever shake the resolve of this great nation, alter that character, or eclipse the light of the values that we stand for.''

However, that same day, the President had the following exchanges with Steve Kroft in a taping for the CBS news program *60 Minutes:*

Mr. Kroft: Do you believe that this was a terrorist attack?

The President: Well, it's too early to know exactly how this came about, what group was involved, but obviously it was an attack on Americans and we are going to be working with the Libyan government to make sure that we bring these folks to justice one way or the other . . .

Mr. Kroft: That doesn't sound like your normal demonstration.

The President: As I said, we're still investigating exactly what happened, I don't want to jump the gun on this. But—you're right that this is not a situation that was—exactly the same as what happened in Egypt. And—my suspicion is—is that there are folks involved in this who were looking to target Americans from the start. So we're gonna—make sure that our first priority is to get our folks out safe, make sure that our embassies are secured around the world. And then we are gonna go after—those folks who carried this out . . .

This is also obviously a reminder that for all the progress that we've made in fighting terrorism, that we're living in a volatile world. And, you know, our troops, but also our diplomats and our intelligence officers they're putting their lives on the line every single day in some very dangerous circumstances . . .

But I think we also also have to understand that, we have to remain vigilant. And that even as we—continue to apply pressure on Al Qaeda and—other elements that are affiliated—that in big chunks of the world, in Northern Africa and the Middle East, you've got—a lot of dangerous characters. And we've got to make sure that we're continuing to apply pressure on them . . .

Two days later, during a September 14, 2012, White House press briefing, Press Secretary Jay Carney was asked to respond to senators' characterizations of the incident as a terrorist attack following a briefing by Secretary Panetta and others:

[Unidentified Reporter]: Jay, one last question—while we were sitting here—Secretary Panetta and the Vice Chair of the Joint Chiefs briefed the Senate Armed Services Committee. And the senators came out and said their indication was that this, or the attack on Benghazi was a terrorist attack organized and carried out by terrorists, that it was premeditated, a calculated act of terror. Levin said—Senator Levin—I think it was a planned, premeditated attack. The kind of equipment that they had used was evidence it was a planned, premeditated attack. Is there anything more you can—now that the administration is briefing senators on this, is there anything more you can tell us?

Mr. Carney: Well, I think we wait to hear from administration officials. Again, it's actively under investigation, both the Benghazi attack and incidents elsewhere. And my point was that we don't have and did not have concrete evidence to suggest that this was not in reaction to the film. But we're obviously investigating the matter, and I'll certainly—I'm sure both the Department of Defense and the White House and other places will have more to say about that as more information becomes available.

Then, on September 16th, during one of several similar appearances on the Sunday news programs, Ambassador Susan Rice had the following exchange with David Gregory of *NBC's Meet the Press:*

Gregory: Can you say definitively that the attacks on—on our consulate in Libya that killed Ambassador Stevens and others there security personnel, that was spontaneous, was it a planned attack? Was there a terrorist element to it?

Ms. Rice: Well, let us—let me tell you the—the best information we have at present. First of all, there's an FBI investigation which is ongoing. And we look to that investigation to give us the definitive word as to what transpired. But putting together the best information that we have available to us today our current assessment is that what happened in Benghazi was in fact initially a spontaneous reaction to what had just transpired hours before in Cairo, almost a copycat of—of the demonstrations against our facility in Cairo, which were prompted, of course, by the video. What we think then transpired in Benghazi is that opportunistic extremist elements came to the consulate as this was unfolding. They came with heavy weapons which unfortunately are readily available in post revolutionary Libya. And it escalated into a much more violent episode. Obviously, that's—that's our best judgment now. We'll await the results of the investigation . . .

On September 18th, President Obama said on the Late Show with David Letterman that ''extremists and terrorists used this (referring again to the anti-Islamist video) as an excuse to attack a variety of our embassies, including the consulate in Libya.''

A definitive response to the question of whether Benghazi was a terrorist attack was given by NCTC Director Matthew Olsen during a hearing before this Committee on September 19, 2012. Olsen was asked by the Chairman whether he ''would say that Ambassador Stevens and the three other Americans died as a result of a terrorist attack.''

Director Olsen responded that, ''[c]ertainly, on that particular question, I would say yes. They were killed in the course of a terrorist attack'' on our diplomatic mission in Benghazi.

After Olsen's September 19th appearance before the Committee, other Administration officials stated with more certainty that Benghazi was a terrorist attack. For example:

On September 19th, referring to Matthew Olsen's statements that Benghazi was a terrorist attack, Victoria Nuland stated ''We stand by comments made by our intelligence community who has first responsibility for evaluating the intelligence and what they believe we are seeing.''

On September 20th, Jay Carney said, ''It is, I think, self-evident that what happened in Benghazi was a terrorist attack. Our embassy was attacked violently, and the result was four deaths of American officials. So again, that's self evident . . . ''

On September 21st, Secretary Clinton said, ''What happened in Benghazi was a terrorist attack, and we will not rest until we have tracked down and brought to justice the terrorist who murdered four Americans.''

On September 24th, however, when one of the co-hosts of the television program *The View* asked the President to clarify what she perceived to be discrepancies in the public record regarding the Administration's position about whether Benghazi attack was an act of terrorism, the President's answer was not as definitive:

Joy Behar: It was reported that people just went crazy and wild because of this anti-Muslim movie, or anti-Muhammad, I guess, movie. But then I heard Hillary Clinton say that it was an act of terrorism. Is it? What do you say?

The President: Well, we're still doing an investigation. There's no doubt that the kind of weapons that were used, the ongoing assault, that it wasn't just a mob action. Now, we don't have all the information yet, so we're still gathering it. But what's clear is that around the world, there's still a lot of threats out there. And that's why we have to maintain the strongest military in the world. That's why we can't let down our guard when it comes to the intelligence work that we do, and staying on top of not just al Qaeda—the traditional al Qaeda in Pakistan and Afghanistan—but all these various fringe groups that have started to develop . . .

Director Olsen's statement on September 19, 2012 before this Committee was also significant because he mentioned ties to al Qaeda. He said:

At this point, what I would say is that a number of different elements appear to have been involved in the attack, including individuals connected to militant groups that are prevalent in eastern Libya, particularly in the Benghazi area. As well, we are looking at indications that individuals involved in the attack may have had connections to al Qaeda or al Qaeda's affiliates, in particular al Qaeda in Islamic Maghreb.

Olsen's acknowledgement was important because, in talking points that were prepared the previous week by the IC for Congress, a line saying ''we know'' that individuals associated with al Qaeda or its affiliates participated in the attacks had been changed to say: ''There are *indications* that *extremists* participated,'' dropping the reference to al Qaeda and its affiliates altogether. Members of the IC differed over whether or not this information should remain classified. It is nevertheless noteworthy that the analyst who drafted the original talking points—a veteran career analyst in the intelligence community believed it was appropriate to include a reference to al Qaeda in the unclassified talking points. The senior analyst concluded that the information could be made public because of the claims of responsibility made by Ansar al-Sharia, which has been publicly linked to al Qaeda.

In addition to the change deleting al-Qaeda, a reference to ''attacks'' in Benghazi was changed to ''demonstrations.'' Director of National Intelligence (DNI) James Clapper and representatives from the CIA, the State Department, NCTC and the FBI told this Committee that the changes characterizing the attacks as ''demonstrations'' and removing references to al-Qaeda or its affiliates were made within the CIA and the IC, while the change from ''we know'' to ''indications'' was made in response to an FBI request. They also testified that no changes were made for political reasons, that there was no attempt to mislead the American people about what happened in Benghazi, and that the only change made by the White House was to change a reference of ''consulate'' to ''mission.''

To provide a full account of the changes made to the talking points, by whom they were made and why, DNI Clapper offered to provide the Committee with a detailed timeline regarding the development of the talking points. At the time of writing this report, despite repeated requests, the Committee had yet to receive this timeline. According to a senior IC official, the timeline has not been delivered as promised because the Administration has spent weeks debating internally whether or not it should turn over information considered ''deliberative'' to the Congress. The September 28, 2012 public statement from the ODNI confirmed the IC's judgment ''that some of those involved were linked to groups affiliated with, or sympathetic to al Qa'ida.''

We anticipate that the ongoing investigation into these attacks by the FBI will provide important new details about exactly which violent Islamist extremists carried out the attack, the extent to which it was planned, and their precise motivations. But as everyone now acknowledges, there is no doubt that Benghazi was indeed a deliberate and organized terrorist attack on our nation. If the fact that Benghazi was indeed a terrorist attack had been made clear from the outset by all Administration and Executive Branch spokespeople, there would have been much less confusion and division in the public response to what happened there on September 11, 2012.

Much of the public discussion about the Benghazi attack has focused on whether a protest took place in Benghazi prior to the attack. While the IC worked feverishly in the days after the attack to identify the perpetrators of the attack, they did not place a high priority on determining with certainty whether a protest had in fact occurred. The IC's preliminary conclusion was that there had been a protest outside of the mission prior to the attack, making this assessment based on open source news reports and on other information available to intelligence agencies. The IC later revised its assessment and the Accountability Review Board has since ''concluded that no protest took place before the Special Mission and Annex attacks.''

The unnecessary confusion in public statements about what happened that night with regards to an alleged protest should have ended much earlier than it did. Key evidence suggesting the absence of a protest was not widely shared as early as it could have been, creating or contributing to confusion over whether this was a peaceful protest that evolved into something more violent or a terrorist attack by an opportunistic enemy looking for the most advantageous moments to strike.

As early as September 15th, the Annex team that had been in Benghazi during the attack reported there had been no protest. This information was apparently not shared broadly, and to the extent that it was shared, it apparently did not outweigh the evidence decribed above that there was a protest. The next day, the President of Libya's General National Congress, Mohamed Yousef el-Magariaf, also stated on the CBS News show *Face the Nation* that the attack was planned and involved Al Qaeda elements.

On September 15th and 16th, officials from the FBI conducted face-to-face interviews in Germany of the U.S. personnel who had been on the compound in Benghazi during the attack. The U.S. personnel who were interviewed saw no indications that there had been a protest prior to the attack. Information from those interviews was shared on a secure video teleconference on the afternoon of the 16th with FBI and other IC officials in Washington; it is unclear whether the question of whether a protest took place was discussed during this video conference.

Information from those interviews was written into FBI FD–302 interrogation reports and sent back to the FBI headquarters. Nearly a week later, on or around September 22nd, key information from those interrogation reports was disseminated by the FBI in Intelligence Information Reports (IIRs) to other agencies within the IC. By that date, however, the IC had already received conclusive proof via other means that there had been no protest prior to the attack, in the form of video evidence from the facility's CCTV cameras.

We also found documentation that one DS agent apparently concluded there had been no protest as early as September 18th. On that date, a State Department DS agent who had seen national press reporting about the attacks asked an agent at the DS Command Center in an email, ''Was there any rioting in Benghazi reported prior to the attack?'' The reply from the Command Center agent: ''Zip, nothing, nada.''

Recommendation: When terrorists attack our country, either at home or abroad, Administration officials should speak clearly and consistently about what has happened. While specific details and a full accounting cannot be provided until the government has completed its investigation, the fact that a terrorist attack occurred must be communicated with clarity.

Finding 10. As discussed earlier, the talking points about the September 11th attack in Benghazi which were issued by the Intelligence Community on September 14th in response to a request by the House Permanent Select Committee on Intelligence, were the subject of much of the confusion and division in the discussion of the attack. That confusion and division were intensified by the fact that the talking points were issued before the IC had a high degree of confidence about what happened in Benghazi and in the midst of a national political campaign.

Recommendation: While the Intelligence Community's primary mission is to inform the appropriate officials of the executive and legislative branches of our government about events that affect our security, it is not the responsibility of the IC to draft talking points for public consumption—especially in the heat of a political campaign—and we therefore recommend that the IC decline to do so in the future.

CONCLUSION

The deaths of Ambassador Stevens and three other Americans at the hands of terrorists is a tragic reminder that the fight our country is engaged in with Islamist extremists and terrorists is not over. U.S. and

Western diplomats, and other personnel operating in the Middle East and other countries where these terrorists use violence to further their extremist agenda and thwart democratic reforms are increasingly at risk.

We hope this report will help contribute to the ongoing discussion that our nation must have about how best to protect the brave men and women who serve our country abroad and how to win this war that will continue for years to come. We owe it to our public servants abroad to protect them as they work to protect us. The government of the U.S. failed tragically to fulfill that responsibility in Benghazi on September 11, 2012. We hope the findings and recommendations we have made in this Special Report will help ensure that such a failure never happens again.

ENDNOTES

1. The details of this narrative are based on briefings to the Committee in November 2012, as well as publicly available documents describing the narrative provided by the Department of State and the Department of Defense.

2. Charlene Lamb and Eric Nordstrom, interviews with Committee staff, December 2012.

3. U.S. Embassy Tripoli, Libya, Regional Security Office, ''Security Incidents since June 2011.''

4. Committee Member briefing, November 14, 2012.

5. REDACTED, e-mail message to DS–IP–NEA, April 6, 2012.

6. U.S. Embassy Tripoli, Libya, Regional Security Office, ''Security Incidents since June 2011.''

7. Ibid.

8. Ibid.

9. REDACTED, e-mail message to DS–IP–NEA; DSCC_E TIA/PII; DSCC_E TIA/ITA; DSCC_C DS Seniors, ''Benghazi—SR—Attack on British Ambassador Motorcade—06112012,'' June 11, 2012.

10. Hadeel Al-Shalchi, ''Gunmen attack Tunisian consulate in Benghazi,'' *Reuters,* June 18, 2012. *http://www.reuters.com/article/2012/06/18/us-libya-gunmen-tunisia-idUSBRE85H1V620120618*; Michel Cousins, ''Tunisian Consulate in Benghazi attacked,'' *Libya Herald,* June 18, 2012. *http://www.libyaherald.com/2012/06/18/tunisian-consulate-in-benghazi-attacked/*

11. Navanti Group, *Security Conditions in Benghazi, Libya*, July 12, 2012.

12. However, as discussed later in this report, reliance solely on early warning intelligence is insufficient for making security improvement decisions.

13. *Homeland Threats and Agency Responses:* Hearing before the Homeland Security and Governmental Affairs Committee, United States Senate, 112th Cong., September 19, 2012. (Statement of Matthew Olsen, Director, NCTC).

14. Eli Lake, ''Ansar al Sharia's Role in Benghazi Attacks still a Mystery,'' *The Daily Beast,* November 5, 2012, *http://www.thedailybeast.com/articles/2012/11/05/ansar-al-sharia-s-role-in-benghazi-attacks-still-a-mystery.html*

15. Ibid.

16. For a general discussion of this phenomenon: Robert F. Worth, ''Al Qaeda-Inspired Groups, Minus Goal of Striking U.S.'', *The New York Times,* October 27, 2012, *http://www.nytimes.com/2012/10/28/world/middleeast/al-qaeda-inspired-groups-minus-goal-of-striking-us.html*

17. Federal Research Division, Library of Congress, *Al-Qaeda in Libya: A Profile,* August 2012. See, e.g., the discussion of two local Libyan Islamist-oriented militias—Ansar al-Sharia and al-A'hrar Libya—which are described as broadcasting ''typical al-Qaeda-type propaganda on the Internet.''(33), *http://freebeacon.com/wp-content/uploads/2012/10/LOC-AQ-Libya.pdf*

18. As discussed further, infra, the State Department and the IC must also think beyond ''warning'' intelligence of specific attacks when making security decisions. This is one of the key lessons of the Accountability Review Board (ARB) Reports on the 1998 terrorist attacks on the U.S. embassies in Kenya and Tanzania.

19. *Inman Report, Report of the Secretary of State's Advisory Panel on Overseas Security,* (June 1985). *http://www.fas.org/irp/threat/inman/.*

20. Charlene Lamb, interview with Committee staff, December 6, 2012.

21. *See Finzer* v. *Barry*, 798 F.2d 1450, 1455 (D.C. Cir. 1986) (Bork, J.), (*citing* 2 C. Hyde, International Law 1249 (1945)) (''The principle that host states have a special responsibility to ensure that foreign embassies and the personnel inside them are free from threats of violence and intimidation is 'solidly entrenched in the Law of Nations.' '').

22. Vienna Convention on Consular Relations, (Adopted April 24, 1963, entered into force, March 19, 1967) Art. 31; see also The 1961 Vienna Convention on Diplomatic Relations, Art. 22 (Adopted April 18, 1961, entered into force, April 29, 1964).

23. Vienna Convention on Consular Relations, (Adopted April 24, 1963, entered into force, March 19, 1967) Art. 40.

24. Christopher M. Blanchard, Congressional Research Service, *Libya: Transition and U.S. Policy*, October 18, 2012 (16).

25. Adam Nossiter and Kareem Fahim, ''Revolution Won, Top Libyan Official Promises Elections and a More Pious State,'' *New York Times,* October 24, 2011, A10.

26. Ibid.

27. Blanchard (17).

28. Blanchard (6).

29. See, for example, REDACTED, e-mail message to REDACTED, January 4, 2012; or REDACTED, e-mail message to REDACTED, April 1, 2012.

30. ''Security Incidents since June 2011,'' U.S. Embassy Tripoli, Libya, Regional Security Office and REDACTED, email to DS–IP–NEA, ''Benghazi RSO Spot Report,'' March 15, 2012.

31. Eric Nordstrom, interview with Committee staff, December 7, 2012. The State Department did provide some training to members of the Brigade.

32. See, for example, REDACTED, e-mail message to REDACTED, January 4, 2012; or REDACTED, e-mail message to REDACTED, April 1, 2012. See also, REDACTED, email to REDACTED, June 17, 2012.

33. REDACTED, e-mail message to REDACTED, June 17, 2012.

34. REDACTED, e-mail message to REDACTED, ''Benghazi Hand-off Notes,'' August 29, 2012.

35. REDACTED, e-mail message to Charlene Lamb, ''Ambassador's protective detail in Benghazi,'' September 20, 2012.

36. *The Security Failures of Benghazi:* Hearing before the Committee on Oversight and Government Reform, U.S. Congress, 112th Cong., October 10, 2012. (Eric Allan Nordstrom, Regional Security Officer, Tripoli, Libya from 9/21/11—7/26/12).

37. RSO Eric Nordstrom, Memorandum to DS/DSS/TIA/OSAC, ''OSAC Crime and Safety Report,'' February 1, 2012.

38. Ibid.

39. REDACTED, e-mail message to REDACTED, ''The Guns of August: security in eastern Libya,'' August 8, 2012.

40. Ibid.

41. REDACTED, e-mail message to REDACTED, ''Benghazi Weekly Report, Special Eid al-Fitr Edition,'' August 20, 2012.

42. Under an ordered departure, all U.S. diplomatic personnel and their families are instructed by the Chief of Mission to leave the post.

43. *Benghazi Assessment of Tripwires Breached as of August 13, 2012.*

44. REDACTED, e-mail message to REDACTED, ''Benghazi Weekly Report,'' September 11, 2012, (1).

45. REDACTED, e-mail message to Charlene Lamb, ''Ambassador's protective detail in Benghazi,'' September 20, 2012.

46. State Department, Office of Inspector General, *Review of Best-Value Contracting for the Department of State Local Guard Program and the Utility of Expanding the Policy Beyond High-Threat Posts in Iraq, Afghanistan, and Pakistan*, February, 2012 (9).

47. Ibid. (5).

48. Alex Tiersky and Susan Epstein, Congressional Research Service, *Securing U.S. Diplomatic Facilities and Personnel Abroad: Background and Policy Issues*, November 26, 2012, (3).

49. REDACTED, e-mail message to DS–IP–NEA and REDACTED, September 13, 2012.

50. NEA—Jeffrey Feltman, Action Memo to Under Secretary Kennedy, December 27, 2011, (2).

51. *The Security Failures of Benghazi:* Hearing before the Committee on Oversight and Government Reform, U.S. Congress, 112th Cong., October 10, 2012. (Eric Allan Nordstrom, Regional Security Officer, Tripoli, Libya from 9/21/11–7/26/12).

52. Diplomatic Security Issues Only Briefing paper for March 6, 2012 meeting of Assistant Secretary Boswell and Ambassador Cretz.

53. Eric Nordstrom, interview with Committee staff, December 7, 2012.

54. Ibid.

55. NEA—Jeffrey Feltman, Action Memo to Under Secretary Kennedy, December 27, 2011, (2).

56. REDACTED, e-mail message to DS–IP–NEA and REDACTED, September 13, 2012.

57. Charlene Lamb and Eric Nordstrom, interviews with Committee staff, December 2012.

58. Charlene Lamb, interview with Committee staff, December 6, 2012.

59. Department of State, Inspector General, *Review of the Department's Implementation of Mantraps*, Report Number ISP–I–09–29, February 2009, (2–3).

60. Attack on U.S. Consulate General in Jeddah, James C. Oberwetter, U.S. Ambassador to Saudi Arabia, On-the-Record Briefing, Jeddah, Saudi Arabia, December 7, 2004 http://2001-2009.state.gov/p/nea/rls/rm/39516.htm

61. Department of State, Inspector General, *Review of the Department's Implementation of Mantraps*, Report Number ISP–I–09–29, February 2009, (3).

62. Committee member briefing, November 14, 2012.

63. Congressional Research Service (CRS), e-mail message to Committee staff, December 20, 2012. For example, CRS noted all Overseas Contingency Operations enacted and requested for the Worldwide Security Protection account in Fiscal Years 2012 and 2013 were for facilities in Afghanistan and Pakistan. Additionally, there was approximately $1.5 billion funding for Iraq embassy ''security and overhead cover'' in FY 2012.

64. According to CRS, these include State Department accounts for Worldwide Security Protection (WSP); Embassy Security, Construction and Maintenance (ESCM); Diplomatic Security, Counterterrorism within the Diplomatic and Consular Programs; and Diplomatic Security within the Border Security Program.

65. Department of State, *Congressional Budget Justification Volume 1: Department of State Operations Fiscal Year 2013* (February 13, 2012), and the Consolidated Appropriations Act, 2012, P.L. 112–74.

66. Alex Tiersky and Susan Epstein, Congressional Research Service, *Securing U.S. Diplomatic Facilities and Personnel Abroad: Background and Policy Issues*, November 26, 2012, (15).
67. Eric Nordstrom, interview with Committee staff, December 7, 2012.
68. REDACTED, e-mail message to REDACTED, October 1, 2012.
69. Eric Nordstrom, interview with Committee staff, December 7, 2012.
70. Eric Nordstrom, e-mail message to REDACTED, March 29, 2012.
71. Charlene Lamb, interview with Committee staff, December 6, 2012.
72. Ibid.
73. *The Security Failures of Benghazi:* Hearing before the Committee on Oversight and Government Reform, U.S. Congress, 112th Cong., October 10, 2012. (Eric Allan Nordstrom, Regional Security Officer from September 21—July 26, 2012).
74. 12 Tripoli 690, July 9, 2012.
75. *The Security Failures of Benghazi:* Hearing before the Committee on Oversight and Government Reform, U.S. Congress, 112th Cong., October 10, 2012. (Eric Allan Nordstrom, Regional Security Officer from September 21—July 26, 2012).
76. DS/IP/OPO/FPD, Proposal for Security Support to RSO Tripoli.
77. Charlene Lamb, interview with Committee staff, December 6, 2012.
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79. REDACTED, e-mail message to REDACTED, August 6, 2012, ''Security Incident Involving Embassy Vehicle Driven by DOD Personnel.''
80. Eric Nordstrom, interview with Committee staff, December 7, 2012.
81. ''Benghazi.docx,'' document attached to email of August 31, 2012.
82. Committee member briefing, November 29, 2012.
83. NEA—Jeffrey Feltman, Action Memo to Under Secretary Kennedy, December 27, 2011. Re: ''Future of Operations in Benghazi, Libya''
84. Accountability Review Board, *Bombings of the US Embassies in Nairobi, Kenya and Dar es Salaam, Tanzania on August 7, 1998*, (January 8, 1999). NB: The facility in Benghazi was a lease and not new construction.
85. Committee member briefing, November 14, 2012.
86. *Fiscal Year 2013 National Defense Authorization Budget Request from U.S. European Command and U.S. Africa Command:* Armed Services Committee, United States House of Representatives, 112th Congress, February 29, 2012. (General Carter Ham, Commander, United States Africa Command). *http://www.africom.mil/getArticle.asp?art=4133*
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89. General Carter Ham, *Counterterrorism in Africa*, Homeland Security Policy Institute event, December 3, 2012. According to General Ham, DOD had been developing this force since 2011.
90. U.S. Senate, Homeland Security and Government Affairs Committee, *A Ticking Time Bomb: Counterterrorism Lessons From the U.S. Government's Failure to Prevent the Fort Hood Attack*, 112th Cong., 1st sess, February 3, 2011, 7,9.
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94. Committee member briefings, November 14, 2012 and November 29, 2012.
95. ''Sources: Office of the DNI cut ''al Qaeda'' reference from Benghazi talking points, and CIA, FBI signed off,'' *CBS News*, November 20, 2010. *http://www.cbsnews.com/8301-505263_162-57552328/sources-office-of-the-dni-cut-al-qaeda-reference-from-benghazi-talking-points-and-cia-fbi-signed-off/*
96. See, for example, REDACTED on behalf of the DS Command Center, email message, ''Terrorism Event Notification—Libya,'' September 12, 2012.
97. Secretary Hillary Clinton, ''Remarks on the Deaths of American Personnel in Benghazi, Libya,'' Treaty Room, September 12, 2012.
98. President Barack Obama, ''Remarks by the President on the Deaths of U.S. Embassy Staff in Libya,'' Rose Garden, September 12, 2012.
99. President Barack Obama, interview by Steve Kroft, *60 Minutes*, CBS, September 12, 2012, transcript.
100. Benjamin Netanyahu, Susan Rice, Keith Ellison, Peter King, Bob Woodward, Jeffrey Goldberg, Andrea Mitchell, interview by David Gregory, *Meet the Press*, NBC, September 16, 2012, transcript. *http://www.msnbc.msn.com/id/49051097/ns/meet_the_press-transcripts/t/september-benjamin-netanyahu-susan-rice-keith-ellison-peter-king-bob-woodward-jeffrey-goldberg-andrea-mitchell/*
101. *Homeland Threats and Agency Responses:* Hearing before the Homeland Security and Governmental Affairs Committee, United States Senate, 112th Cong., September 19, 2012. (Statement of Matthew Olsen, Director, NCTC).
102. Ibid.
103. Department of State Spokesperson Victoria Nuland, Press Briefing, September 19, 2012, transcript.
104. Press Secretary Carney, press briefing, The White House, September 20, 2012, transcript.
105. Secretary of State Hillary Clinton, ''Remarks With Pakistani Foreign Minister Hina Rabbani Khar Before Their Meeting,'' Treaty Room, September 21, 2012.
106. President Obama, interview by Joy Behar, The View, September 24, 2012. *http://www.youtube.com/watch?v=Hdn1iX1a528*
107. Homeland Threats and Agency Responses: Hearing before the Homeland Security and Governmental Affairs Committee, United States Senate, 112th Cong., September 19, 2012. (Statement of Matthew Olsen, Director, NCTC). The ODNI also released a statement on September 28, 2012 which confirmed that the IC had ''assess[ed] that some of those involved were linked to groups affiliated with, or sympathetic to al-Qa'ida.'' *See* Statement by the Director of Public Affairs for the Director of National Intelligence, Shawn Turner, on the intelligence related to the terrorist attack on the U.S. Consulate in Benghazi, Libya, September 28, 2012.
108. Committee member briefing, November 29, 2012.
109. Committee member briefing, November 29, 2012.
110. Sources: Office of the DNI cut ''al Qaeda'' reference from Benghazi talking points, and CIA, FBI signed off, CBS News, November 20, 2010
111. Committee member briefing, November 29, 2012.
112. ''Statement by the Director of Public Affairs for the Director of National Intelligence, Shawn Turner, on the intelligence related to the terrorist attack on the U.S. Consulate in Benghazi, Libya,'' Office of the Director of National Intelligence, press release, September 28, 2012.
113. Accountability Review Board, Department of State, December 19, 2012, 4.
114. Acting Director Michael Morell, briefing Senator Collins, November 28, 2012.
115. Committee member briefing, November 29, 2012.
116. Ibid.
117. REDACTED, e-mail message on September 18, 2012.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I am pleased to join the chairman of the Homeland Security Committee, Senator JOE LIEBERMAN, in submitting for the CONGRESSIONAL RECORD our investigative report on the terrorist attack against the U.S. mission in Benghazi, Libya, that claimed the lives of four Americans who were serving our country. This report is indeed the last initiative the chairman and I will produce together. It is the final work product of 10 years of cooperation and collaboration and was authored in the same bipartisan spirit as our investigations into the attack at Fort Hood and into the Government's response to Hurricane Katrina, among many others.

I will so miss working with Chairman LIEBERMAN. He is an extraordinary Senator who has contributed so much during his years in the Senate and as a leader of our committee. Sadly, our last official act together was prompted by the terrorist attack in Benghazi on September 11 of this year that took the lives of our Ambassador and three other brave Americans. Our findings and recommendations are based on the extensive investigative work the committee has conducted since shortly after the attack of September 11, 2012, including meetings with senior and midlevel government officials; reviews of literally thousands of pages of documents, both classified and unclassified, provided by the Department of State, the Department of Defense, and the intelligence community; a review of written responses to questions posed by our committee to numerous agencies; our consultations with security experts and former officials; and our review of publicly available documents.

Our investigation found that the terrorists essentially walked right into the Benghazi compound, unimpeded, and set it ablaze due to extremely poor security in a threat environment that was indeed ''flashing red,'' in the words of a high-ranking State Department official.

As we all recognize, the ultimate responsibility for this atrocity lies with the terrorists who attacked our diplomats. Nevertheless, there are several lessons we must learn from this tragedy if we are to make our diplomats

safer in the future. It is in that spirit that we are putting our unclassified report into the RECORD so that we can share it with our colleagues and with the American people. We will have more to say about our specific findings and recommendations when we release the report tomorrow.

In the months leading up to the attack, it was well known in Washington that Benghazi was increasingly dangerous and at risk for a significant attack.

Our mission facility in Benghazi was itself the target of two prior attacks involving improvised explosive devices, including an April attack in which one current and one former contract guard at the facility were suspects, and a June attack that blew a hole in the perimeter wall.

There were also multiple attacks on other western targets, including a June attack in which a rocket propelled grenade was fired at the convoy of the British ambassador to Libya, injuring two British bodyguards. Yet, the State Department failed to take adequate steps to reduce the facility's vulnerability to a terrorist attack of this kind.

While the Department and the Intelligence Community lacked specific intelligence about this attack, the State Department should not have waited for—or expected—specific warnings before increasing its security in Benghazi, a city awash with weapons and violent extremists.

Our report also underscores the need for the Intelligence Community to enhance its focus on violent Islamist extremist groups in the region to improve the likelihood of obtaining such intelligence.

The lesson about over-dependence on such intelligence, however, is not new. The independent Accountability Review Board reports following the 1998 attacks on our embassies in Africa found that ''both the intelligence and policy communities relied excessively on tactical intelligence to determine the level of potential terrorist threats to posts worldwide,'' yet prior security reviews and ''previous experience indicate[d] that terrorist attacks are often not preceded by warning intelligence.'' The State Department must finally take this lesson to heart.

The State Department failed to implement adequate security measures to account for the fact that there was no reasonable expectation that the host government—Libya—would protect our diplomats. There was an overreliance on the rule of international law when Benghazi was operating under the rule of militias outside the effective control of the central Libyan government.

The unreliability and conflicting loyalties of the Libyan militia and the unarmed Blue Mountain guards hired to protect the facility are deeply troubling, especially since this problem was recognized long before the attack. Despite evidence that they were not dependable, American personnel were forced to rely upon them far too much. For example, in August, State Department personnel in Benghazi stated that ''[m]ission opinion is that Libyan security forces are indifferent to the safety needs of the U.S. mission.'' This proved all too true.

When a host nation cannot adequately protect our diplomats, the State Department must provide additional security measures of its own, urgently press the host government to upgrade its security forces, or remove U.S. personnel until appropriate steps can be taken to provide adequate security. It is telling that the British government removed its personnel from Benghazi after the attack on its ambassador.

Too often, the State Department failed to sufficiently respond to—or even ignored—repeated requests from those on the ground in Benghazi for security resources, especially for more personnel.

Ironically, the challenges facing the security personnel in Benghazi were well summarized in a March 2012 write-up from the top U.S. security officer in Benghazi as he sought to recognize his security agents with a meritorious honor award. The official justified the award based upon the fact that, ''Agent ingenuity took over where funding and Department restrictions left off.''

The temporary and junior security personnel in Benghazi pleaded for more help from Washington and Tripoli, but they were forced to make do on their own.

The Department must also reassess its local guard programs, particularly the use at high-risk posts of local guard contractors who do not meet standards necessary for the protection of our personnel or facilities.

I have previously noted the parallels and repeated mistakes identified in the report on the 1998 bombings of our embassies in Kenya and Tanzania, and we include several of these in our report. One of the recurring lessons is that the President and Congress must work together to ensure that we appropriately fund security for the State Department.

We have seen finger pointing about the lack of resources for embassy security, but the budget is a shared responsibility. The inadequate security in Benghazi was a product of both budgets approved by Congress and of the desire of the administration for a light footprint.

Overall, appropriations for the Department of State's security have increased by 27 percent since 2007 and Congress has generally been responsive in providing supplemental and Overseas Contingency Operations—OCO—funds to the Department of State. But, there was no supplemental or OCO request made by the President for additional embassy security enhancements in the last three years.

The administration must reevaluate its budget priorities, and since the Benghazi attack, Secretary Clinton is undertaking such a review. She has asked to reprogram $1.4 billion of the FY13 budget request to jump start this effort.

The lack of resources is just one of a number of factors we identified in our report that contributed to a perfect storm on the night of September 11.

Our report also calls for the State Department to work more closely with the Department of Defense and the intelligence community to improve the security of our diplomats in high-threat areas when our national interests require their presence. When a host nation cannot protect our personnel, the Department of State must work more effectively with the Department of Defense to assign and deploy military assets, such as Marine Security Guards, and plan for contingencies in the event of an attack.

One of our findings is that, while the Defense Department attempted to mobilize its resources quickly, it had neither the personnel nor other assets close enough to reach Benghazi in a timely fashion. Indeed, as we learned, the Combatant Commander of U.S. Africa Command did not have complete visibility regarding the number of U.S. government personnel in Benghazi who would require evacuation in the event of an attack.

Our diplomats are increasingly being called on to serve in dangerous posts, in countries where emerging democracies lack the ability to protect U.S. personnel and where terrorists and extremist factions harbor antipathy toward the West. The U.S. cannot afford to retreat entirely from dangerous places where our country's interests are at stake, nor is it possible or smart to transform every diplomatic post into a fortress.

The absence of reasonable time-tested security measures is, however, unacceptable in such high-risk countries. When a host nation cannot adequately protect our diplomats or if the State Department and other U.S. agencies cannot work together to provide appropriate security, we cannot ignore the option of temporarily removing U.S. personnel until appropriate steps can be taken to provide adequate security.

Finally, our report concludes that the attack in Benghazi was recognized as a terrorist attack by the intelligence community from the beginning.

Nonetheless, administration officials were inconsistent in stating publicly that the deaths in Benghazi were the result of a terrorist attack. If the fact that Benghazi was indeed a terrorist attack had been made clear from the outset by the administration, there would have been much less confusion about what happened in Benghazi that terrible night. The attack clearly was not a peaceful protest in response to a hateful anti-Muslim video that evolved into a violent incident. It was a terrorist attack by an opportunistic enemy.

This, too, is not a new lesson. One of the key lessons of this Committee's 6-

year focus on the threat of violent Islamist extremism is that, in order to understand and counter the threat we face, we must clearly identify that threat. We have repeatedly expressed our disappointment in the administration's reluctance to identify violent Islamist extremism as our enemy—while making the sharp distinction between the peaceful religion of Islam and a twisted corruption of that religion used to justify violence. The administration's inconsistent statements about whether this was a terrorist attack are symptomatic of this recurring problem. We hope this lesson will finally be heeded.

Ultimately, it is with the goal of enabling continued U.S. engagement around the world to support our own national interests that we offer our findings and recommendations regarding the terrorist attacks in Benghazi, Libya, on September 11, 2012. The men and women who serve our country in dangerous posts deserve no less.

Mr. President, I thank the chairman for his extraordinary work on this very important project.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. MANCHIN. Mr. President, first, I thank both of my colleagues for their diligent work. They committed themselves to this work, and I appreciate it. They keep us all informed.

(The remarks of Mr. MANCHIN pertaining to the introduction of (S. 3714) are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

INCREASING AMERICAN JOBS THROUGH GREATER EXPORTS TO AFRICA

Mr. DURBIN. Mr. President, I rise with the intention of asking consent for the immediate consideration of passage of S. 2215, the Increasing American Jobs Through Greater Exports to Africa Act that I have introduced in the Senate with Senators BOOZMAN, COONS, CARDIN, and LANDRIEU. It is being sponsored and led in the House of Representatives by Congressman CHRIS SMITH and Congresswoman KAREN BASS.

It is a straightforward and bipartisan bill that tackles a very serious problem by specifically making sure that American companies have the ability to compete in the growing African market. Economists have called this the next frontier, and it is hungry for American goods and services. It is also a market that others are competing for too often at the expense of American businesses, American employees, American products, and American values.

China, in particular, has an aggressive strategy to help its companies invest in Africa, leaving a troubling footprint across the continent of its economic, labor, environmental, and governance values and standards. The loss to American workers and American influence on the continent is enormous and inexcusable. That is why we introduced this bill to make sure a senior administration official brings desperately needed coordination and leadership to the U.S. export strategies in Africa. It also makes sure the various agencies, such as the Department of Commerce, the Export-Import Bank, the Department of State, and others are fully engaged in helping foster U.S. investment in Africa.

For months we have been working with various committees of the House and Senate on this effort. I want to notably thank JOHN KERRY of Massachusetts and Senator DICK LUGAR of Indiana for seeing its unanimous support through the Foreign Relations Subcommittee was secure—as well as the Banking and Financing Committees for their help in allowing us to go forward.

The bill cleared the hotline on the Democratic side some time ago, and we worked with a number of our Republican colleagues to address many legitimate concerns. So imagine my disappointment at this closing hour when I learned that there is a new Republican hold blocking this bill at the very last minute.

Mr. President, you have been to Africa. You know what we are facing. This is a continent which is emerging in the 21st century in a way that we never imagined. It is surprising to some to learn that when they try to project forward where the economic growth in the world will occur in the next 10 or 20 years, 60 percent of that growth will be in Africa. Many people still view it in a stereotypical context of some backward continent of people with limited resources and limited ability. Nothing could be further from the truth.

Africa is going to emerge in the 21st century. The question is, Will the United States be there as a trading partner sharing not only our goods and services but our values? We ought to take heed to the fact that the Chinese are there, and their role is growing. If we step back and allow the Chinese to master this continent at our expense, we will pay for it for generations. They will literally have ensconced themselves in this economy in so many different ways.

Currently, they are making what they call concessional loans, which means discount loans. If they want to build a stadium in Addis Ababa, Ethiopia, go see the Chinese. If they need to borrow $100,000 or $100 million, whatever it happens to be, they will give it to them. They just need to pay them back 70 percent of what they borrowed—only 70 percent. How could the Ethiopians say no?

Then the Chinese say: On one condition; the contractor is going to be from China and at least half of the employees will be Chinese employees, as will the engineering firm, the agricultural firm, and all of the different agencies of the private sector that come in to build this stadium. Then when it is finished, they don't leave. They stick around to bid on the next project. They become an integral part of the economy of that nation at the expense of the United States.

What should we do about it? Nothing? After hearing this story in Ethiopia, I came back and gathered the American agencies that promote exports to Africa. It turned out there were a half dozen of them. They were glad to see one another. They don't get together that often. I asked them what they were doing. They said they each have concerns, and they are doing a little of this and a little of that but no coordination.

How many speeches have we heard about the waste of government and taxpayer dollars because of the fumbling and uncoordinated effort by our government. That is why I introduced this bill to avoid that.

The purpose of this bill is to dramatically increase exports to Africa, to use existing resources at existing agencies to achieve it, and to make sure that at the end of the day we create more jobs in America and more businesses successfully exporting goods and services to that great continent. At the end of the day, the Africans will have quality products, goods, and services, and there will be more jobs in the United States. What is wrong with that equation? Obviously, there is at least one Senator who thinks it is a bad idea, and he has put a hold on this bill after I spent months working to clear it through all of the committees in the hopes that we could have this bipartisan bill.

This is a bill that is supported and sponsored by Republican subcommittee chairman CHRIS SMITH over in the House of Representatives. This is supposed to be what we are about—to come up with a bipartisan effort, an effort that will create jobs in America, coordinate existing agencies, and open new markets for America's goods and services that will benefit every State in the Union. That is what I set out to do.

I am so close to getting it done. One Senator is going to object. It is unfortunate after all of the work we put into this that they would stop this bill. I hope the Senator will reconsider his position. I have an official request that I am going to make at this point.

I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 536, S. 2215; that the committee-reported substitute amendment be withdrawn; the Durbin substitute amendment which is at the desk be agreed to; the bill, as amended, be read a third time and passed; the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to this measure be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

The Senator from Pennsylvania.

Mr. TOOMEY. Mr. President, reserving the right to object, I wish to make just a couple observations and explain why I am going to object.

First, for the record to be clear, it is my understanding this measure—and there is no question the Senator from Illinois has put a great deal of work into this. All his motives are absolutely commendable and legitimate. The measure itself, I believe, has not gone through a markup in the Banking Committee. There are many Members who have serious concerns about this particular bill for which the unanimous consent request is being made.

More broadly, about the Ex-Im Bank—in fact, I would argue this bill and this unanimous consent request puts a light on one of the concerns many of us have with the Ex-Im Bank in the first place. Let's remember what the Ex-Im Bank is. This is a taxpayer subsidy for large corporations to export products. I am a big fan of trade. I am a big fan of exports. I am not a fan of taxpayers having to subsidize the activity, and some of us, myself very much included, believe it ought to be a very high priority of this and any other administration to work for the mutual end of these taxpayer-subsidized export vehicles all around the world. They exist in other places as well, and that is the excuse that is usually given for why we have to also subsidize our corporations on their exports. I don't think that is a very good argument. I would certainly prefer to see a broad curtailment and eventually the end of this process; whereby, Europeans and Asians and Americans all engage in this flawed policy of subsidizing their respective corporations' export efforts.

Here is what happens with this bill, and this is exactly the kind of thing that happens when the government sets up a political venture to engage in economic activity. It gets politicized. Someone comes along with perfectly good motives and good intentions and decides there is some category of activity that is more important than other categories of activity. In this case, it is a geographical prioritization that the Senator from Illinois wishes to make by requiring a certain amount of business be transacted in Africa. I suspect there are people in this body and in other places who would make similarly persuasive arguments that there are places in Asia that ought to get this special treatment which the Senator from Illinois is recommending, and there are other people who would suggest maybe it shouldn't be a geographically based preference, but it ought to be a product line-based preference or it ought to be driven by the number of American workers who are involved in whatever it is that is being exported.

I can imagine all kinds of export criteria by which political forces could decide that the Ex-Im Bank ought to have special treatment in special categories, all of which simply distorts the normal market activities that would actually optimize exports, economic growth, and job creation.

So despite all the good intentions and the hard work done by the Senator from Illinois, I think this specific policy would be a mistake. More broadly, I think we are not yet on the right path of curtailing the taxpayer obligation for these export subsidies.

For that reason, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Illinois.

Mr. DURBIN. Mr. President, I wish to clarify a few things. The Parliamentarian referred the bill to the Senate Foreign Relations Committee. It was reported favorably by that committee. It was referred to the Senate Banking Committee, but I made a point with Senator BOOZMAN, our colleague on the Republican side, of taking this bill to the Banking Committee, which clearly shows this is not an attempt to go around this committee. I have the greatest respect for the Members of the Banking Committee on both sides and we have done our best to work with them.

Secondly, this argument that we have to get out of the business of having government support for business activity is a naive argument. Let me give just a couple numbers to reflect on, when it comes to the future of our chances of American businesses working successfully to export to Africa.

Right now, the Export-Import Bank of the United States has supplied the support of about $1 trillion in 2011 for all exports to Africa. Some of these are guarantees on loans. Some of them allow for lower interest rates because the guarantees do exist. But let me tell my colleagues what is happening with the Chinese at the same time. While we are putting in $1 trillion in Africa, the Chinese are putting in $12 trillion. Who is going to win that competition? When it is all over, who will win that competition? By a margin of 12 to 1 the Chinese will win it. Many of those who say they support business and new jobs for America basically want to abandon the field and walk away from it. They want to let the Chinese take it away: We are going to play free market, that is all; no government involvement. We are just going to have a flatout arms' length transaction with these countries—and we will end up with fewer jobs in America, fewer exports to Africa, fewer businesses working on that continent.

Some people say: Why did you pick Africa? Of all the places, we could have picked Asia or all these different places. When we take a look at the indicators, the African Continent is undergoing a period of rapid growth and middle-class development that most Americans aren't even aware of. In the year 2000, 6.7 percent of the population of Africa had access to the Internet. Talk about the Dark Ages: 6.7 percent, in 2000. By 2009, it had grown from 6.7 percent to 27.1 percent of the population with access to the Internet. Seventy-eight percent of Africa's rural population now has access to clean water. Our images of a backward continent are just plain wrong. Our opportunities are unlimited but not if we ignore the reality. The Chinese are going to outthink us and outwork us and we are going to lose and we will ultimately say: We are pure of heart. We are not going to have our government in this. The Chinese may want to do it. We will just give up the jobs that could have come to America. We will give up the opportunity for businesses to export to Africa from the United States. What a terrible outcome that is. It truly is shortsighted. It argues for a good economic theory but one that doesn't reflect the reality of the world we live in today.

After all these months of hard work by a bipartisan group of Senators and Congressmen, we come down to one objection. That is how the Senate works. I know it and I respect it. Each Senator has a right to make an objection. I wish to applaud my colleague from Pennsylvania for coming to the floor and saying it in his own words. Many times this is done in secrecy without any disclosure of who is behind a hold or an objection, and I salute the Senator from Pennsylvania for his honesty in coming to the floor, even though we obviously disagree on this important issue.

THE FISCAL CLIFF

Mr. DURBIN. Mr. President, it is hard to imagine we are a little over 24 hours away from going over the so-called fiscal cliff, which occurs at midnight on December 31—tomorrow. This cliff is self-imposed. It is a penalty we voted for if we fail to deal with the deficit our Nation faces. Unfortunately, as of this moment, we have not reached an agreement to avoid it. I haven't given up hope. Conversations and negotiations continue all through this day and I am sure into tomorrow, and I hope by the end of tomorrow night we can celebrate the end of this year and the beginning of a new year with good news for the American people.

This is exactly the wrong time for us to go over this cliff. We are in the midst of an economic recovery. We are seeing new job creation. Businesses are seeing new growth. We are seeing the kind of economic indicators we have been waiting for, for years. Going over the cliff is going to bring uncertainty to our markets and, with that uncertainty, a pullback in consumer confidence and a reduction, I am afraid, in business activity and in the creation of new jobs.

There are sensible ways to avoid it. The President has suggested one. In addition to spending cuts, we need to increase revenue to reduce our deficit. The President said let's have the tax rates which applied during the Clinton administration—a time of great economic expansion—apply to those making over $250,000 a year. That is only 2 percent of the population, but it generates hundreds of billions of dollars in savings over a 10-year period of time. There has been resistance from the

other side of the aisle, and we are in active negotiation with the Republicans now as to what we can do to raise revenue to reduce our deficit.

We are also talking about some other elements that trouble me. One of them is the estate tax. The estate tax is a tax paid by very few Americans. Less than 1 percent of those who die each year pay anything to the Federal Government on their estates because most people don't have an estate large enough to qualify for estate tax liability.

There was a long debate for many years on this issue, and Frank Luntz and some of the Republican advisers masterfully came up with this term the ''death tax'' and they created this impression among a lot of people that this tax—the estate tax or death tax—would be imposed on virtually everyone. In fact, when I went to O'Hare Airport once to check in curbside, where people can do that, one of the United Airlines attendants took my baggage, saw the name tag on it, and said: Senator, please do something and protect me from the death tax. I wanted to stop and tell this hard-working gentleman he would have to win the lottery to pay the death tax, as he called it. It is reserved for a small number of people in this country who have done very well in life and end up paying a tax ultimately on the increase in value of many of the assets they bought during the course of their life.

Having said that, it has become part of our deficit negotiation. I am troubled by the notion we are somehow going to give a tax break to some 6,000 very fortunate Americans and incur a new expense for our Federal Government of some $130 billion or $140 billion in the process. What are we thinking? At a time when we have to try to bring together the resources to reduce our deficit, why would we want to give a new bonus break for the wealthiest people in this country when it comes to the estate tax? That, to me, would be a step backward. I hope we aren't forced into any agreement that includes it, although I stand here knowing full well if there is an ultimate compromise, there will be parts of it I find disgusting and reprehensible which I may have to swallow in the name of finding a compromise that will avoid this fiscal cliff. That is the nature of a political compromise. I hope that one isn't included, but it may be.

In addition, we have to do things that are important for this economy and one of the most important is to make sure we extend unemployment benefits for the long-term unemployed. If we don't act and act quickly, 2 million Americans will lose their unemployment benefits tomorrow—2 million. These people are literally struggling to get by and keep their families together while they look for a job. We should make sure this stimulus—the money for unemployed families—continues, so while they are trying to find a job or, in fact, going through new education and training, they have a helping hand. That is who we are as Americans and we ought to include it in any package that avoids this fiscal cliff.

Beyond that, there is much work that needs to be done beyond the fiscal cliff. This negotiation does not go deeply into deficit reduction, and I think we need to. I was a member of the Simpson-Bowles Commission. I salute my colleague KENT CONRAD of North Dakota, who is retiring in just a few days, for his amazing leadership in bringing us to this moment in this national debate, but we still have much work to do, and I am sorry KENT will not be here to be personally part of it. I have viewed him as an almost irreplaceable resource in this debate. He knows more about our Federal budget and the deficit challenge we face than any Member of Congress, period. All the rest of us have learned so much from him, and we are certainly going to miss him.

We need to continue this effort he started to reduce the deficit. We need to look seriously at our entitlement programs so at the end of the day we meet our obligation to future generations. Social Security is solvent for 20 years. We should make it solvent for 75, and we can do it; if we face it today, we can do it. I think we ought to have a separate commission taking a look at this challenge, reporting back to Congress and entertaining alternatives and substitutes on the floor that are certified to meet the same goal. That is important.

We also know in 12 years Medicare will not have the resources it needs to meet its obligations. Forty or 50 million Americans depend on it, literally, for their life-and-death issues when it comes to health care. We need to work on that immediately to deal with reducing the cost of Medicare while still protecting the integrity and promise of that amazing program that has served us so well for almost 50 years.

We have a challenge ahead of us. First, let's work together on a bipartisan basis to try to avoid this fiscal cliff; if we cannot, let's work as quickly as we can to get back on our feet, on a bipartisan basis, and come up with an agreement that moves our economy forward. Finally, let's deal with deficit reduction and long-term entitlement reform. That is part of our obligation.

I spoke to our Senate Democratic caucus a little earlier today about the terrible problems we face in Illinois, with one of the lowest credit ratings in the Nation, primarily because our pension systems are underfunded. For more than four decades, Republican and Democratic Governors have ignored the challenge, as have many leaders in our general assembly. And now the responsibility falls on this generation of leaders to try to deal with a vexing situation where it would take literally one-third of our State budget to meet the unfunded liabilities of our pension systems.

We cannot let that happen at the Federal level. Whether it is Social Security or Medicare, we need to make the thoughtful choices, the thoughtful advances in these programs today that protect them for generations to come.

Mr. President, I yield the floor.

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

THE FISCAL CLIFF

Mrs. HUTCHISON. Mr. President, we are here just hours before a looming deadline that is going to affect just about every American in some way, and I do believe both sides of the aisle and both sides of the Rotunda want to come to a conclusion that will keep us from having what looks like a complete meltdown of governing in Washington.

Someone asked the question in one of our conferences: When was the last time Congress was in session and voting between Christmas and New Year's? The answer was, since 1970 there has not been such a session. And it has actually happened only four times in the history of our country, and two of those times were dealing with World War II.

So I think the enormity of the issue is very clear, and that is why we are here. I think we should have done this 6 months ago, a year ago. I think all of us agree we should not be here at this last hour still trying to negotiate a point at which so many Americans are going to be more heavily taxed.

I was pleased to see that the distinguished deputy leader on the Democratic side talked about the three areas we have to address, and deficit reduction is most certainly one of them because we are facing a ceiling of a $16.4 trillion debt that is getting ready to be exceeded. So, yes, deficit reduction and entitlement reform are two areas we must address.

This country cannot continue to have Social Security and Medicare spiraling toward insolvency. We cannot do it. But it is going to take a bipartisan approach. It is not rocket science to see that we have a Democratic Senate, a Republican House, and a Democratic President, and that is going to be the same starting January 3 of next year for at least 2 more years. So we know what we are dealing with, and I think it affects us right now in the fiscal cliff negotiations because we are not going to do anything unless it is bipartisan. We will not be able to pass anything in the House that does not have significant Republican votes in the Senate, and the Democrats in the Senate are not going to be able to support something that will not require some votes of Democrats in the House.

So we are together—maybe it is like a dysfunctional family, but we do have to work together because without bipartisanship, nothing is going anywhere. Therefore, I think you have to go back to negotiations 101, which is that someone in a negotiation has to win some and lose some. The other party in a negotiation has to win some

and lose some. The President is not going to get everything he wants. The Republicans in the House and Senate are not going to get everything we want, nor are the Democrats in the House and Senate.

So we have areas where we can come together, and I have seen it. All of us were talking in the last couple of hours about how we have talked to our counterparts on the other side of the aisle about what could bring us together, and there are very clear areas where we can come to an agreement.

We are not going to be able to negotiate all parts of what we must do to get our financial house in order. We are not going to be able to do tax reform in a comprehensive way, we are not going to be able to do the fixing of and reforming of our entitlement programs, and we are not going to be able to set all of the spending cuts we are going to have to do going forward right here in the next 36 hours. We cannot do it. That has to be done on a basis of determining after many hearings what our priorities are and what the ceiling on spending should be. We must set a ceiling. Is it 18 or 20 percent of gross domestic product? Is it some amount that goes down each year? That is the question that has to be decided after a lot of discussion next year.

But what we can do is avoid a fiscal calamity by not having the sequestration take place on January 2 at midnight—but make that for a very short term. It cannot be 2 years of a moratorium on sequestration because then we would not get to where we need to be in determining the priorities that will lower the rate of spending in this country. Our problem in this country is a spending problem, and with a $16.4 trillion debt, more spending is not going to be the answer.

So let's look at a very short-term avoidance of sequestration because we do not want to disrupt our military when they have boots on the ground in harm's way. We would not do that. We would not do it on either side of the aisle. So we need to talk about some short-term sequestration avoidance but not a long-term one because there are things we can cut in the military budget that will not affect the equipment and the pay and the living conditions of our military. We can cut other things. So we have to be able to come to terms with not having sequestration but making it very short term.

I think it is clear the President has wanted to increase taxes on what he considers the wealthy. I disagree with the President on what is wealthy, and I hope we can come to terms. Even the President has said a $400,000 threshold is something he could accept. Many on the other side of the aisle have said $500,000 or $600,000—$400,000 or $500,000 or $600,000 is something they could work with. And if we do some other things, I believe we could come to a consensus—not something that we like because I do not think we ought to raise taxes on anyone, and I have certainly voted that way, but there is some area where we can have a fix that will keep us from having to go over this cliff and hurt so many people in this country.

I think it is so important that we look at the big-ticket items in a comprehensive way, knowing that we are going to have to do that next year. But there are things we can do right now. I do not know 1 person out of 100 here who wants the AMT to take effect and cause people who make $33,750 to have to pay more taxes. I think we should do away with the AMT completely, but certainly it should not kick in at $33,750. We need to fix it, and I think everybody here agrees we need to fix it.

The distinguished deputy leader was talking about the death tax. Now, he does not think we should fix the death tax. I certainly do. If we go to a $1 million exemption and a 55-percent tax, I think that is going to hurt family-owned businesses, it is going to hurt farms and ranches, and it is going to hurt the people who work for those family-owned businesses. Why is that? It is because the value of farms and ranches, which is land, does not have a revenue stream that allows you to pay the tax. So what do you have to do? You have to sell an asset, but you cannot get the full valuation that is put on it. You cannot do it. I have owned a manufacturing company, and I can tell you, you cannot sell the equipment for the value that is put on that piece of equipment. So what happens to a family-owned business? They end up having to sell at pennies on the dollar to pay the tax, and people are put out of work. Is that really what we want?

The exemptions we have now are $5.1 million and a 35-percent rate. It would go to $1 million—in 36 or 48 hours—$1 million and a 55-percent rate. And remember, the death tax is a tax that has already been paid again and again and again. It is a tax on the value of the equipment or the land that has already been taxed with a property tax or a sales tax on the equipment.

So there is a reason to have some accommodation in the death tax so that we will not face more unemployed people who worked for a family-owned business or farm, and if it is not the No. 1 issue of the Farm Bureau of this country, it certainly is in the top two or three because they know—they know—what it is like to have to sell land at a value that is not realistic and pay a tax. And a 55-percent tax is pretty confiscatory.

So I do hope we can come together on a bipartisan basis because if we do not come together on a bipartisan basis, nothing will get done, because we have the House that is looking to the Senate, which is supposed to be the adult in the room, and they are looking at us to see how the votes turn out, and we need a large majority on both sides of the aisle to send to the House something that has a firm stamp of approval of this body.

We need the President to be a player here as well. I am encouraged that he is now talking to our leaders and hopefully being constructive. And certainly our Vice President, who served in this body for so long, does understand the importance of the one-on-one talks, and he is talking to, I know, our leader and most certainly the Democratic leader as well.

So the hour is getting late, both figuratively and literally. We do not have much time to settle an issue that will affect the economy of this country.

Last but not least, I am sure the President does not want to have a calamity like this happen on his watch. And I do not want, on my watch, as one who is leaving the Senate this year, for this to be the last thing that happens on my watch. I do not think anyone here is going to benefit from a calamity happening in this country's economy—even for a few days—because it just looks as though we cannot govern.

It is time to realize that on a bipartisan basis we can do some things that will not be universally liked. It will not be liked by everyone in this room because we are not going to get everything we think is right. But we can move our country forward. We can help everyone in this country, every taxpayer.

But we are not going to raise taxes to spend more. We should be saying, OK, if there is going to be a threshold that pays more taxes, we should know it is going to bring down the deficit. That is a very important point that we hope will be determined at the end of this road in 36 to 48 hours.

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

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

DEFENSE APPROPRIATIONS

Mr. SCHUMER. Mr. President, I am pleased that on Friday, December 28, the Senate passed H.R. 1. I would like to outline some of the goals that I and many of my colleagues from New York have for this legislation. As you know, the Senate Appropriations Committee under the leadership of the late Chairman Inouye and now Chairman MIKULSKI, has put together a very robust and flexible bill that will help many victims of our damaged States, from housing to small business to transportation. The depth of the devastation to New York was significant—some estimate nearly $100 billion in damage.

When I saw whole neighborhoods in my State washed away, it was clear that significant Federal disaster funding was necessary. Although it has been 2 months since Hurricane Sandy ravaged New York, I am pleased the Senate has passed H.R. 1, with more than $60 billion in Federal funding to

aid homeowners, small businesses, hospitals, and New York's critical public infrastructure.

I spent hours with New Yorkers after the storm, and I thank my Senate colleagues for hearing their pleas and ensuring that the Federal Government has stepped up to help them in this terrible time.

I hope that our colleagues in the other body will swiftly pass H.R. 1. New Yorkers have already been waiting too long.

I would like to describe how H.R. 1 will provide Federal relief to the victims of Hurricane Sandy.

Shortly after the storm subsided, some claimed that the FEMA disaster relief fund had enough funds and that a supplemental appropriation could wait. I could not disagree more and fought hard to ensure that the bill we have today was brought to the Senate floor. H.R. 1 includes $11.5 billion for the disaster relief fund to support disaster response and recovery needs of our local governments and first responders.

H.R. 1 includes $17 billion for the community development block grant for victims of Hurricane Sandy who have lost their homes or businesses. FEMA will provide repair funding of $31,900, but for many of the 300,000 New York homeowners with significant damage, the CDBG funds are essential to cover their uninsured losses. These funds can also be used for the critical mitigation projects, such as flood proofing so that these same homeowners will be safe when the next storm comes.

H.R. 1 provides $5.4 billion in Federal funds to the Army Corps to fortify our New York coastline. From Staten Island to Montauk, the coast of New York is vulnerable to future storms. The following projects were never fully constructed due to a lack of funding and will now be eligible: South Shore of Staten Island; city of Long Beach; Rockaway beach; Coney Island; Fire Island to Montauk Point; Gilgo and Robert Moses beaches; and Asharoken Village.

As was said throughout debate on H.R. 1, disaster funding is also about prevention. It is essential that the Army Corps conduct a comprehensive flood protection study of the New York Harbor region. I hope they will get to work immediately once the bill becomes law.

H.R. 1 will also build a bridge back to profitability for our small businesses. Thousands of small business owners were inundated by Hurricane Sandy endured total destruction or interruption of commerce for days and weeks. Like we have in other storms, the community development block grant funding provided in H.R. 1 should be used for a small business relief program to boost the region's ailing posthurricane economy. I will be watching to make sure that New York small businesses who need assistance receive it.

H.R. 1 will allow for the hardening of New York's Electric Grid. I believe it is critical that drastic rate increases are prevented. The Long Island Power Authority and Con Edison need help elevating substations, installing smart grid sensors, and building stormproof poles. The duration of power outages in New York was one of the worst catastrophes of Hurricane Sandy, and we hope that these funds will mean New Yorkers never have to experience that again.

H.R.1 also will protect and improve the gasoline infrastructure in New York Harbor. Hurricane Sandy's wrath destroyed unprotected gas terminals and pipelines in New York harbor and gas shortages brought whole communities to their knees. Federal mitigation funding should and must be used to protect our gasoline infrastructure from the next storm by providing backup power and booster systems for facilities like the Buckeye pipeline.

H.R. 1 includes $10.8 billion for public transportation. New York has one of the largest public transit systems in the country and suffered over $5 billion in damage from the storm. Experts have said that much of this damage could be prevented in the future with new mitigation techniques H.R. 1 provides to ensure that our transit systems build subway seals, erect flood gates in tunnels, and establish advanced drainage systems.

H.R. 1 also includes $200 million for the Department of Health and Human Services. I hope that at least $150 million will be provided to the National Institutes of Health for repair and recovery of New York University's medical research program. The Smilow Research Center is one of NYU's three animal research facilities, and because of Hurricane Sandy, an untold amount of medical discovery and hard work has been lost. According to NYU, an estimated 10 million gallons of water poured into the ground and the basement of the institution, bending 3-inch steel doors in half, washing away walls as well as sandbags, and destroying everything in its wake.

Because of a power outage, the animal labs went dark where the best and brightest researchers search for cures and treatments. The center held specimens critical to NYU scientists' research in heart disease, cancer, and neurodegeneration. Dr. Francis Collins, the head of the NIH, said this: ''The damage is truly appalling. The infrastructure has been essentially obliterated.'' I appreciate how much assistance the NIH has already provided to NYU's researchers, and I will continue to ensure that NYU can be rebuilt.

H.R. 1 also includes Federal funds through FEMA and through the HHS social services block grant to help New York's hospitals. Hurricane Sandy caused 36 health care facilities to be closed completely, including 4 hospitals, 17 nursing homes, and 4 health clinics. It is essential that FEMA and New York State do everything they can to help our health care facilities get back on their feet.

In the blink of an eye, the Atlantic Ocean turned from our greatest natural resource into a nightmarish monster, but with the Senate passage of H.R. 1, New York is on its way to recovery.

TRIBUTES TO DEPARTING SENATORS

RICHARD LUGAR

Ms. MURKOWSKI. Mr. President, I rise today to speak on behalf of my friend and colleague Senator DICK LUGAR, who is retiring from the Senate at the end of this year.

Senator LUGAR has been a good friend to me in the decade we have served together. As the Chamber's most senior Republican he has been a mentor to me, and when I first came to the Senate he was also my Chairman on the Senate Foreign Relations Committee. I have been proud to work with him on a number of foreign policy issues, including those affecting the United States as an Arctic nation like the Law of the Sea Treaty.

We have also worked together on energy issues. Senator LUGAR's Practical Energy Plan is a thoughtful bill to strengthen our energy security. On this bill, as on all other issues throughout his Senate career, Senator LUGAR worked to develop practical solutions to the challenges we face regarding energy.

Senator LUGAR is the longest serving Member of Congress from his home State of Indiana. He graduated first in his class from Shortridge High School in Indianapolis and after attending college, he began his service to our country as an intelligence briefer in the U.S. Navy. He later served as mayor of Indianapolis, on the U.S. Advisory Commission on Intergovernmental Relations, and as President of the National League of Cities before beginning his 36 year Senate career.

He has clearly served the people of Indiana well. Just last month, the Indianapolis Monthly Magazine published ''By the Numbers: Richard Lugar's Legacy,'' which listed many of Senator LUGAR's accomplishments. The article noted that Indianapolis gained 57,000 jobs during Senator LUGAR's tenure as mayor and 7,500 nuclear warheads were deactivated as a result of the Nunn-Lugar program. According to the article, Senator LUGAR has cast more than 13,000 votes in the Senate and worked with 7 different Presidents. He has been recognized for his service with the Guardian of Small Business award, the Spirit of Enterprise award, the Watchdog of the Treasury award, and more than 45 honorary degrees from colleges and universities in 15 States and the District of Columbia. The American Political Science Association got it right when they named him an Outstanding Legislator, and he won his last general election with 87 percent of the vote.

I will miss Senator LUGAR's friendship, commonsense approach to getting things done, and commitment to the

people of Indiana and the people of the United States. I will miss his always congenial personality and his gracious and respectful manner towards others. I will close by noting what I think may be the biggest accomplishment noted by Indianapolis Monthly Magazine, his 56-year marriage to his wife Char. I wish them the best in the coming years.

KAY BAILEY HUTCHISON

Mr. President, I rise today to honor my colleague and friend from the State of Texas, Senator KAY BAILEY HUTCHISON, as she prepares to retire from the Senate after almost 20 years serving her beloved State. I have been honored to serve with Senator HUTCHISON and will truly miss her presence and the guidance she has shared over the last 10 years.

Senator HUTCHISON is a Texan through and through. She is the descendant of Texas pioneers, which might account for the fighting spirit she has displayed here in the Senate. She is a trail blazer, and in finding her own path broke barriers and overcame the challenges she faced early in her career. She was one of only 13 women in a class of nearly 400 who graduated from the University of Texas Law School in 1967. After graduating, she faced a harsh reality of the time as no law firm in Houston would hire a woman; however she did not let this break her spirits. In 1972 she became the first Republican woman elected to the Texas State House, where she learned the value of bipartisanship, working across the aisle to address the inequities and stigma that rape victims faced in the legal system—and carried legislation which would become a model for states across the country. This is one of the many reasons I have come to respect and admire the senior Senator from Texas—her ability to bring people together to benefit those we serve.

After being elected Texas state treasurer in 1990, she again made history in 1993 by becoming the first, and only, woman to be elected to the Senate from Texas. Here in the Senate, she has been a champion for our military forces, serving on the Intelligence and Armed Services Committees, and as chairman and ranking member of the Military Construction and Veterans Affairs Appropriations Subcommittee. In those roles she has worked to ensure our servicemembers and their families have the support they need. She has also made major contributions through her work to expand science and education, consistently advocating for needed improvements so that our students stay competitive. Her commitment to education has led her to play a role in creating a program at the National Science Foundation which will expand training for math and science teachers of tomorrow, and she was a driving force in establishing the Academy of Medicine, Engineering and Science of Texas.

In addition to her legislative accomplishments, Senator HUTCHISON is to be recognized for her efforts to keep the Senate schedule workable for families. KAY's children are now 11 years old and many of us have watched as they have grown. One of my favorite pictures is of Senator HUTCHISON, the only woman in a sea of men, holding the hands of Bailey and Houston as toddlers. Whether it was late nights or flights to catch, KAY reminded the leaders that we have an obligation to our families as well.

Throughout her career Senator HUTCHISON has tackled challenges with grace, resilience, and perseverance. As a tireless advocate for her State, we can learn a lot from Senator HUTCHISON's example of what a public servant should be, and she certainly leaves an impressive legacy here in the Senate. In her book, American Heroines, which chronicles some of the first American women trailblazers, she wrote that she believes America is the best place on earth to be a woman that—the opportunities are endless. These opportunities are due to Senator HUTCHISON and women like her, women whose independence and integrity have set an example for those who will follow in their footsteps. I thank Senator HUTCHISON for her leadership and her friendship, and wish her the best.

OLYMPIA SNOWE

Mr. President, I rise to recognize my colleague and friend, Senator OLYMPIA SNOWE, as she plans to retire from the U.S. Senate. Her nearly four-decade career in Congress has been one of distinction and unwavering public service to Maine and the United States.

Senator SNOWE's achievements are numerous. In 1978, she became the youngest Republican and first Greek-American woman to be elected to the U.S. House of Representatives. In 1994, when she was first elected to the U.S. Senate, she became the fourth woman to serve in both Houses of Congress. She also has the distinction of being the first Republican woman to secure a full-term seat on the Senate Finance Committee. In total, she has won more Federal elections in Maine than any other person since World War II—a testament to how loved she is by her constituency.

Senator SNOWE has worked extensively on a number of issues, including budget and fiscal responsibility, veterans, education, national security, welfare reform, oceans and fisheries issues, and campaign finance reform. It has been my pleasure to work with Senator SNOWE on the Senate Oceans Caucus, where together we have stressed the importance of ocean policy and the crucial role our oceans play in all aspects of life in our respective States and across America.

I also appreciate Senator SNOWE's leadership on the Small Business Committee, where she has been a strong advocate for small businesses in Maine and across the country.

I know that I speak for all the female Senators in the U.S. Senate when I say it is sad to see such a well-respected female colleague retire. Senator SNOWE deserves the highest accolades for her service to this Nation. This is a woman who has done remarkably well by the American people, by her constituents in Maine, and by her colleagues in the U.S. Senate.

I personally admire her efforts to work—always—in a bipartisan manner. Her moderation and willingness to listen to all sides of an issue are examples for us all. I am encouraged that she intends to continue her efforts to advance good public policy by working to help elect those who are unafraid to stand in the middle and work to build consensus.

On behalf of the U.S. Senate, I thank Senator SNOWE for her dedication to her country, and I congratulate her on her retirement. I also want to recognize her husband Jack, who has also been an amazing public servant.

SCOTT BROWN

Mr. President, I rise to recognize Senator SCOTT BROWN's service to the Senate. While we have only had the opportunity to work together for 2 years, I have truly appreciated Senator BROWN's insight, leadership, and friendship.

Senator BROWN moved to Massachusetts as a young boy. He graduated from Wakefield High School, then joined the Massachusetts National Guard when he was 19. After attending Northwestern University and graduating from Tufts University and Boston College Law School, Senator BROWN began serving the people of Massachusetts in 1992, first as a real estate assessor and then as a selectman in Wrentham. In 1998, he was elected to the Massachusetts House of Representatives, and after three terms he was elected to the Massachusetts State Senate. In each of his State Senate reelection bids, he ran unopposed. As a State legislator, he advocated for children's and victims' rights as well as veterans affairs and worked to promote good government initiatives.

Senator BROWN came to the United States Senate in 2010. He quickly found his voice on the Armed Services and Veterans Affairs Committees thanks to more than 30 years of service in the National Guard. I was proud to join more than 30 of my colleagues in cosponsoring his Stolen Valor Act, which would make it a crime to knowingly misrepresent military service if a person wanted to profit from his or her lie.

Senator BROWN also worked on good government initiatives in the Senate, leading bipartisan efforts to repeal a provision of law requiring Federal, State, and local governments to withhold 3 percent of payments due to contractors. I was proud to cosponsor his bill to avoid making infrastructure improvements more costly and business more challenging for healthcare professionals who accept Medicare payments.

I have also been proud to work with Senator BROWN on another commonsense initiative in this Congress, the Prompt Notification of Short Sales

Act. Our bill would improve the housing market by requiring banks to provide a written response to an short sale offer within 75 days of a request from a homeowner. There are neighborhoods across the country full of empty homes and underwater owners who have legitimate offers, but unresponsive banks, and I commit to Senator BROWN that I will continue to work on this issue in the coming year.

Clearly Senator BROWN has served the people of Massachusetts and the people of the United States well, and he will be missed. I wish the best to him, his wife Gail, and their daughters Ayla and Arianna.

JEFF BINGAMAN

Mr. President, today I rise to recognize one of our most distinguished Senators as he prepares to retire from this body after five terms. Senator JEFF BINGAMAN has earned the reputation of being a strong and effective leader during his time in the Senate. He has achieved what all of us try to achieve as advocates of our States—getting results in Washington while staying closely connected to our constituents who sent us here to represent them. I have admired his intelligence, courage, pragmatism, and willingness to solve problems with bipartisan solutions.

Senator BINGAMAN and I have worked together on many issues and projects, and I have never questioned his steadfast commitment to do what he believes is right for New Mexico and this country. During his 30 years in the Senate he has worked tirelessly on a number of committees, including the Armed Services Committee, the Finance Committee, the Health, Education, Labor, and Pensions Committee, and the Committee on Energy and Natural Resources, which he currently chairs.

While most of my work with JEFF has been on energy issues, working with Senator BINGAMAN on the Senate HELP Committee was also a great pleasure. He has been an excellent partner, for example, on issues that are important to our American Indian, Native Hawaiian, and Alaska Native constituents, who often live in communities that face multiple challenges. There have been many times in the HELP Committee when it has been necessary for me to explain why a proposed solution won't work in Alaska. As I begin to explain about the Federal trust responsibility, or tribal sovereignty, the lack of health care and basic infrastructure, or how difficult it is to get and keep teachers, nurses, and others in those communities, there have been times when I have seen my colleagues think—here we go again, the ''It is different in Alaska'' speech. But whether we have been discussing education, health care, job creation, or any one of the innumerable challenges Americans face when they live in Indian Country, JEFF BINGAMAN gets it. He and I have been able to speak with our colleagues on both sides of the aisle with one voice about what will work, what will not work, and why. We can explain the complexities of the Federal trust responsibility and tribal sovereignty as a bipartisan team because whether our constituents live on a reservation in New Mexico or a remote village in Alaska or in one of our larger cities, the challenges they face are often the same, and what will work in other places in America often won't work in our Native communities. That partnership has been so important in making sure that the good work we are trying to do for all Americans works for America's first peoples in every State.

In addition to our work on HELP, our strongest collaboration has been while working together in our leadership roles on the Energy and Natural Resources Committee. Senator BINGAMAN has been tireless in ensuring that our Nation has the energy resources it needs to meet our growing demands well into the 21st century. He was a leader in the development of the Energy Policy Act of 2005 and the Energy Independence and Security Act of 2007, both major blueprints for the expansion of all forms of renewable energy, especially biomass, geothermal, and marine hydrokinetic power. I am happy to have had the chance to work closely with Senator BINGAMAN in those efforts. In 2008 and 2009 we also worked to pass a package of major public land legislation that will be a legacy for the Senator for decades to come.

When Senator BINGAMAN announced he was retiring from the Senate, I took note that he vowed to finish out the remainder of Congress with substantive achievements. Since then, he has affirmed this promise and has again driven productive discussions on several issues that will last beyond his time here, such as his efforts to move forward our Nation's program on spent nuclear fuel. The legislation that he introduced is indicative of months of thoughtful and productive discussions aimed to address the back-end of the nuclear fuel cycle. I congratulate him on constantly moving the conversation forward and putting a marker out there toward reaching an equitable goal.

Senator BINGAMAN should be very proud of his nearly four decades of public service as New Mexico's attorney general and U.S. Senator. From fighting for our energy future to standing with the people of New Mexico through difficult economic times, Senator BINGAMAN has been a trusted leader for the people of his State. He has been a champion for his constituents, a powerful voice for Native American concerns, and a leader on science research and energy tax policy.

He has been unfailingly and personally considerate to me, and I extend my gratitude for his service and thank him for his gracious aid on issues of concern to me and my home State. I wish him and his family good health and best wishes in the future and great happiness in whatever he and Anne now decide to do. The Senate has been a better place due to his civilized manner, his wit, and his intelligent solutions for the Nation's problems. We will miss Senator BINGAMAN's presence here in the Senate.

HERB KOHL

Mr. President, I come to the floor to recognize Senator KOHL as he prepares to retire after 24 years in the U.S. Senate.

Senator KOHL was born and raised in Wisconsin, the State he tirelessly represents to this day. He attended public school in Milwaukee and at the University of Wisconsin-Madison before obtaining his MBA from Harvard University in 1958. His business ventures proved incredibly successful and he was acting President of Kohl's grocery and department stores for nearly a decade. In 1988, he took his business and education experience to the U.S. Senate.

I have had the pleasure of serving with Senator KOHL on the Appropriations Committee for the past 4 years. His bipartisan cooperation is outstanding and together we have worked on numerous hearings and bills. He has been an asset on the committee and we will miss his dedication, intuition, and eagerness to work with others to find solutions.

As a mother of two and former PTA member, I also appreciate Senator KOHL's zeal in advocating children's issues. He authored legislation to expand the school breakfast program, strengthened child nutrition programs, and has worked to meet the growing demand for child care. His work on the Appropriations Committee ensured the continuation of important programs such as the Boys and Girls Club and the Families and Schools Together Program. This hard work did not go unrecognized. In 2010, Senator KOHL received the Best of Congress Award from Working Mother Magazine and Corporate Voices for Working Families. I will always admire Senator KOHL for his hard work on behalf of families and children across the U.S.

Senator KOHL's charitable endeavors will also remain an important part of his legacy. In 1990, he established the HERB KOHL Educational Foundation Achievement Award Program. This program provides annual grants to 200 graduating high school seniors, 100 Wisconsin teachers, and 100 schools in his home State.

I cannot thank Senator KOHL enough for his service over the past few decades. I am honored to have worked by his side and wish him the best.

MESSAGE FROM THE HOUSE

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

At 2:39 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills and joint resolution:

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

H.R. 1339. An act to designate the City of Salem, Massachusetts, as the Birthplace of the National Guard of the United States.

H.R. 1845. An act to provide a demonstration project providing Medicare coverage for in-home administration of intravenous immune globulin (IVIG) and to amend title XVIII of the Social Security Act with respect to the application of Medicare secondary payer rules for certain claims.

H.R. 2338. An act to designate the facility of the United States Postal Service located at 600 Florida Avenue in Cocoa, Florida, as the ''Harry T. and Harriette Moore Post Office''.

H.R. 3869. An act to designate the facility of the United States Postal Service located at 600 East Capitol Avenue in Little Rock, Arkansas, as the ''Sidney 'Sid' Sanders McMath Post Office Building''.

H.R. 3892. An act to designate the facility of the United States Postal Service located at 8771 Auburn Folsom Road in Roseville, California, as the ''Lance Corporal Victor A. Dew Post Office''.

H.R. 4053. An act to intensify efforts to identify, prevent, and recover payment error, waste, fraud, and abuse within Federal spending.

H.R. 4310. An act 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.

H.R. 4389. An act to designate the facility of the United States Postal Service located at 19 East Merced Street in Fowler, California, as the ''Cecil E. Bolt Post Office''.

H.R. 5859. An act to repeal an obsolete provision in title 49, United States Code, requiring motor vehicle insurance cost reporting.

H.R. 5949. An act to extend FISA Amendments Act of 2008 for five years.

H.R. 6260. An act to designate the facility of the United States Postal Service located at 211 Hope Street in Mountain View, California, as the ''Lieutenant Kenneth M. Ballard Memorial Post Office''.

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

H.R. 6587. An act to designate the facility of the United States Postal Service located at 225 Simi Village Drive in Simi Valley, California, as the ''Postal Inspector Terry Asbury Post Office Building''.

H.R. 6671. An act to amend section 2710 of title 18, United States Code, to clarify that a video tape service provider may obtain consumer's informed, written consent on an ongoing basis and that consent may be obtained through the Internet.

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

The enrolled bills, except [S. 925, H.R. 1339, H.R. 1845, H.R. 2338, H.R. 3869, H.R. 3892, H.R. 4053, H.R. 4389, H.R. 5859, H.R. 6260, H.R. 6379. H.R. 6587, H.R. 6671, and S.J. Res. 49] were subsequently signed by the President pro tempore (Mr. LEAHY).

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MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 459. To require a full audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks by the Comptroller General of the United States, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. MANCHIN:

S. 3714. A bill to alleviate the fiscal cliff, and for other purposes; to the Committee on Finance.

By Mr. HARKIN:

S. 3715. A bill to extend the limited antitrust exemption contained in the Pandemic and All-Hazards Preparedness Act; considered and passed.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MANCHIN:

S. 3714. A bill to alleviate the fiscal cliff, and for other purposes; to the Committee on Finance.

Mr. MANCHIN. Mr. President, I rise today frustrated, embarrassed, and angry. It is absolutely inexcusable that all of us find ourselves in this place at this time standing on the floor of the Senate in front of the American people, hours before we plunge off the fiscal cliff, with no plan and no apparent hope, but here we are, and we have to do something.

If we are as determined to go over the cliff as we seem, we have to do something to soften the landing because at the bottom of the fiscal cliff are immediate and massive tax increases, deep and indiscriminate spending cuts, and the risk of another recession. So, as we come down on the final hours, we have two choices—to do nothing and cause an unbelievable amount of hardship for our fellow Americans or to do something to reduce the suffering inflicted on our citizens by an inflexible political system.

I choose to do something. Today I am introducing the CALM Act, which stands for the Cliff Alleviation at the Last Minute Act. The CALM Act will do three important things: It will soften the financial blow of the fiscal cliff, it will calm our financial markets, and it gives us the certainty of a plan now but allows us, if we ever find the courage, to pursue the fiscal grand bargain that has eluded us so far. Make no mistake, the financial markets are watching us, and they are getting more nervous by the hour. We need to reassure them that we are capable of making big financial decisions.

This bill, the CALM Act, is not something I am excited about or proud to offer. This is not a great plan, but it is merely a better plan than going over the cliff. It should never have come to this. We have known for more than a year that this day was coming. For more than a year, I have asked Congress for a big fix to our Nation's fiscal challenges. I pushed strongly for the Simpson-Bowles framework for deficit reduction. Yet here we are, no closer to a sensible decision on how to bring our $1.1 trillion budget deficit and our $16.1 trillion public debt under control.

Guess what. Time is up. No more games. No more excuses. No more kicking the can down the road. We have to act, and we have to act in a way that puts our fiscal house in order, reassures the financial markets, and puts the people ahead of politics. We have to deal with these tax increases and spending cuts in a humane and tolerable way. The CALM Act does all of that. Just look at what happens to people in need if we go over the cliff and just do nothing. On New Year's Day the lowest income tax rate will jump from 10 percent back to the Clinton-era rate of 15 percent. That is a pretty big financial bite for people in West Virginia, and I know in Ohio, too, sir. These are people who are struggling right now.

Instead of an overnight tax hike of 5 percent, the CALM Act smoothes the transition by phasing in increases over 3 years. So instead of a 5-percent increase, the 10-percent bracket would only go to 11.6 percent the first year. The CALM Act does the same with the other tax rates, phasing them in over 3 years under the same proportions.

The CALM Act also puts the Senate on record in support of comprehensive overhaul of our tax system. We can still work toward a big fix like the Simpson-Bowles framework. If we can do that next year, we could stop the full increase from ever occurring.

Another important feature of the CALM Act is the way it treats sequestration. Again, if we go over the cliff and do nothing, nearly every government program will be hit with the same percentage cut, and that includes social services, education, research, and infrastructure. Those are all the things we need to grow our fragile economy.

The CALM Act gives the Office of Management and Budget discretion and flexibility to recommend what programs, agencies, and accounts to cut. If OMB fails to do the job, then the sequestration across-the-board cuts kick back in. Of course, the final word rests with Congress. OMB's decision can be overridden by a joint resolution.

Every provision of the CALM Act is familiar to the Senate. In fact, at one time or another nearly every feature of this plan has been offered by both Republicans and Democrats, including President Obama and Speaker BOEHNER. All I have done is pull them together to offer them as a compassionate alternative to what happens if we go over the fiscal cliff.

It is true that from the very beginning I have favored a comprehensive solution to put our fiscal house in

order, which was something along the lines of the Bowles-Simpson plan. We don't have that luxury right now. Perhaps the CALM Act will not only soften the blow of the fiscal cliff, but it will also give us a sense of urgency about a grand bargain to repair our financial house.

I am not so naive as to believe everybody is going to check their politics at the door, even at this late hour, but this is not a time for politicking, bickering, or partisan games. To allow the country to plunge over the fiscal cliff without any alternative plans to soften the landing is completely unacceptable. I cannot think of anything more irresponsible than to play games with the lives of Americans in such a callous way and let this great country go over the fiscal cliff. This would jeopardize the financial standing of our country and alarm our financial markets in ways that could trigger another recession.

Something has gone terribly wrong when the biggest threat to the American economy is the American Congress. I repeat: Something has gone terribly wrong when the biggest threat to our American economy is our American Congress.

It does not have to be that way. I am putting something on the table that is fair and balanced. It includes a slow phase-in of the tax increases that are going to happen inevitably if we go over the cliff. It includes a slow phase-in of all the tax increases, it includes targeted spending decreases, and it moves us closer to tax reforms. Everybody helps, and we do it in a way that keeps our country strong and prosperous.

This is one of those moments that the Senate was intended to live up to and provide leadership, find common ground, level with the American people, and be honest with each other. With our debt continuing to soar and too many Americans still looking for jobs, these are times that demand the very best of the Senate.

Everywhere in West Virginia—and, in fact, all over this country—families are making tough choices about how to make ends meet. It is time for Washington to do the same.

Here in the Senate it seems to me that we are always fighting about something. Well, that might not change anytime soon, but more often than not, I believe we can rise to the common ground of great national purpose. I believe with all of my heart that this is one of those times.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3445. Mr. DURBIN (for Mr. CORNYN (for himself, Mr. GRASSLEY, and Mr. LEAHY)) proposed an amendment to the bill S. 3250, to amend the DNA Analysis Backlog Elimination Act of 2000 to provide for Debbie Smith grants for auditing sexual assault evidence backlogs and to establish a Sexual Assault Forensic Evidence Registry, and for other purposes.

SA 3446. Mr. DURBIN (for Mrs. HUTCHISON) proposed an amendment to the bill S. 114, to expand the boundary of the San Antonio Missions National Historical Park.

SA 3447. Mr. DURBIN (for Mrs. HUTCHISON) proposed an amendment to the bill S. 114, supra.

TEXT OF AMENDMENTS

SA 3445. Mr. DURBIN (for Mr. CORNYN (for himself, Mr. GRASSLEY, and Mr. LEAHY)) proposed an amendment to the bill S. 3250, to amend the DNA Analysis Backlog Elimination Act of 2000 to provide for Debbie Smith grants for auditing sexual assault evidence backlogs and to establish a Sexual Assault Forensic Evidence Registry, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Sexual Assault Forensic Evidence Reporting Act of 2012'' or the ''SAFER Act of 2012''.

SEC. 2. DEBBIE SMITH GRANTS FOR AUDITING SEXUAL ASSAULT EVIDENCE BACKLOGS.

Section 2 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135) is amended—

(1) in subsection (a), by adding at the end the following new paragraph:

''(6) To conduct an audit consistent with subsection (n) of the samples of sexual assault evidence that are in the possession of the State or unit of local government and are awaiting testing.

''(7) To ensure that the collection and processing of DNA evidence by law enforcement agencies from crimes, including sexual assault and other violent crimes against persons, is carried out in an appropriate and timely manner and in accordance with the protocols and practices developed under subsection (o)(1).'';

(2) in subsection (c), by adding at the end the following new paragraph:

''(4) ALLOCATION OF GRANT AWARDS FOR AUDITS.—For each of fiscal years 2014 through 2017, not less than 5 percent, but not more than 7 percent, of the grant amounts distributed under paragraph (1) shall, if sufficient applications to justify such amounts are received by the Attorney General, be awarded for purposes described in subsection (a)(6), provided that none of the funds required to be distributed under this paragraph shall decrease or otherwise limit the availability of funds required to be awarded to States or units of local government under paragraph (3).''; and

(3) by adding at the end the following new subsections:

''(n) USE OF FUNDS FOR AUDITING SEXUAL ASSAULT EVIDENCE BACKLOGS.—

''(1) ELIGIBILITY.—The Attorney General may award a grant under this section to a State or unit of local government for the purpose described in subsection (a)(6) only if the State or unit of local government—

''(A) submits a plan for performing the audit of samples described in such subsection; and

''(B) includes in such plan a good-faith estimate of the number of such samples.

''(2) GRANT CONDITIONS.—A State or unit of local government receiving a grant for the purpose described in subsection (a)(6)—

''(A) may not enter into any contract or agreement with any non-governmental vendor laboratory to conduct an audit described in subsection (a)(6); and

''(B) shall—

''(i) not later than 1 year after receiving the grant, complete the audit referred to in paragraph (1)(A) in accordance with the plan submitted under such paragraph;

''(ii) not later than 60 days after receiving possession of a sample of sexual assault evidence that was not in the possession of the State or unit of local government at the time of the initiation of an audit under paragraph (1)(A), subject to paragraph (4)(F), include in any required reports under clause (v), the information listed under paragraph (4)(B);

''(iii) for each sample of sexual assault evidence that is identified as awaiting testing as part of the audit referred to in paragraph (1)(A)—

''(I) assign a unique numeric or alphanumeric identifier to each sample of sexual assault evidence that is in the possession of the State or unit of local government and is awaiting testing; and

''(II) identify the date or dates after which the State or unit of local government would be barred by any applicable statutes of limitations from prosecuting a perpetrator of the sexual assault to which the sample relates;

''(iv) provide that—

''(I) the chief law enforcement officer of the State or unit of local government, respectively, is the individual responsible for the compliance of the State or unit of local government, respectively, with the reporting requirements described in clause (v); or

''(II) the designee of such officer may fulfill the responsibility described in subclause (I) so long as such designee is an employee of the State or unit of local government, respectively, and is not an employee of any governmental laboratory or non-governmental vendor laboratory; and

''(v) comply with all grantee reporting requirements described in paragraph (4).

''(3) EXTENSION OF INITIAL DEADLINE.—The Attorney General may grant an extension of the deadline under paragraph (2)(B)(i) to a State or unit of local government that demonstrates that more time is required for compliance with such paragraph.

''(4) SEXUAL ASSAULT FORENSIC EVIDENCE REPORTS.—

''(A) IN GENERAL.—For not less than 12 months after the completion of an initial count of sexual assault evidence that is awaiting testing during an audit referred to in paragraph (1)(A), a State or unit of local government that receives a grant award under subsection (a)(6) shall, not less than every 60 days, submit a report to the Department of Justice, on a form prescribed by the Attorney General, which shall contain the information required under subparagraph (B).

''(B) CONTENTS OF REPORTS.—A report under this paragraph shall contain the following information:

''(i) The name of the State or unit of local government filing the report.

''(ii) The period of dates covered by the report.

''(iii) The cumulative total number of samples of sexual assault evidence that, at the end of the reporting period—

''(I) are in the possession of the State or unit of local government at the reporting period;

''(II) are awaiting testing; and

''(III) the State or unit of local government has determined should undergo DNA or other appropriate forensic analyses.

''(iv) The cumulative total number of samples of sexual assault evidence in the possession of the State or unit of local government that, at the end of the reporting period, the State or unit of local government has determined should not undergo DNA or other appropriate forensic analyses, provided that the reporting form shall allow for the State

or unit of local government, at its sole discretion, to explain the reasoning for this determination in some or all cases.

''(v) The cumulative total number of samples of sexual assault evidence in a total under clause (iii) that have been submitted to a laboratory for DNA or other appropriate forensic analyses.

''(vi) The cumulative total number of samples of sexual assault evidence identified by an audit referred to in paragraph (1)(A) or under paragraph (2)(B)(ii) for which DNA or other appropriate forensic analysis has been completed at the end of the reporting period.

''(vii) The total number of samples of sexual assault evidence identified by the State or unit of local government under paragraph (2)(B)(ii), since the previous reporting period.

''(viii) The cumulative total number of samples of sexual assault evidence described under clause (iii) for which the State or unit of local government will be barred within 12 months by any applicable statute of limitations from prosecuting a perpetrator of the sexual assault to which the sample relates.

''(C) PUBLICATION OF REPORTS.—Not later than 7 days after the submission of a report under this paragraph by a State or unit of local government, the Attorney General shall, subject to subparagraph (D), publish and disseminate a facsimile of the full contents of such report on an appropriate internet website.

''(D) PERSONALLY IDENTIFIABLE INFORMATION.—The Attorney General shall ensure that any information published and disseminated as part of a report under this paragraph, which reports information under this subsection, does not include personally identifiable information or details about a sexual assault that might lead to the identification of the individuals involved.

''(E) OPTIONAL REPORTING.—The Attorney General shall—

''(i) at the discretion of a State or unit of local government required to file a report under subparagraph (A), allow such State or unit of local government, at their sole discretion, to submit such reports on a more frequent basis; and

''(ii) make available to all States and units of local government the reporting form created pursuant to subparagraph (A), whether or not they are required to submit such reports, and allow such States or units of local government, at their sole discretion, to submit such reports for publication.

''(F) SAMPLES EXEMPT FROM REPORTING REQUIREMENT.—The reporting requirements described in paragraph (2) shall not apply to a sample of sexual assault evidence that—

''(i) is not considered criminal evidence (such as a sample collected anonymously from a victim who is unwilling to make a criminal complaint); or

''(ii) relates to a sexual assault for which the prosecution of each perpetrator is barred by a statute of limitations.

''(5) DEFINITIONS.—In this subsection:

''(A) AWAITING TESTING.—The term 'awaiting testing' means, with respect to a sample of sexual assault evidence, that—

''(i) the sample has been collected and is in the possession of a State or unit of local government;

''(ii) DNA and other appropriate forensic analyses have not been performed on such sample; and

''(iii) the sample is related to a criminal case or investigation in which final disposition has not yet been reached.

''(B) FINAL DISPOSITION.—The term 'final disposition' means, with respect to a criminal case or investigation to which a sample of sexual assault evidence relates—

''(i) the conviction or acquittal of all suspected perpetrators of the crime involved;

''(ii) a determination by the State or unit of local government in possession of the sample that the case is unfounded; or

''(iii) a declaration by the victim of the crime involved that the act constituting the basis of the crime was not committed.

''(C) POSSESSION.—

''(i) IN GENERAL.—The term 'possession', used with respect to possession of a sample of sexual assault evidence by a State or unit of local government, includes possession by an individual who is acting as an agent of the State or unit of local government for the collection of the sample.

''(ii) RULE OF CONSTRUCTION.—Nothing in clause (i) shall be construed to create or amend any Federal rights or privileges for non-governmental vendor laboratories described in regulations promulgated under section 210303 of the DNA Identification Act of 1994 (42 U.S.C. 14131).

''(o) ESTABLISHMENT OF PROTOCOLS, TECHNICAL ASSISTANCE, AND DEFINITIONS.—

''(1) PROTOCOLS AND PRACTICES.—Not later than 18 months after the date of enactment of the SAFER Act of 2012, the Director, in consultation with Federal, State, and local law enforcement agencies and government laboratories, shall develop and publish a description of protocols and practices the Director considers appropriate for the accurate, timely, and effective collection and processing of DNA evidence, including protocols and practices specific to sexual assault cases, which shall address appropriate steps in the investigation of cases that might involve DNA evidence, including—

''(A) how to determine—

''(i) which evidence is to be collected by law enforcement personnel and forwarded for testing;

''(ii) the preferred order in which evidence from the same case is to be tested; and

''(iii) what information to take into account when establishing the order in which evidence from different cases is to be tested;

''(B) the establishment of a reasonable period of time in which evidence is to be forwarded by emergency response providers, law enforcement personnel, and prosecutors to a laboratory for testing;

''(C) the establishment of reasonable periods of time in which each stage of analytical laboratory testing is to be completed;

''(D) systems to encourage communication within a State or unit of local government among emergency response providers, law enforcement personnel, prosecutors, courts, defense counsel, crime laboratory personnel, and crime victims regarding the status of crime scene evidence to be tested; and

''(E) standards for conducting the audit of the backlog for DNA case work in sexual assault cases required under subsection (n).

''(2) TECHNICAL ASSISTANCE AND TRAINING.—The Director shall make available technical assistance and training to support States and units of local government in adopting and implementing the protocols and practices developed under paragraph (1) on and after the date on which the protocols and practices are published.

''(3) DEFINITIONS.—In this subsection, the terms 'awaiting testing' and 'possession' have the meanings given those terms in subsection (n).''.

SEC. 3. REPORTS TO CONGRESS.

Not later than 90 days after the end of each fiscal year for which a grant is made for the purpose described in section 2(a)(6) of the DNA Analysis Backlog Elimination Act of 2000, as amended by section 2, the Attorney General shall submit to Congress a report that—

(1) lists the States and units of local government that have been awarded such grants and the amount of the grant received by each such State or unit of local government;

(2) states the number of extensions granted by the Attorney General under section 2(n)(3) of the DNA Analysis Backlog Elimination Act of 2000, as added by section 2; and

(3) summarizes the processing status of the samples of sexual assault evidence identified in Sexual Assault Forensic Evidence Reports established under section 2(o)(4) of the DNA Analysis Backlog Act of 2000, including the number of samples that have not been tested.

SEC. 4. REDUCING THE RAPE KIT BACKLOG.

Section 2(c)(3) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135(c)(3)) is amended—

(a) in subparagraph (B), by striking ''2014'' and inserting ''2018''; and

(b) by adding at the end the following:

''(3) For each of fiscal years 2014 through 2018, not less than 75 percent of the total grant amounts shall be awarded for a combination of purposes under paragraphs (1), (2), and (3) of subsection (a).''.

SEC. 5. OVERSIGHT AND ACCOUNTABILITY.

All grants awarded by the Department of Justice that are authorized under this Act shall be subject to the following:

(1) AUDIT REQUIREMENT.—Beginning in fiscal year 2013, and each fiscal year thereafter, the Inspector General of the Department of Justice shall conduct audits of recipients of grants under this Act to prevent waste, fraud, and abuse of funds by grantees. The Inspector General shall determine the appropriate number of grantees to be audited each year.

(2) MANDATORY EXCLUSION.—A recipient of grant funds under this Act that is found to have an unresolved audit finding shall not be eligible to receive grant funds under this Act during the 2 fiscal years beginning after the 12-month period described in paragraph (5).

(3) PRIORITY.—In awarding grants under this Act, the Attorney General shall give priority to eligible entities that, during the 3 fiscal years before submitting an application for a grant under this Act, did not have an unresolved audit finding showing a violation in the terms or conditions of a Department of Justice grant program.

(4) REIMBURSEMENT.—If an entity is awarded grant funds under this Act during the 2-fiscal-year period in which the entity is barred from receiving grants under paragraph (2), the Attorney General shall—

(A) deposit an amount equal to the grant funds that were improperly awarded to the grantee into the General Fund of the Treasury; and

(B) seek to recoup the costs of the repayment to the fund from the grant recipient that was erroneously awarded grant funds.

(5) DEFINED TERM.—In this section, the term ''unresolved audit finding'' means an audit report finding in the final audit report of the Inspector General of the Department of Justice that the grantee has utilized grant funds for an unauthorized expenditure or otherwise unallowable cost that is not closed or resolved within a 12-month period beginning on the date when the final audit report is issued.

(6) NONPROFIT ORGANIZATION REQUIREMENTS.—

(A) DEFINITION.—For purposes of this section and the grant programs described in this Act, the term ''nonprofit organization'' means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of such Code.

(B) PROHIBITION.—The Attorney General shall not award a grant under any grant program described in this Act to a nonprofit organization that holds money in offshore accounts for the purpose of avoiding paying the tax described in section 511(a) of the Internal Revenue Code of 1986.

(C) DISCLOSURE.—Each nonprofit organization that is awarded a grant under a grant program described in this Act and uses the procedures prescribed in regulations to create a rebuttable presumption of reasonableness for the compensation of its officers, directors, trustees and key employees, shall disclose to the Attorney General, in the application for the grant, the process for determining such compensation, including the independent persons involved in reviewing and approving such compensation, the comparability data used, and contemporaneous substantiation of the deliberation and decision. Upon request, the Attorney General shall make the information disclosed under this subsection available for public inspection.

(7) ADMINISTRATIVE EXPENSES.—Unless otherwise explicitly provided in authorizing legislation, not more than 7.5 percent of the amounts authorized to be appropriated under this Act may be used by the Attorney General for salaries and administrative expenses of the Department of Justice.

(8) CONFERENCE EXPENDITURES.—

(A) LIMITATION.—No amounts authorized to be appropriated to the Department of Justice under this Act may be used by the Attorney General or by any individual or organization awarded discretionary funds through a cooperative agreement under this Act, to host or support any expenditure for conferences that uses more than $20,000 in Department funds, unless the Deputy Attorney General or the appropriate Assistant Attorney General, Director, or principal deputy as the Deputy Attorney General may designate, provides prior written authorization that the funds may be expended to host a conference.

(B) WRITTEN APPROVAL.—Written approval under subparagraph (A) shall include a written estimate of all costs associated with the conference, including the cost of all food and beverages, audio/visual equipment, honoraria for speakers, and any entertainment.

(C) REPORT.—The Deputy Attorney General shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on all conference expenditures approved by operation of this paragraph.

(9) PROHIBITION ON LOBBYING ACTIVITY.—

(A) IN GENERAL.—Amounts authorized to be appropriated under this Act may not be utilized by any grant recipient to—

(i) lobby any representative of the Department of Justice regarding the award of grant funding; or

(ii) lobby any representative of a Federal, state, local, or tribal government regarding the award of grant funding.

(B) PENALTY.—If the Attorney General determines that any recipient of a grant under this Act has violated subparagraph (A), the Attorney General shall—

(i) require the grant recipient to repay the grant in full; and

(ii) prohibit the grant recipient from receiving another grant under this Act for not less than 5 years.

SEC. 6. SUNSET.

Effective on December 31, 2018, subsections (a)(6) and (n) of section 2 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135(a)(6) and (n)) are repealed.

SA 3446. Mr. DURBIN (for Mrs. HUTCHISON) proposed an amendment to the bill S. 114, to expand the boundary of the San Antonio Missions National Historical Park; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''San Antonio Missions National Historical Park Boundary Expansion Act of 2012''.

SEC. 2. BOUNDARY EXPANSION.

Section 201 of Public Law 95–629 (16 U.S.C. 410ee) is amended—

(1) by striking ''SEC. 201. (a) In order'' and inserting the following:

''SEC. 201. SAN ANTONIO MISSIONS HISTORICAL PARK.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—In order''; and

(2) in subsection (a)—

(A) in the second sentence, by striking ''The park shall also'' and inserting the following:

''(2) ADDITIONAL LAND.—The park shall also'';

(B) in the third sentence, by striking ''After advising the'' and inserting the following:

''(4) REVISIONS.—After advising the''; and

(C) by inserting after paragraph (2) (as designated by subparagraph (A)) the following:

''(3) BOUNDARY MODIFICATION.—

''(A) IN GENERAL.—The boundary of the park is modified to include approximately 137 acres, as depicted on the map entitled 'San Antonio Missions National Historical Park Proposed Boundary Addition', numbered 472/113,006A, and dated June 2012.

''(B) AVAILABILITY OF MAP.—The map described in subparagraph (A) shall be on file and available for inspection in the appropriate offices of the National Park Service.

''(C) ACQUISITION OF LAND.—The Secretary of the Interior may acquire the land or any interest in the land described in subparagraph (A) by donation or exchange.''.

SA 3447. Mr. DURBIN (for Mrs. HUTCHISON) proposed an amendment to the bill S. 114, to expand the boundary of the San Antonio Missions National Historical Park.

Amend the title so as to read as follows: ''To expand the boundary of the San Antonio Missions National Historical Park.''.

AMENDING THE DNA ANALYSIS BACKLOG ELIMINATION ACT OF 2000

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of S. 3250, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3250) to amend the DNA Analysis Backlog Elimination Act of 2000 to provide for Debbie Smith grants for auditing sexual assault evidence backlogs and to establish a Sexual Assault Forensic Evidence Registry, and for other purposes.

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

ON PASSAGE OF S. 3250, THE SAFER ACT

Mr. LEAHY. Mr. President, I am glad that the Senate today will pass the SAFER Act with important amendments I requested to ensure that law enforcement gets the support and funding it needs to make real progress in processing rape kits.

The Debbie Smith DNA Backlog Reduction Program, which was a key part of the bipartisan Justice for All Act that passed in 2004, has been instrumental in reducing the number of untested rape kits in crime laboratories around the country. However, large numbers of additional untested kits have come to light in police departments, many of which never make their way to crime labs at all. It is unacceptable to let victims of these terrible crimes live in fear while evidence languishes in storage and criminals remain on our streets.

I have made fixing this significant problem a priority. I included important new provisions addressing backlogs of rape kits in law enforcement offices in my Justice for All Reauthorization Act, which the Judiciary Committee reported with bipartisan support earlier this year. My bill would provide law enforcement with access to funding to actually reduce their backlogs, along with best practices, training, and technical assistance they have requested to help them do so.

Senator CORNYN and others have attempted to address this same problem through the SAFER Act. The audit provisions included in the SAFER Act can help shed light on the problem, but I believe it is crucial that funding and assistance actually reach law enforcement agencies to help them address their backlogs and get kits tested. That is why it is so important that the provisions from the Justice for All Reauthorization Act doing just that were incorporated into the SAFER Act. I thank Senator CORNYN for working with me and agreeing to this amendment to ensure that this legislation will result in more kits being processed. I also thank Senator GRASSLEY for helping to facilitate this agreement and for adding important accountability measures.

I want to thank Debbie Smith, the courageous survivor after whom the grant program we modify today is named, and her husband Rob, for their continuing tireless work to ensure that others need not experience the ordeal Debbie went through. Their efforts have made a real difference to countless victims all over the country.

The Justice for All Reauthorization Act includes many other significant measures to make the criminal justice system work better for all Americans. I am disappointed that it will not pass this year. I appreciate Senator GRASSLEY's support for the bill when it was reported from committee, and I look forward to working with him and with Senator CORNYN and others to pass the full bill next year.

I am glad we take an important step to help achieve justice for victims of rape and sexual assault. I hope we will go still further and beyond next year.

Mr. DURBIN. I ask unanimous consent that the Cornyn substitute at the desk be agreed to, the bill, as amended,

be read a third time and passed, the motion to reconsider be laid upon the table, and any statements related to the bill be printed in the RECORD.

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

The amendment (No. 3445) in the nature of a substitute was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments''.)

The bill (S. 3250), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

EXTENSION OF LIMITED ANTITRUST EXEMPTION

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3715 introduced earlier today by Senator HARKIN.

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

The assistant legislative clerk read as follows:

A bill (S. 3715) to extend the limited antitrust exemption contained in the Pandemic and All-Hazards Preparedness Act.

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

Mr. DURBIN. I further ask unanimous consent that the bill be read three times and passed, the motion to reconsider be made and laid upon the table, with no intervening action or debate, and any related statements be printed in the RECORD.

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

The bill (S. 3715) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3715

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

SECTION 1. EXTENSION OF LIMITED ANTITRUST EXEMPTION.

Section 405(b) of the Pandemic and All-Hazards Preparedness Act (42 U.S.C. 247d–6a note) is amended by striking ''6-year'' and inserting ''7-year''.

THE CALENDAR

Mr. DURBIN. Mr. President, I ask unanimous consent that the Energy Committee be discharged from further consideration of S. 2015 and S. 3563, and the Senate proceed to their consideration, along with the following bills en bloc: H.R. 3263, H.R. 3641, and H.R. 4073, which were received from the House and are at the desk; Calendar No. 268, S. 264; Calendar No. 284, S. 1047; Calendar No. 288, S. 1421; Calendar No. 289, S. 1478; Calendar No. 272, S.499; Calendar No. 266, S. 140; and Calendar No. 265, S. 114.

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

Mr. DURBIN. I ask unanimous consent that where applicable, the committee-reported amendments be considered; that any amendments to those amendments, which are at the desk, be agreed to; that the committee-reported amendments, as amended, if amended, be agreed to; the bills, as amended, if amended, be read a third time and passed en bloc; that a title amendment for S. 114 be agreed to; the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to any of the bills be printed in the RECORD.

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

The Senate proceeded to consider the bills en bloc.

POWELL SHOOTING RANGE LAND CONVEYANCE ACT

The bill (S. 2015) to require the Secretary of the Interior to convey certain Federal land to the Powell Recreation District in the State of Wyoming, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2015

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 ''Powell Shooting Range Land Conveyance Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) DISTRICT.—The term ''District'' means the Powell Recreation District in the State of Wyoming.

(2) MAP.—The term ''map'' means the map entitled ''Powell, Wyoming Land Conveyance Act'' and dated May 12, 2011.

SEC. 3. CONVEYANCE OF LAND TO THE POWELL RECREATION DISTRICT.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, subject to valid existing rights, the Secretary shall convey to the District, without consideration, all right, title, and interest of the United States in and to the land described in subsection (b).

(b) DESCRIPTION OF LAND.—The land referred to in subsection (a) consists of approximately 322 acres of land managed by the Bureau of Land Management, Wind River District, Wyoming, as generally depicted on the map as ''Powell Gun Club''.

(c) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall finalize the legal description of the parcel to be conveyed under this section.

(2) MINOR ERRORS.—The Secretary may correct any minor error in—

(A) the map; or

(B) the legal description.

(3) AVAILABILITY.—The map and legal description shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(d) USE OF CONVEYED LAND.—The land conveyed under this section shall be used only—

(1) as a shooting range; or

(2) for any other public purpose consistent with uses allowed under the Act of June 14, 1926 (commonly known as the ''Recreation and Public Purposes Act'') (43 U.S.C. 869 et seq.).

(e) ADMINISTRATIVE COSTS.—The Secretary shall require the District to pay all survey costs and other administrative costs necessary for the preparation and completion of any patents for, and transfers of title to, the land described in subsection (b).

(f) REVERSION.—If the land conveyed under this section ceases to be used for a public purpose in accordance with subsection (d), the land shall, at the discretion of the Secretary, revert to the United States.

(g) CONDITIONS.—As a condition of the conveyance under subsection (a), the District shall agree in writing—

(1) to pay any administrative costs associated with the conveyance including the costs of any environmental, wildlife, cultural, or historical resources studies; and

(2) to release and indemnify the United States from any claims or liabilities that may arise from uses carried out on the land described in subsection (b) on or before the date of enactment of this Act by the United States or any person.

ENERGY POLICY ACT OF 2005

The bill (S. 3563) to amend the Energy Policy Act of 2005 to modify the Pilot Project offices of the Federal Permit Streamlining Pilot Project, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3563

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

SECTION 1. PILOT PROJECT OFFICES OF FEDERAL PERMIT STREAMLINING PILOT PROJECT.

Section 365 of the Energy Policy Act of 2005 (42 U.S.C. 15924) is amended by striking subsection (d) and inserting the following:

''(d) PILOT PROJECT OFFICES.—The following Bureau of Land Management Offices shall serve as the Pilot Project offices:

''(1) Rawlins Field Office, Wyoming.

''(2) Buffalo Field Office, Wyoming.

''(3) Montana/Dakotas State Office, Montana.

''(4) Farmington Field Office, New Mexico.

''(5) Carlsbad Field Office, New Mexico.

''(6) Grand Junction/Glenwood Springs Field Office, Colorado.

''(7) Vernal Field Office, Utah.''.

AUTHORIZING STORAGE AND CONVEYANCE OF NONPROJECT WATER AT NORMAN PROJECT IN OKLAHOMA

The bill (H.R. 3263) to authorize the Secretary of the Interior to allow the storage and conveyance of nonproject water at the Norman project in Oklahoma, and for other purposes, was ordered to a third reading, was read the third time, and passed.

ESTABLISHING PINNACLES NATIONAL PARK

The bill (H.R. 3641) to establish Pinnacles National Park in the State of California as a unit of the National Park System, and for other purposes, was ordered to a third reading, read the third time, and passed.

AUTHORIZING QUITCLAIM, DISCLAIMER, AND RELINQUISHMENT OF RIGHT OF WAY IN EL PASO COUNTY, COLORADO

The bill (H.R. 4073) to authorize the Secretary of Agriculture to accept the

quitclaim, disclaimer, and relinquishment of a railroad right of way within and adjacent to Pike National Forest in El Paso County, Colorado, originally granted to the Mt. Manitou Park and Incline Railway Company pursuant to the Act of March 3, 1875, was ordered to a third reading, was read the third time, and passed.

NATCHEZ TRACE PARKWAY LAND CONVEYANCE ACT

The bill (S. 264) to direct the Secretary of the Interior to convey to the State of Mississippi 2 parcels of surplus land within the boundary of the Natchez Trace Parkway, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment; as follows:

(The part of the bill intended to be stricken is shown in boldface brackets and the part of the bill intended to be inserted is shown in italic.)

S. 264

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 ''Natchez Trace Parkway Land Conveyance Act of 2011''.

SEC. 2. DEFINITIONS.

In this Act:

(1) MAP.—The term ''map'' means the map entitled ''Natchez Trace Parkway, Proposed Boundary Change'', numbered 604/105392, and dated November 2010.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(3) STATE.—The term ''State'' means the State of Mississippi.

[SEC. 3. LAND CONVEYANCE; BOUNDARY ADJUSTMENT.

(a) CONVEYANCE AUTHORITY.—Notwithstanding any other provision of law, the Secretary shall, not later than 60 days after the date of enactment of this Act, convey to the State, by quitclaim deed and without consideration, all right, title, and interest of the United States in and to 2 parcels of land in the city of Natchez, Mississippi, described in subsection (b).

(b) LAND SUBJECT TO CONVEYANCE.—The parcels of land referred to in subsection (a) consist of a total of approximately 67 acres of land that are generally depicted as ''Proposed Conveyance'' on the map.

(c) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(d) BOUNDARY ADJUSTMENTS.—

(1) EXCLUSION OF CONVEYED LAND.—On completion of the conveyance to the State of the land described in subsection (b), the Secretary shall adjust the boundary of the Natchez Trace Parkway to exclude the conveyed land.

(2) INCLUSION OF ADDITIONAL LAND.—Effective on the date of enactment of this Act, the boundary of the Natchez Trace Parkway is adjusted to include the approximately 10 acres of land that are generally depicted as ''Proposed Addition'' on the map.]

SEC. 3. LAND CONVEYANCE.

(a) CONVEYANCE AUTHORITY.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall convey to the State, by quitclaim deed and without consideration, all right, title, and interest of the United States in and to the parcels of land described in subsection (b).

(2) COMPATIBLE USE.—The deed of conveyance to the parcel of land that is located southeast of U.S. Route 61/84 and which is commonly known as the ''bean field property'' shall reserve an easement to the United States restricting the use of the parcel to only those uses which are compatible with the Natchez Trace Parkway.

(b) DESCRIPTION OF LAND.—The parcels of land referred to in subsection (a) are the 2 parcels totaling approximately 67 acres generally depicted as ''Proposed Conveyance'' on the map.

(c) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

SEC. 4. BOUNDARY ADJUSTMENTS.

(a) EXCLUSION OF CONVEYED LAND.—On completion of the conveyance to the State of the land described in section 3(b), the boundary of the Natchez Trace Parkway shall be adjusted to exclude the conveyed land.

(b) INCLUSION OF ADDITIONAL LAND.—

(1) IN GENERAL.—Effective on the date of enactment of this Act, the boundary of the Natchez Trace Parkway is adjusted to include the approximately 10 acres of land that is generally depicted as ''Proposed Addition'' on the map.

(2) ADMINISTRATION.—The land added under paragraph (1) shall be administered by the Secretary as part of the Natchez Trace Parkway.

The committee amendment was agreed to.

The bill (S. 264) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 264

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 ''Natchez Trace Parkway Land Conveyance Act of 2011''.

SEC. 2. DEFINITIONS.

In this Act:

(1) MAP.—The term ''map'' means the map entitled ''Natchez Trace Parkway, Proposed Boundary Change'', numbered 604/105392, and dated November 2010.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(3) STATE.—The term ''State'' means the State of Mississippi.

SEC. 3. LAND CONVEYANCE.

(a) CONVEYANCE AUTHORITY.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall convey to the State, by quitclaim deed and without consideration, all right, title, and interest of the United States in and to the parcels of land described in subsection (b).

(2) COMPATIBLE USE.—The deed of conveyance to the parcel of land that is located southeast of U.S. Route 61/84 and which is commonly known as the ''bean field property'' shall reserve an easement to the United States restricting the use of the parcel to only those uses which are compatible with the Natchez Trace Parkway.

(b) DESCRIPTION OF LAND.—The parcels of land referred to in subsection (a) are the 2 parcels totaling approximately 67 acres generally depicted as ''Proposed Conveyance'' on the map.

(c) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

SEC. 4. BOUNDARY ADJUSTMENTS.

(a) EXCLUSION OF CONVEYED LAND.—On completion of the conveyance to the State of the land described in section 3(b), the boundary of the Natchez Trace Parkway shall be adjusted to exclude the conveyed land.

(b) INCLUSION OF ADDITIONAL LAND.—

(1) IN GENERAL.—Effective on the date of enactment of this Act, the boundary of the Natchez Trace Parkway is adjusted to include the approximately 10 acres of land that is generally depicted as ''Proposed Addition'' on the map.

(2) ADMINISTRATION.—The land added under paragraph (1) shall be administered by the Secretary as part of the Natchez Trace Parkway.

LEADVILLE MINE DRAINAGE TUNNEL ACT OF 2011

The bill (S. 1047) to amend the Reclamation Projects Authorization and Adjustment of 1992 to require the Secretary of the Interior, acting through the Bureau of Reclamation, to take actions to improve environmental conditions in the vicinity of the Leadville Mine Drainage Tunnel in Lake County, Colorado, and for other purposes, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1047

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 ''Leadville Mine Drainage Tunnel Act of 2011''.

SEC. 2. TUNNEL MAINTENANCE; OPERATION AND MAINTENANCE.

Section 703 of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4656) is amended to read as follows:

''SEC. 703. TUNNEL MAINTENANCE; OPERATION AND MAINTENANCE.

''(a) LEADVILLE MINE DRAINAGE TUNNEL.—The Secretary shall take any action necessary to maintain the structural integrity of the Leadville Mine Drainage Tunnel—

''(1) to maintain public safety; and

''(2) to prevent an uncontrolled release of water from the tunnel portal.

''(b) WATER TREATMENT PLANT.—

''(1) IN GENERAL.—Subject to section 705, the Secretary shall be responsible for the operation and maintenance of the water treatment plant authorized under section 701, including any sludge disposal authorized under this title.

''(2) AUTHORITY TO OFFER TO ENTER INTO CONTRACTS.—In carrying out paragraph (1), the Secretary may offer to enter into 1 or more contracts with any appropriate individual or entity for the conduct of any service required under paragraph (1).''.

SEC. 3. REIMBURSEMENT.

Section 705 of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4656) is amended—

(1) by striking ''The treatment plant'' and inserting the following:

''(a) IN GENERAL.—Except as provided in subsection (b), the treatment plant'';

(2) by striking ''Drainage Tunnel'' and inserting ''Drainage Tunnel (which includes any surface water diverted into the Leadville Mine Drainage Tunnel and water collected by the dewatering relief well installed in June 2008)''; and

(3) by adding at the end the following:

''(b) EXCEPTION.—The Secretary may—

''(1) enter into an agreement with any other entity or government agency to provide funding for an increase in any operation, maintenance, replacement, capital improvement, or expansion cost that is necessary to improve or expand the treatment plant; and

''(2) upon entering into an agreement under paragraph (1), make any necessary capital improvement to or expansion of the treatment plant.''.

SEC. 4. USE OF LEADVILLE MINE DRAINAGE TUNNEL AND TREATMENT PLANT.

Section 708(a) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4657) is amended—

(1) by striking ''(a) The Secretary'' and inserting the following:

''(a) IN GENERAL.—

''(1) AUTHORIZATION.—The Secretary'';

(2) by striking ''Neither'' and inserting the following:

''(2) LIABILITY.—Neither'';

(3) by striking ''The Secretary shall have'' and inserting the following:

''(3) FACILITIES COVERED UNDER OTHER LAWS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall have'';

(4) by inserting after ''Recovery Act.'' the following:

''(B) EXCEPTION.—If the Administrator of the Environmental Protection Agency proposes to amend or issue a new Record of Decision for operable unit 6 of the California Gulch National Priorities List Site, the Administrator shall consult with the Secretary with respect to each feature of the proposed new or amended Record of Decision that may require any alteration to, or otherwise affect the operation and maintenance of—

''(i) the Leadville Mine Drainage Tunnel; or

''(ii) the water treatment plant authorized under section 701.

''(4) AUTHORITY OF SECRETARY.—The Secretary may implement any improvement to the Leadville Mine Drainage Tunnel or improvement to or expansion of the water treatment plant authorized under section 701 as a result of a new or amended Record of Decision for operable unit 6 of the California Gulch National Priorities List Site only upon entering into an agreement with the Administrator of the Environmental Protection Agency or any other entity or government agency to provide funding for the improvement or expansion.''; and

(5) by striking ''For the purpose of'' and inserting the following:

''(5) DEFINITION OF UPPER ARKANSAS RIVER BASIN.—In''.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

Section 708(f) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4657) is amended by striking ''sections 707 and 708'' and inserting ''this section and sections 703, 705, and 707''.

SEC. 6. CONFORMING AMENDMENT.

The table of contents of title VII of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4601) is amended by striking the item relating to section 703 and inserting the following:

''Sec. 703. Tunnel maintenance; operation and maintenance.''.

PEACE CORPS COMMEMORATIVE FOUNDATION IN DC ACT

The bill (S. 1421) to authorize the Peace Corps Commemorative Foundation to establish a commemorative work in the District of Columbia and its environs, and for other purposes, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1421

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

SECTION 1. MEMORIAL TO COMMEMORATE AMERICA'S COMMITMENT TO INTERNATIONAL SERVICE AND GLOBAL PROSPERITY.

(a) AUTHORIZATION TO ESTABLISH COMMEMORATIVE WORK.—The Peace Corps Commemorative Foundation may establish a commemorative work on Federal land in the District of Columbia and its environs to commemorate the mission of the Peace Corps and the ideals on which the Peace Corps was founded.

(b) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS ACT.—The establishment of the commemorative work under this section shall be in accordance with chapter 89 of title 40, United States Code (commonly known as the ''Commemorative Works Act'').

(c) USE OF FEDERAL FUNDS PROHIBITED.—

(1) IN GENERAL.—Federal funds may not be used to pay any expense of the establishment of the commemorative work under this section.

(2) RESPONSIBILITY OF PEACE CORPS.—The Peace Corps Commemorative Foundation shall be solely responsible for acceptance of contributions for, and payment of the expenses of, the establishment of the commemorative work under this section.

(d) DEPOSIT OF EXCESS FUNDS.—If, on payment of all expenses for the establishment of the commemorative work under this section (including the maintenance and preservation amount required by section 8906(b)(1) of title 40, United States Code), or on expiration of the authority for the commemorative work under section 8903(e) of title 40, United States Code, there remains a balance of funds received for the establishment of the commemorative work, the Peace Corps Commemorative Foundation shall transmit the amount of the balance to the Secretary of the Interior for deposit in the account provided for in section 8906(b)(3) of title 40, United States Code.

SEC. 2. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

MINUTEMAN MISSILE NATIONAL HISTORIC SITE BOUNDARY MODIFICATION ACT

The bill (S. 1478) to modify the boundary of the Minuteman Missile National Historic Site in the State of South Dakota, and for other purposes, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1478

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 ''Minuteman Missile National Historic Site Boundary Modification Act''.

SEC. 2. BOUNDARY MODIFICATION.

Section 3(a) of the Minuteman Missile National Historic Site Establishment Act of 1999 (16 U.S.C. 461 note; Public Law 106–115) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

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

''(3) VISITOR FACILITY AND ADMINISTRATIVE SITE.—

''(A) IN GENERAL.—In addition to the components described in paragraph (2), the historic site shall include a visitor facility and administrative site located on the parcel of land described in subparagraph (B).

''(B) DESCRIPTION OF LAND.—The land referred to in subparagraph (A) consists of—

''(i) approximately 25 acres of land within the Buffalo Gap National Grassland, located north of exit 131 on Interstate 90 in Jackson County, South Dakota, as generally depicted on the map entitled 'Minuteman Missile National Historic Site Boundary Modification', numbered 406/80,011A, and dated January 14, 2011; and

''(ii) approximately 3.65 acres of land located at the Delta 1 Launch Control Facility for the construction and use of a parking lot and for other administrative uses.

''(C) AVAILABILITY OF MAP.—The map described in subparagraph (B) shall be kept on file and available for public inspection in the appropriate offices of the National Park Service.

''(D) TRANSFER OF ADMINISTRATIVE JURISDICTION.—Administrative jurisdiction over the land described in subparagraph (B) is transferred from the Secretary of Agriculture to the Secretary, to be administered as part of the historic site.

''(E) BOUNDARY ADJUSTMENT.—The boundaries of the Buffalo Gap National Grassland are modified to exclude the land transferred under subparagraph (D).''.

BONNEVILLE UNIT CLEAN HYDROPOWER FACILITATION ACT

The bill (S. 499) to authorize the Secretary of the Interior to facilitate the development of hydroelectric power on the Diamond Fork System of the Central Utah Project, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 499

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 ''Bonneville Unit Clean Hydropower Facilitation Act''.

SEC. 2. DIAMOND FORK SYSTEM DEFINED.

For the purposes of this Act, the term ''Diamond Fork System'' means the facilities described in chapter 4 of the October 2004 Supplement to the 1988 Definite Plan Report for the Bonneville Unit.

SEC. 3. COST ALLOCATIONS.

Notwithstanding any other provision of law, in order to facilitate hydropower development on the Diamond Fork System, the amount of reimbursable costs allocated to project power in Chapter 6 of the Power Appendix in the October 2004 Supplement to the 1988 Bonneville Unit Definite Plan Report, with regard to power development within the Diamond Fork System, shall be considered final costs as well as costs in excess of the total maximum repayment obligation as defined in section 211 of the Central Utah Project Completion Act of 1992 (Public Law 102–575), and shall be subject to the same terms and conditions.

SEC. 4. NO PURCHASE OR MARKET OBLIGATION; NO COSTS ASSIGNED TO POWER.

Nothing in this Act shall obligate the Western Area Power Administration to purchase or market any of the power produced

by the Diamond Fork power plant and none of the costs associated with development of transmission facilities to transmit power from the Diamond Fork power plant shall be assigned to power for the purpose of Colorado River Storage Project ratemaking.

SEC. 5. PROHIBITION ON TAX-EXEMPT FINANCING.

No facility for the generation or transmission of hydroelectric power on the Diamond Fork System may be financed or refinanced, in whole or in part, with proceeds of any obligation—

(1) the interest on which is exempt from the tax imposed under chapter 1 of the Internal Revenue Code of 1986, or

(2) with respect to which credit is allowable under subpart I or J of part IV of subchapter A of chapter 1 of such Code.

SEC. 6. REPORTING REQUIREMENT.

If, 24 months after the date of the enactment of this Act, hydropower production on the Diamond Fork System has not commenced, the Secretary of the Interior shall submit a report to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate stating this fact, the reasons such production has not yet commenced, and a detailed timeline for future hydropower production.

SEC. 7. PAYGO.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

SEC. 8. LIMITATION ON THE USE OF FUNDS.

The authority under the provisions of section 301 of the Hoover Power Plant Act of 1984 (Public Law 98–381; 42 U.S.C. 16421a) shall not be used to fund any study or construction of transmission facilities developed as a result of this Act.

SLEEPING BEAR DUNES NATIONAL LAKESHORE CONSERVATION AND RECREATION ACT

The bill (S. 140) to designate as wilderness certain land and inland water within the Sleeping Bear Dunes National Lakeshore in the State of Michigan, and for other purposes, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 140

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 ''Sleeping Bear Dunes National Lakeshore Conservation and Recreation Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) MAP.—The term ''map'' means the map consisting of 6 sheets entitled ''Sleeping Bear Dunes National Lakeshore Proposed Wilderness Boundary'', numbered 634/80,083B, and dated November 2010.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 3. SLEEPING BEAR DUNES WILDERNESS.

(a) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land and inland water within the Sleeping Bear Dunes National Lakeshore comprising approximately 32,557 acres along the mainland shore of Lake Michigan and on certain nearby islands in Benzie and Leelanau Counties, Michigan, as generally depicted on the map, is designated as wilderness and as a component of the National Wilderness Preservation System, to be known as the ''Sleeping Bear Dunes Wilderness''.

(b) MAP.—

(1) AVAILABILITY.—The map shall be on file and available for public inspection in appropriate offices of the National Park Service.

(2) CORRECTIONS.—The Secretary may correct any clerical or typographical errors in the map.

(3) LEGAL DESCRIPTION.—As soon as practicable after the date of enactment of this Act, the Secretary shall prepare a legal description of the wilderness boundary and submit a copy of the map and legal description to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives.

(c) ROAD SETBACKS.—The wilderness boundary shall be—

(1) 100 feet from the centerline of adjacent county roads; and

(2) 300 feet from the centerline of adjacent State highways.

SEC. 4. ADMINISTRATION.

(a) IN GENERAL.—Subject to valid existing rights, the wilderness area designated by section 3(a) shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(1) any reference in the Wilderness Act to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act; and

(2) any reference in the Wilderness Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary.

(b) MAINTENANCE OF ROADS OUTSIDE WILDERNESS BOUNDARY.—Nothing in this Act prevents the maintenance and improvement of roads that are located outside the boundary of the wilderness area designated by section 3(a).

(c) FISH AND WILDLIFE.—Nothing in this Act affects the jurisdiction of the State of Michigan with respect to the management of fish and wildlife, including hunting and fishing within the national lakeshore in accordance with section 5 of Public Law 91–479 (16 U.S.C. 460x–4).

(d) SAVINGS PROVISIONS.—Nothing in this Act modifies, alters, or affects—

(1) any treaty rights; or

(2) any valid private property rights in existence on the day before the date of enactment of this Act.

SAN ANTONIO MISSIONS NATIONAL HISTORICAL PARK BOUNDARY EXPANSION ACT OF 2011

The Senate proceeded to consider the bill (S. 114) to authorize the Secretary of the Interior to enter into a cooperative agreement for a park headquarters at San Antonio Missions National Historical Park, to expand the boundary of the Park, to conduct a study of potential land acquisitions, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, 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 ''San Antonio Missions National Historical Park Boundary Expansion Act of 2011''.

SEC. 2. PARK BOUNDARY STUDY.

Section 201 of Public Law 95–629 (16 U.S.C. 410ee) is amended—

(1) by redesignating subsections (b), (c), (d), (e), and (f) as subsections (c), (e), (f), (g), and (h), respectively;

(2) by inserting after subsection (a) the following:

''(b) STUDY.—

''(1) IN GENERAL.—The Secretary shall conduct a study of land in Bexar and Wilson Counties, Texas, to identify land that would be suitable for inclusion in the park.

''(2) REQUIREMENTS.—In conducting the study under paragraph (1), the Secretary shall examine the natural, cultural, recreational, and scenic values and characteristics of the land.

''(3) REPORT.—Not later than 3 years after the date on which funds are made available for the study under paragraph (1), the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes the findings, conclusions, and recommendations of the study.'';

(3) by inserting after subsection (c) (as redesignated by paragraph (1)) the following:

''(d) INTERPETIVE SERVICES.—The Secretary may assign park employees to provide interpretive services, including visitor information and education, at facilities outside the boundary of the park.''; and

(4) in paragraph (1)(D) of subsection (g) (as redesignated by paragraph (1)), by striking ''subsection (b)(2)'' and inserting ''subsection (c)(2)''.

SEC. 3. BOUNDARY EXPANSION.

Section 201 of Public Law 95–629 (16 U.S.C. 410ee) is amended—

*(1) by striking ''**SEC. 201. (A)** In order'' and insert the following:*

''SEC. 201. SAN ANTONIO MISSIONS HISTORICAL PARK.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—In order''; and

(2) in subsection (a)—

(A) in the second sentence, by striking ''The park shall also'' and inserting the following:

''(2) ADDITIONAL LAND.—The park shall also'';

(B) in the third sentence, by striking ''After advising the'' and inserting the following:

''(4) REVISIONS.—After advising the''; and

(C) by inserting after paragraph (2) (as designated by subparagraph (A)) the following:

''(3) BOUNDARY MODIFICATION.—

''(A) IN GENERAL.—The boundary of the park is modified to include approximately 151 acres, as depicted on the map entitled 'San Antonio Missions National Historical Park Proposed Boundary Addition', numbered 472-68, 027, and dated November 2009.

''(B) AVAILABILITY OF MAP.—The map described in subparagraph (A) shall be on file and available for inspection in the appropriate offices of the National Park Service.

''(C) ACQUISITION OF LAND.—The Secretary of the Interior may acquire the land or any interest in the land described in in subparagraph (A) by purchase from willing sellers, donation, or exchange.''.

The amendment in the nature of a substitute (No. 3446) was agreed to, as follows:

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''San Antonio Missions National Historical Park Boundary Expansion Act of 2012''.

SEC. 2. BOUNDARY EXPANSION.

Section 201 of Public Law 95–629 (16 U.S.C. 410ee) is amended—

(1) by striking ''SEC. 201. (a) In order'' and inserting the following:

''SEC. 201. SAN ANTONIO MISSIONS HISTORICAL PARK.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—In order''; and

(2) in subsection (a)—

(A) in the second sentence, by striking ''The park shall also'' and inserting the following:

''(2) ADDITIONAL LAND.—The park shall also'';

(B) in the third sentence, by striking ''After advising the'' and inserting the following:

''(4) REVISIONS.—After advising the''; and

(C) by inserting after paragraph (2) (as designated by subparagraph (A)) the following:

''(3) BOUNDARY MODIFICATION.—

''(A) IN GENERAL.—The boundary of the park is modified to include approximately 137 acres, as depicted on the map entitled 'San Antonio Missions National Historical Park Proposed Boundary Addition', numbered 472/113,006A, and dated June 2012.

''(B) AVAILABILITY OF MAP.—The map described in subparagraph (A) shall be on file and available for inspection in the appropriate offices of the National Park Service.

''(C) ACQUISITION OF LAND.—The Secretary of the Interior may acquire the land or any interest in the land described in subparagraph (A) by donation or exchange.''.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 114) was ordered to be engrossed for a third reading, was read the third time, and passed.

The amendment (No. 3447) to amend the title was agreed to, as follows:

Amend the title so as to read as follows: ''To expand the boundary of the San Antonio Missions National Historical Park.''.

WHITE CLAY CREEK WILD AND SCENIC RIVER EXPANSION ACT

Mr. DURBIN. Mr. President, I ask unanimous consent the Senate proceed to the consideration of Calendar No. 283, S. 970.

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

The assistant legislative clerk read as follows:

A bill (S. 970) to designate additional segments and tributaries of White Clay Creek, in the States of Delaware and Pennsylvania, as a component of the National Wild and Scenic Rivers System.

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

Mr. DURBIN. I do not believe there is any further debate on this bill.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The bill (S. 970) was passed, as follows:

S. 970

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 ''White Clay Creek Wild and Scenic River Expansion Act of 2011''.

SEC. 2. DESIGNATION OF SEGMENTS OF WHITE CLAY CREEK, AS SCENIC AND RECREATIONAL RIVERS.

Section 3(a)(163) of the Wild and Scenic Rivers Act (16 U.S. C. 1274(a)(163)) is amended—

(1) in the matter preceding subparagraph (A)—

(A) by striking ''190 miles'' and inserting ''199 miles''; and

(B) by striking ''the recommended designation and classification maps (dated June 2000)'' and inserting ''the map entitled 'White Clay Creek Wild and Scenic River Designated Area Map' and dated July 2008, the map entitled 'White Clay Creek Wild and Scenic River Classification Map' and dated July 2008, and the map entitled 'White Clay Creek National Wild and Scenic River Proposed Additional Designated Segments-July 2008' '';

(2) by striking subparagraph (B) and inserting the following:

''(B) 22.4 miles of the east branch beginning at the southern boundary line of the Borough of Avondale, including Walnut Run, Broad Run, and Egypt Run, outside the boundaries of the White Clay Creek Preserve, as a recreational river.''; and

(3) by striking subparagraph (H) and inserting the following:

''(H) 14.3 miles of the main stem, including Lamborn Run, that flow through the boundaries of the White Clay Creek Preserve, Pennsylvania and Delaware, and White Clay Creek State Park, Delaware beginning at the confluence of the east and middle branches in London Britain Township, Pennsylvania, downstream to the northern boundary line of the City of Newark, Delaware, as a scenic river.''.

SEC. 3. ADMINISTRATION OF WHITE CLAY CREEK.

Sections 4 through 8 of Public Law 106–357 (16 U.S.C. 1274 note; 114 Stat. 1393), shall be applicable to the additional segments of the White Clay Creek designated by the amendments made by section 2.

Mr. DURBIN. I ask unanimous consent the motion to reconsider be laid upon the table.

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

MEASURE READ THE FIRST TIME—H.R. 459

Mr. DURBIN. Mr. President, I understand there is a bill at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The assistant legislative clerk read as follows:

A bill (H.R. 459) to require a full audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks by the Comptroller General of the United States, and for other purposes.

Mr. DURBIN. I now ask for a second reading and in order to place the bill on the calendar under rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will be read for a second time on the next legislative day.

AUTHORITY TO PRINT

Mr. DURBIN. Mr. President, I ask unanimous consent that when tributes to Danny Inouye, late Senator from Hawaii, be printed as a Senate document, and that Members have until 12 p.m. on Tuesday, January 8, 2013, to submit said tributes.

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

ORDERS FOR MONDAY, DECEMBER 31, 2012

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until 11 a.m. Monday, December 31, 2012; that following the prayer and pledge, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate proceed to a period of morning business until 12 p.m. for debate only, with Senators permitted to speak therein for up to 10 minutes each.

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

RECESS UNTIL 11 A.M. TOMORROW

Mr. DURBIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent it recess under the previous order.

There being no objection, the Senate, at 7:26 p.m., recessed until Monday, December 31, 2012, at 11 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate Sunday, December 30, 2012:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

CAROL J. GALANTE, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

DEPARTMENT OF JUSTICE

WILLIAM JOSEPH BAER, OF MARYLAND, TO BE AN ASSISTANT ATTORNEY GENERAL.

EXTENSIONS OF REMARKS

IN TRIBUTE TO LARRY AND RALPH CIMMARUSTI

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Sunday, December 30, 2012

Mr. GALLEGLY. Mr. Speaker, I rise in tribute to my good friends, entrepreneurs, patriots, and philanthropists Larry and Ralph Cimmarusti.

With the backing and support of their parents, Los Angeles natives Pat and Ann Cimmarusti, brothers Larry and Ralph opened their first eatery 40 years ago. They were fresh out of junior college.

The first restaurant was actually an open-fronted Hollywood, California, vegetable market purchased for $5,000 that was converted into an Italian deli. Frequented by the stars that lived in the Hollywood Hills, the deli thrived and provided their start into the restaurant world.

From this humble beginning, the Cimmarusti brothers launched Cimmarusti Holdings, LLC. Their first major success was to build one of the largest Burger King franchisees in the United States, with operations boasting annual sales near $250 million.

Building on their success, the brothers branched out into casual dining to become one of the largest franchisees of Tony Roma's Restaurants in Southern California. Last but not least, the company purchased the Original Roadhouse Grill chain, another casual dining eatery.

The skills learned in building new restaurants provided a logical entry into real estate development. Cimmarusti Holdings owns approximately 15 properties in the western United States, including office buildings and retail strip centers, and has a construction company active in restaurant/retail center development.

Despite their size and success, Larry and Ralph still look at Cimmarusti Holdings as a mom and pop operation. They also believe in the importance of community and giving back.

Larry and Ralph were key contributors to the Ronald Reagan Presidential Library and the names Lawrence and Ralph Cimmarusti are engraved in one of the more prominent locations at the library. At its opening, the Cimmarusti brothers helped cater the event and served meals to the five U.S. presidents in attendance.

The brothers actively aid law enforcement and have donated approximately a half-million dollars to families of police officers killed in the line of duty. They also support the Los Angeles Police Memorial Foundation and the Gil Garcetti's Rescue Youth Program.

Education is another major cause where they have given their time and resources, including donating $1 million to Glendale Community College for the construction of a new Science Center on campus.

Other noteworthy causes include the Glendale Memorial Hospital and Catholic parishes in the Southern California area.

Mr. Speaker, my wife, Janice, and I have enjoyed the friendship of the Cimmarusti family for many years, including Larry and Ralph's sister Loretta and her family. I had the pleasure of having Larry's son Patrick intern in my Washington, D.C., office while he attended law school. I know my colleagues join me in paying tribute to the Cimmarusti family for their entrepreneurship, their patriotism, and their philanthropy, and wish them continued great success.

GETTING A DEAL DONE ON FISCAL CLIFF

HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Sunday, December 30, 2012

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today to speak on the importance of getting a deal done on the fiscal cliff in few hours we have remaining. A potential Alternative Minimum Tax patch would protect 30 million taxpayers overall and 222,513 Texans from paying the AMT by raising the exemption amount.

Way back on January 20, 2001, when President George W. Bush took over from President Bill Clinton, the CBO estimated the total budget surplus for 2002–2011 would be $5.6 trillion.

And the campaign to spend the surplus began in earnest, despite warnings. Leading up to the 2001 tax cuts, the Administration and the Republican Congress were well aware of the looming AMT problem. Negotiators took advantage of this situation in order to keep down the costs of the 2001 tax cuts.

In June of 2000, one Treasury economist studied the AMT and warned that AMT taxpayers were due to grow at a rate of 30 percent each year between 2000 and 2010. Nonetheless, President Bush proposed a $1.6 trillion tax cut without an increase in the exemption level to protect taxpayers from the AMT.

Since 2001, Congress has had to extend an AMT "patch" almost annually so that the Bush tax cuts are not taken back by the AMT. The true cost of what was to be a $1.6 trillion tax cut has been estimated to be $2.2 trillion because of the AMT patches, exploding expiration dates, and debt-financing when the surplus disappeared. This budgetary sleight of hand is largely why we are here—literally at the eleventh hour—seeking to stop tax hikes on the middle class and avoid a brutal sequester.

This body should also not forget that we passed the Bush Tax Cuts under Reconciliation, which again is part of the background story, and the reason they are set to expire again.

Mr. Speaker, we need to get a deal done on the fiscal cliff this evening.

TRIBUTE TO ALEXANDER J. BECKLES

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Sunday, December 30, 2012

Mr. TOWNS. Mr. Speaker, I rise today to honor Alexander J. Beckles, a great Bahamian-American and friend, who was on my staff for sixteen years and was my Legislative Director for eight years. Known to us as Alex, I have also heard my dear friend Chairman JOHN DINGELL call him "Little Shaft."

I first met Alex back in 1985 when he would come by my office on the 7th floor of the Longworth Building to visit the late Ms. Brenda E. Pillors, his friend and my former Chief of Staff of twenty-five years. Brenda was my first hire as a member of this institution back in January 1983.

One day back in 1986, Alex approached me saying, "Can I speak with you, Congressman TOWNS. I need your advice," and I told him to come on into my office. Alex explained that he was now working for my friend Congressman Gus Savage, but Congressman Clyde Holloway, R–Forest Hill, Louisiana, had offered him a job for his upcoming re-election campaign. After all, Alex had been the field coordinator for the Faye E. Williams, D–Alexandria, LA 8th Congressional District race two years earlier. During that period, Alex and Congressman Clyde Holloway had become friends, and the Congressman wanted Alex to work for him because of his relationship with the Black community in the 8th Congressional District of Louisiana. My response to Alex was, "If Clyde Holloway is willing to give you a better paying job, take it and don't look back." I'm happy to say, Alex took my advice and the rest is history.

Alex later worked on Congressman Holloway's Congressional staff from 1987 to 1992 as a Legislative Assistant and on a number of projects, such as a feasibility study for the Red River during and after large scale flooding in Central and Northwest Louisiana. Alex was most proud of his leadership in the Gulf States Counter-Narcotic Initiative, a unique multi-state counter-narcotics operation in Louisiana, Mississippi, and Alabama, funded by the Department of Defense.

Alex's first job on Capitol Hill was with Congressman Tom Delay, R–Houston, Texas, where Alex had attended Texas Southern University and resided for some 14 years before coming to Washington, DC. Alex also worked for the following members of Congress: Congressman George Brown, D–California, Congressman Mervyn M. Dymally, D–California, and Congressman Gus Savage, D–Illinois, where he was able to work on a bill which set the national standard for minority set-asides within the Federal Government, particularly in the Department of Defense.

Alex later came to work for me in 1993, after Congressman Holloway lost to Congressman Richard Baker in the November election

of 1992. He was an indispensable resource to the constituents of the 10th Congressional District of Brooklyn, New York from 1993 to 2008, as Legislative Assistant and later as my Legislative Director. Nobody had more zeal for the job, and more loyalty to the office and the constituents of the District.

An example of his service to the people of Brooklyn was demonstrated in 1994 when we received a phone call into the District office, just before President Bill Clinton was forced to send American troops to Haiti. The matter concerned a 7 year old Haitian-American girl that was living with her grandmother in Port-au-Prince, and the last commercial Air France flight had departed Haiti a few days earlier. The mother, who lived in Brooklyn, was frightened and deeply concerned for her daughter's safety. Her child, it seemed, was stranded in what was soon to be a war zone with no way out.

Alex spoke with the mother of the child and told her to give him a few days and she will have her baby home safe with her in Brooklyn. On that Thursday, my Chief of Staff, Brenda Pillors, informed me that I would need to be at Kennedy International Airport the next day to meet the mother of a 7 year old Haitian girl, who lives here in Brooklyn and had not seen her daughter in over a year. She further informed me that Alex had arranged to fly the child out of Haiti earlier that day on Mission Flights out of Fort Lauderdale. I do not know, nor did I ask, how Alex was able to get this child out of Haiti just before the war started. But he did it. This is an example of why the staff always called Alex ''Mr. Fix-it'' and joked that no one could ever figure it out but he was able to get it done.

Mr. Speaker, I wish to say thank you to Alexander J. Beckles for all his many years of service on my Congressional staff, to this institution, and to the American people.

U.S. REP. MIKE PENCE FAREWELL SPEECH

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Sunday, December 30, 2012

Mr. PENCE. Mr. Speaker, it's an honor to rise for what will be my last time speaking as a Member of the United States House of Representatives. The people of Indiana have given me a new assignment.

But I rise tonight to pay a debt of gratitude to all of those who gave me the privilege to serve in this place. As a boy, I dreamed of someday representing my hometown in our Nation's capital. Twelve years ago, the people of the Sixth Congressional District made that dream a reality. And so I begin tonight by simply saying 'thank you' to all of them for letting me live that dream in these past 12 years, to come to this place again and again, and to be some small part of the story of this institution and America's story.

My only ambition in Congress was to look out for my family and to keep my word to the people who sent me here. To let my 'yes' be 'yes' and my 'no' be 'no.' And it is my hope that as people view the totality of my record and my life, they'll see that we've done just that.

There are those to thank tonight that made that possible, and that's what brings me to this task this evening. First, permit me to give thanks to God, whose grace and mercy has sustained us every day that we have served the people of Indiana in this place.

Next, and on this Earth most of all, I rise to honor and thank my beloved wife, Karen Pence, whose love, whose support, whose sacrifice, patience, and kindness, have made all that I have done in the service to the people of Indiana in this place, possible. Thanks for believing in me. I love you and I'll see you home. To our children: Michael, Charlotte, and Audrey. They were 6, 7, and 8 when I first arrived in this place and stood on this floor with my right hand raised, 12 years ago. They are now 18, 19, and 21. Thank you for your love. But thank you for the sacrifices that you have made so that we could live our dreams. Now go make your dreams come true. I know every one of you can.

To my colleagues with whom I've stood at this place, shoulder to shoulder, doing freedom's work, standing each and every day, cheerfully on behalf of the founding principles of this Nation: standing for a strong national defense; for limited government; for economic freedom; and for the moral foundations of this Nation. You know who you are. And we will take you from this place in our hearts always. You know there's a saying back home, when you see a turtle on a fence post, one thing you know for sure is that he didn't get there on his own.

So lastly what I want to do tonight, Mr. Speaker, is really to pay a debt of gratitude to the best congressional staff in American history. The men and women who have served our efforts in this city, and at home in Indiana for the past 12 years. I leave this body truly humbled when I look back at the caliber of the staff that we've been able to call to this mission, servant leaders all. They are men and women who approached each and every day with a servant leader's heart and made sacrifices over the years in order to serve the people of Indiana with integrity and energy. Names like Bill Smith and Lani Czarniecki; Jennifer Pavlik and Josh Pitcock; Matt Lloyd and Paul Teller; Marc Short and Sheila Cole, Russ Vought and Mary Vought; Ryan Fisher, LeAnne Holdman Gibbs and Chris Kiefer; Brian Neale and Ryan Jarmula, just to name a few. You know, I don't really have time tonight to name all of the men and women who served us in various capacities over these last 12 years. I submit each and every one of their names to the CONGRESSIONAL RECORD this night.

Some people look on in Washington, D.C., and they are rightly frustrated. Some people can come to this Nation's capital and lose their idealism. I'm not such a person. When I walk out of this Capitol for the last time, I will leave here with my idealism intact. I will continue to believe as our Founders did, that we are one nation under God, rich with a purpose yet to be fulfilled. That no matter how dark the day may seem that we can be confident when we stand for freedom and we do freedom's work, because freedom is not just our story, it's His story. And when we stand for freedom, however imperfectly, we make His work on this Earth our own.

In the words of the poet I depart this place saying,

The woods are lovely, dark, and deep.
But I have promises to keep,
And miles to go before I sleep,
And miles to go before I sleep.

I say to my colleagues and friends and neighbors in Indiana, my duties take me elsewhere, but wherever providence leads this Nation, let us ever remember that we have promises to keep for future generations of Americans in preserving, protecting, and defending the blessings of liberty for ourselves and our posterity. And I know we'll keep that promise because we're Americans.

Thank you for the honor of addressing you tonight. And to the people of the Sixth Congressional District: know that I'll always be grateful for the privilege that you have given me to serve in this place. And I will always cherish my days in the People's House.

May God bless the United States House of Representatives, and all who serve her now, and ever on this floor. And may God bless the United States of America.

MIKE PENCE STAFF ROSTER: 2001–2012

Acornley, Mark—Part-Time Admin Assistant: October 6, 2011–2012

Adams, Susan—Staff Assistant: October 6, 2003–February 29, 2004

Ahearn, Mark—Legislative Director: January 22, 2002–April 2, 2003

Alexander, Jerry—Constituent Services Representative & Director of Community Outreach: July 9, 2001–May 15, 2007

Arnold, Ron—Director of Administration & Deputy Chief of Staff: January 3, 2001–October 31, 2009

Atterholt, Kathleen—Caseworker: January 3, 2001–January 2, 2010

Bauer, Zachary—Staff Assistant & Legislative Correspondent: January 4, 2010–2012

Bennett, Kim—Deputy District Director: January 3, 2001–2012

Berry, Debra—District Representative: August 6, 2001–2012

Breeding, Mary—Paid Intern & Staff Assistant: April 1, 2001–January 18, 2002

Brinkman, Muffet—Staff Assistant: January 8, 2001–March 31, 2001

Brown, Skip—Communications Assistant: January 2, 3004–November 16, 2005

Brown, Will—Staff Assistant & Legislative Correspondent: January 3, 2009–January 2, 2011

Castor, Amy—Staff Assistant: May 16, 2004–March 12, 2006

Collins, Larry Ken—Communications Director: January 3, 2001–March 31, 2001

Craig, Lindsey—Legislative Assistant: January 2, 2009–April 2012

Crouch, Daniel—Legislative Assistant & Senior Legislative Assistant: January 16, 2007–August 7, 2009

Czarniecki, Cary (Lani)—District Director: January 3, 2001–2012

Dilly, Jonathan—Paid Intern: May 21, 2001–August 8, 2001

Evans, Ben—Constituent Services Representative: January 4, 2010–2012

Fisher, Ryan—Legislative Assistant & Legislative Director: January 3, 2001–January 2, 2007

Fortin, Kristin—Paid Intern: May 7, 2001–July 13, 2001

Gaskill, Kily Smith—Executive Assistant: January 13, 2009–2012

Gibbs, LeAnne Holdman—Staff Assistant, Legislative Assistant, Senior Legislative Assistant & Legislative Director: February 24, 2004–October 21, 2008

Hawkins, Nicole—Community Development Assistant: January 23, 2006–April 6, 2007

Howe, Jeff—Field Representative: January 3, 2003–February 28, 2010

Hughes, Kaitlynn—Press Assistant, Press Secretary: January 2, 2011–2012

Jarmula, Ryan—Staff Assistant, Legislative Assistant and Senior Legislative Assistant: January 22, 2008–2012

Karchner, Derek—Staff Assistant & Press Assistant: January 22, 2002–March 6, 2003

Keller, Aaron—Paid Intern: June 12, 2001–July 31, 2001

Kennedy, Elizabeth—Staff Assistant: February 23, 2004–April 30, 2005

Kiefer, Chris—Legislative Assistant & Senior Legislative Assistant: January 3, 2001–April 30, 2005

Kincaid, Andrew—Legislative Assistant: January 3, 2001–December 31, 2001

Lahr, Matt—Press Assistant: February 1, 2006–January 2, 2007; Press Secretary: May 10, 2010–January 9, 2011

Lavoie, Matt—Staff Assistant: March 13, 2006–April 15, 2007

Likens, Darlene—Caseworker: January 3, 2001–May 31, 2002

Lloyd, Matthew—Communications Director: January 29, 2003–December 31, 2008; Communications Director for GOP Conference: January 1, 2009–December 31, 2010; Communications Director: January 1, 2011–2012

McCarthy, Greg—Staff Director of Foreign Affairs, Middle East and South Asia Subcommittee while Rep. Pence served as Ranking Member: January 1, 2007–January 2, 2009

Meeker, Autumn—Staff Assistant: June 1, 2010–2012

Milazzo, Nathaniel—Legislative Correspondent, Legislative Assistant & Legislative Director: April 25, 2005–January 2, 2011

Miller, Craig—Legislative Assistant: January 3, 2004–June 4, 2005

Miller, Molly Jarmu—Communications Assistant & Legislative Assistant: January 1, 2002–July 28, 2003

Miner, Ryan—Paid Intern: June 1, 2007–July 11, 2007

Myers, Janille—Executive Assistant: January 12, 2009–2012

Neale, Brian—Legislative Assistant & Legislative Director: June 17, 2009–2012

Pardieck, Karrie—Casework Director: January 3, 2001–2012

Pavlik, Jennifer Marsh—Executive Assistant & Staff Director: January 6, 2001–2012

Perdew, Abby—Administrative Assistant & Administrative Director: January 27, 2009–October 31, 2011

Phipps, Andrew—Director of Community Relations: January 3, 2001–October 31, 2001

Piepgrass, Stephen—Communications Director: April 23, 2001–August 15, 2002

Pitcock, Joshua—Legislative Assistant, Deputy Chief of Staff and General Counsel: May 11, 2005–Dec. 31, 2008; Deputy Chief of Staff and General Counsel for GOP Conference: January 1, 2009–June 30, 2011; Deputy Chief of Staff and General Counsel: January 1, 2011–July 31, 2012; Chief of Staff—August 1, 2012–2012

Radtke, Schrade (Trip)—Legislative Director: March 22, 2003–December 30, 2003

Reger, Ryan—Field Representative: January 3, 2001–December 31, 2007

Shettle, John—Part-Time Caseworker: January 3, 2001–2012

Siktberg, Alan—Staff Assistant/Field Representative: February 1, 2005–February 14, 2008

Slatter, Ian—Legislative Assistant & Communications Director: January 1, 2002–January 31, 2003

Smith, William A.—Chief of Staff: January 3, 2001–July 31, 2012; Senior Advisor: August 1, 2012—2012

Son, Daniel—Communications Assistant & Press Secretary: January 26, 2008–May 31, 2010

Sulc, Kevin—Constituent Services Representative: July 9, 2001–2012

Tronovitch, Ryan—Staff Assistant: April 27, 2007–December 31, 2007

Wilson, Mikah—Constituent Services Representative/Caseworker/Administrator: January 3, 2003–October 31, 2009

Wilson, Duncan—February 23, 2005–February 28, 2005

Wilson, William Patrick—Legislative Director: January 2, 2001–December 31, 2001

CHAIRMAN MIKE PENCE, REPUBLICAN STUDY COMMITTEE STAFF ROSTER: 2005–2006

Executive Director—Sheila Cole
Deputy Director—Paul Teller
Policy Director—Russ Vought
Senior Policy Analyst—Derek Baker
Policy Analyst—Joelle Cannon
Research Assistant—Marcus Kelley
Communications Director—Matt Lloyd

CHAIRMAN MIKE PENCE, HOUSE REPUBLICAN CONFERENCE STAFF ROSTER: 2009–2010

Name	Title	Tenure
Marc Short	Chief of Staff	Jan. 2009–Dec. 2010
Josh Pitcock	Deputy Chief of Staff	Jan. 2009–Feb. 2010
	Deputy Chief of Staff/General Counsel.	Mar. 2010–Dec. 2010
Emily Seidel	Director of Operations/Assistant to the Chief of Staff.	Jan. 2009–Dec. 2010
Katie Strand	Director of Member Services and Events.	Jan. 2009–Dec. 2010
Melanie Looney	Coalitions Director/General Counsel.	Jan. 2009–Feb. 2010
Russ Vought	Policy Director	Jan. 2009–Aug. 2010
Daris Meeks	Policy Advisor and Legislative Counsel.	June 2009–Aug. 2010
	Policy Director	Aug. 2010–Dec. 2010
Adam Hepburn	Policy Advisor	Jan. 2009–Dec. 2010
Chris Jacobs	Policy Advisor	Jan. 2009–Jan. 2010
Andy Koenig	Policy Advisor	Jan. 2009–Dec. 2010
Jonathan Hiler	Policy Advisor	July 2010–Dec. 2010
John Gray	Policy Advisor	Apr. 2010–Dec. 2010
Sarah Makin	Policy Advisor	Jan. 2009–Mar. 2010
	Policy Advisor/Coalitions Liaison.	Mar. 2010–Dec. 2010
Brian McManus	Policy Advisor/Coalitions Liaison.	Apr. 2010–Dec. 2010
Lisa Tanner	Policy Advisor	June 2009–Aug. 2009
Matt Lloyd	Communications Director.	Jan. 2009–Dec. 2010
Mary Vought	Press Secretary	Feb. 2009–Dec. 2010
Andeliz Castillo	Deputy Press Secretary and Director of Specialty Media.	Feb. 2009–Dec. 2010
Courtney Kolb	Media Coordinator	Jan. 2009–July 2010
	Deputy Press Secretary	July 2010–Dec. 2010
Rachel Semmel	Press Assistant	Jan. 2009–July 2010
	Radio/TV Booker	July 2010–Dec. 2010
Brian Newell	Deputy Press Secretary/Speechwriter.	Jan. 2009–Mar. 2010
Doug Sachtleben	Deputy Press Secretary/Speechwriter.	Apr. 2010–Dec. 2010
Katie Hughes	Press Assistant	June 2010–Dec. 2010
Emily Pickett	Press Assistant	June 2010–Dec. 2010
Ben Howard	Staff Assistant	Feb. 2009–Dec. 2010
Scott Neale	Staff Assistant	Jan. 2009–May 2010
Ja'Ron Smith	Staff Assistant	Jan. 2009–Dec. 2010
Ryan Howell	Visual Media	Jan. 2009–Dec. 2010
Bryant Avondoglio	Visual Media	Jan. 2009–Dec. 2010
David Holley	Visual Media	Jan. 2009–Dec. 2010
Rebeccah Propp	Visual Media	June 2009–Dec. 2010
Ericka Anderson	Visual Media (blogger)	Mar. 2009–Dec. 2010

CONGRESSIONAL RECOGNITION FOR GOLDEN EAGLE DISTRIBUTORS INC.

HON. RON BARBER

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Sunday, December 30, 2012

Mr. BARBER. Mr. Speaker, I rise today to recognize Golden Eagle Distributors Inc., based in Tucson, Arizona, for its commitment to converting its delivery fleet from diesel to environmentally friendly compressed natural gas (CNG).

Golden Eagle recently was honored by Natural Gas Vehicles for America with its CNG Fleet & Station Program Award, presented at the Natural Gas Vehicle Conference and Summit in Schaumburg, Illinois.

All 27 of the heavy-duty trucks operated by Golden Eagle at its facilities in Tucson and Casa Grande, Arizona have been or soon will be converted to operate on compressed natural gas. The company also has a natural gas fueling station that is open to the public and is preparing to open a second public CNG fueling station. These efforts provide a strong incentive to members of the general public to operate a vehicle powered by compressed natural gas.

Natural gas vehicles are good for the American economy because they operate on a domestically produced fuel instead of relying on oil that frequently comes from overseas. The United States imports about half of the oil it uses, but 98 percent of the natural gas used in the United States is produced in North America.

In addition, exhaust emissions from natural gas powered vehicles are much lower than those from vehicles powered by gasoline or diesel. CNG vehicles produce 95 percent fewer particulates, 80 percent less nitrogen oxide and provide a reduction of 23 percent in greenhouse gas emissions compared with diesel engines.

Christopher Clements, CEO of Golden Eagle, made the commitment to switch from diesel to compressed natural gas to reduce the company's carbon footprint. The result is cleaner and healthier air in Southern Arizona.

Golden Eagle also was named Arizona's Greenest Workplace in 2010 by Mrs. Green's World, a website that promotes global sustainability. The company was recognized for its recycling and energy efficiency initiatives, employee carpooling and for its green transportation program.

I am proud to recognize Golden Eagle Distributors Inc. for its continued commitment to operating as a model of environmental stewardship.

IN HONOR OF MS. ALICE DAVIS

HON. LARRY KISSELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Sunday, December 30, 2012

Mr. KISSELL. Mr. Speaker, I rise today in honor of Ms. Alice Davis of Albemarle, NC, and her service to our community.

Ms. Alice has been at the forefront of the effort to increase voter registration in our district, and has worked tirelessly to do so. In addition to this, she is very involved in the community with her work with our veterans and the disabled.

Today, I ask all Members of Congress to join me in honoring Ms. Alice, a great American, and resident of North Carolina, the state which I am proud to represent.

IN RECOGNITION OF ASHLEY HONEYCUTT

HON. LARRY KISSELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Sunday, December 30, 2012

Mr. KISSELL. Mr. Speaker, I rise today in honor of the members of my Congressional Staff who have served with me over the past four years. As a Member of Congress, my greatest responsibility was to provide exceptional constituent services to our district, and my team did just that. I could not ask for a more talented and dedicated team, and I take great pride in the work that each staff member has done on behalf of North Carolina's 8th District. Each District Staff member has shown

great dedication to meeting the needs of each and every one of our constituents. They go above and beyond to ensure that each constituent is treated fairly and respectfully.

My team has shown a strong sense of dedication to meeting the needs of our constituents. I greatly appreciate the support and friendship they have shown me during my years of service in Congress.

Ashley Honeycutt has served as Staff Assistant in Concord during her time in the office. Ashley has always been a very active member of the community, and even established a charity in honor of her mother, who recently passed away.

Mr. Speaker, I ask my colleagues to join me in recognizing and thanking Ashley for her hard work on behalf of North Carolina's 8th District, and the United States, and to wish her continued success in her future endeavors.

IN RECOGNITION OF ALEXANDER GINIS

HON. LARRY KISSELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Sunday, December 30, 2012

Mr. KISSELL. Mr. Speaker, I rise today in honor of the members of my Congressional Staff who have served with me over the past four years. As a Member of Congress, my greatest responsibility was to provide exceptional constituent services to our district, and my team did just that. My Washington, D.C. office was also in charge of all aspects of the legislative process, quite a daunting task. I could not ask for a more talented and dedicated team, and I take great pride in the work that each staff member has done on behalf of North Carolina's 8th District.

My team has shown a strong sense of dedication to meeting the needs of our constituents. I greatly appreciate the support and friendship they have shown me during my years of service in Congress.

Alexander Ginis has served as both Legislative Correspondent and Legislative Assistant during his time with us. Alexander has made our office one of the best in the entire Congress for responding quickly to constituents. He has kept our average turnaround on constituent correspondence to less than 4 days. Alexander is a great writer and has a deep understanding of legislation, and how it impacts folks back home that is beyond his years.

Mr. Speaker, I ask my colleagues to join me in recognizing and thanking Alexander for his hard work on behalf of North Carolina's 8th District, and the United States, and to wish him continued success in his future endeavors.

IN RECOGNITION OF ALLISON AUMAN

HON. LARRY KISSELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Sunday, December 30, 2012

Mr. KISSELL. Mr. Speaker, I rise today in honor of the members of my Congressional Staff who have served with me over the past four years. As a Member of Congress, my greatest responsibility was to provide exceptional constituent services to our district, and my team did just that. I could not ask for a more talented and dedicated team, and I take great pride in the work that each staff member has done on behalf of North Carolina's 8th District. Each District Staff member has shown great dedication to meeting the needs of each and every one of our constituents. They go above and beyond to ensure that each constituent is treated fairly and respectfully.

My team has shown a strong sense of dedication to meeting the needs of our constituents. I greatly appreciate the support and friendship they have shown me during my years of service in Congress.

Allison Auman has served in many roles during her time in the office. I first met Allison at the Candor Peach Festival. She then interned in our Washington office before she was hired as Staff Assistant, and her current position as Director of Special Projects in our Concord office. She was in charge of many projects not least of which were Military Academy appointments, our Youth Council, and the 8th District Federal Contracting Symposium, which she did an excellent job of organizing.

Mr. Speaker, I ask my colleagues to join me in recognizing and thanking Allison for her hard work on behalf of North Carolina's 8th District, and the United States, and to wish her continued success in her future endeavors.

IN RECOGNITION OF ZACH PFISTER

HON. LARRY KISSELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Sunday, December 30, 2012

Mr. KISSELL. Mr. Speaker, I rise today in honor of the members of my Congressional Staff who have served with me over the past four years. As a Member of Congress, my greatest responsibility was to provide exceptional constituent services to our district, and my team did just that. My Washington, D.C. office was also in charge of all aspects of the legislative process, quite a daunting task. I could not ask for a more talented and dedicated team, and I take great pride in the work that each staff member has done on behalf of North Carolina's 8th District.

My team has shown a strong sense of dedication to meeting the needs of our constituents. I greatly appreciate the support and friendship they have shown me during my years of service in Congress.

Zach Pfister, while not still with our office, continues to be a great supporter and advocate of North Carolina's 8th District. During his time in our office, Zach served as Legislative Correspondent, Legislative Assistant, and finally our Legislative Director. While serving as Legislative Director, Zach was in charge of managing and guiding the legislative agenda of the office. He exceeded all expectations.

Mr. Speaker, I ask my colleagues to join me in recognizing and thanking Zach for his hard work on behalf of North Carolina's 8th District, and the United States, and to wish him continued success in his future endeavors.

IN RECOGNITION OF THOMAS THACKER

HON. LARRY KISSELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Sunday, December 30, 2012

Mr. KISSELL. Mr. Speaker, I rise today in honor of the members of my Congressional Staff who have served with me over the past four years. As a Member of Congress, my greatest responsibility was to provide exceptional constituent services to our district, and my team did just that. I could not ask for a more talented and dedicated team, and I take great pride in the work that each staff member has done on behalf of North Carolina's 8th District. Each District Staff member has shown great dedication to meeting the needs of each and every one of our constituents. They go above and beyond to ensure that each constituent is treated fairly and respectfully.

My team has shown a strong sense of dedication to meeting the needs of our constituents. I greatly appreciate the support and friendship they have shown me during my years of service in Congress.

Thomas Thacker has been with me since before I took office. As Deputy Chief of Staff and District Director, his leadership and communication skills have served not only me, but the entire 8th District well. As a former newspaper editor, Thomas has taken the lead in helping guide our communications staff, and served as an invaluable counselor to me both on constituent matters and legislation. Thomas has an uncanny ability to see legislation through the eye of someone born and raised in North Carolina's 8th District, and he has served the office well as the voice of the people of the district.

Mr. Speaker, I ask my colleagues to join me in recognizing and thanking Thomas for his hard work on behalf of North Carolina's 8th District, and the United States, and to wish him continued success in his future endeavors.

IN RECOGNITION OF TONY SPAULDING

HON. LARRY KISSELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Sunday, December 30, 2012

Mr. KISSELL. Mr. Speaker, I rise today in honor of the members of my Congressional Staff who have served with me over the past four years. As a Member of Congress, my greatest responsibility was to provide exceptional constituent services to our district, and my team did just that. I could not ask for a more talented and dedicated team, and I take great pride in the work that each staff member has done on behalf of North Carolina's 8th District. Each District Staff member has shown great dedication to meeting the needs of each and every one of our constituents. They go above and beyond to ensure that each constituent is treated fairly and respectfully.

My team has shown a strong sense of dedication to meeting the needs of our constituents. I greatly appreciate the support and friendship they have shown me during my years of service in Congress.

Tony Spaulding is a Caseworker in the office, and has been a great liaison with Federal agencies and other organizations. Very impressively, Tony was named the NAACP Man of the Year in two consecutive years, due to his hard work on behalf of the organization. Having been raised in North Carolina's 8th District, he possesses the great ability of being able to relate to the issues of our district, allowing him to best serve the people.

Mr. Speaker, I ask my colleagues to join me in recognizing and thanking Tony for his hard work on behalf of North Carolina's 8th District, and the United States, and to wish him continued success in his future endeavors.

IN RECOGNITION OF SEAN DUGAN

HON. LARRY KISSELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Sunday, December 30, 2012

Mr. KISSELL. Mr. Speaker, I rise today in honor of the members of my Congressional Staff who have served with me over the past four years. As a Member of Congress, my greatest responsibility was to provide exceptional constituent services to our district, and my team did just that. My Washington, D.C. office was also in charge of all aspects of the legislative process, quite a daunting task. I could not ask for a more talented and dedicated team, and I take great pride in the work that each staff member has done on behalf of North Carolina's 8th District.

My team has shown a strong sense of dedication to meeting the needs of our constituents. I greatly appreciate the support and friendship they have shown me during my years of service in Congress.

Sean Dugan has served as my Legislative Assistant for the past year. During this time, Sean has handled a portfolio of issues including health and taxes. Sean is very passionate about his work, and with that comes a great level of enthusiasm. Hailing from the state of Nebraska, he understands the challenges of a rural district, and that was evident in his work.

Mr. Speaker, I ask my colleagues to join me in recognizing and thanking Sean for his hard work on behalf of North Carolina's 8th District, and the United States, and to wish him continued success in his future endeavors.

IN RECOGNITION OF PAUL IRVING

HON. LARRY KISSELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Sunday, December 30, 2012

Mr. KISSELL. Mr. Speaker, I rise today in honor of the members of my Congressional Staff who have served with me over the past four years. As a Member of Congress, my greatest responsibility was to provide exceptional constituent services to our district, and my team did just that. I could not ask for a more talented and dedicated team, and I take great pride in the work that each staff member has done on behalf of North Carolina's 8th District. Each District Staff member has shown great dedication to meeting the needs of each and every one of our constituents. They go above and beyond to ensure that each constituent is treated fairly and respectfully.

My team has shown a strong sense of dedication to meeting the needs of our constituents. I greatly appreciate the support and friendship they have shown me during my years of service in Congress.

Paul Irving has served the people of our district as a Caseworker, and ultimately a Senior Caseworker. In his capacity within our office, Paul manages constituent casework pertaining to the Home Affordable Modification Program and the Home Affordable Refinance Program. He has helped more than 1,000 folks keep their homes. Paul is tenacious on behalf of the people of the 8th District of North Carolina.

Mr. Speaker, I ask my colleagues to join me in recognizing and thanking Paul for his hard work on behalf of North Carolina's 8th District, and the United States, and to wish him continued success in his future endeavors.

IN RECOGNITION OF LEANNE POWELL

HON. LARRY KISSELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Sunday, December 30, 2012

Mr. KISSELL. Mr. Speaker, I rise today in honor of the members of my Congressional Staff who have served with me over the past four years. As a Member of Congress, my greatest responsibility was to provide exceptional constituent services to our district, and my team did just that. My Washington, D.C. office was also in charge of all aspects of the legislative process, quite a daunting task. I could not ask for a more talented and dedicated team, and I take great pride in the work that each staff member has done on behalf of North Carolina's 8th District.

My team has shown a strong sense of dedication to meeting the needs of our constituents. I greatly appreciate the support and friendship they have shown me during my years of service in Congress.

Leanne Powell has been a part of my team since before I took office, and has served as my Chief of Staff for the duration of my Congressional tenure. Tasked with managing the personnel of my Washington and District Offices, Leanne has assembled an extraordinary staff. Under her leadership, that staff has worked tirelessly on behalf of the people of our district, and our great nation. Leanne is an incredible leader who has helped guide, encourage, and advise me during my time in office. Having lived in the district most of her life, and having worked for former Congressman Bill Hefner before joining our team, she brought an unparalleled knowledge of North Carolina and its 8th District to our Congressional office. Leanne represents the best in public service. Her commitment to the people of our district, to this office, and to me personally, is truly invaluable.

Mr. Speaker, I ask my colleagues to join me in recognizing and thanking Leanne for her hard work on behalf of North Carolina's 8th District, and the United States, and to wish her continued success in her future endeavors.

IN RECOGNITION OF KEVIN TANN

HON. LARRY KISSELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Sunday, December 30, 2012

Mr. KISSELL. Mr. Speaker, I rise today in honor of the members of my Congressional Staff who have served with me over the past four years. As a Member of Congress, my greatest responsibility was to provide exceptional constituent services to our district, and my team did just that. My Washington, D.C. office was also in charge of all aspects of the legislative process, quite a daunting task. I could not ask for a more talented and dedicated team, and I take great pride in the work that each staff member has done on behalf of North Carolina's 8th District.

My team has shown a strong sense of dedication to meeting the needs of our constituents. I greatly appreciate the support and friendship they have shown me during my years of service in Congress.

Kevin Tann has served as our office's Defense Legislative Fellow for the past year. In this capacity, Kevin serves as a liaison to the United States military. In addition to this, Kevin is an active duty Army Major. It is an honor to have a service member as a part of my staff. Kevin was vital in so many facets of the office, including the organization of this year's 8th District Federal Contracting Symposium, which was a huge success.

Mr. Speaker, I ask my colleagues to join me in recognizing and thanking Kevin for his hard work on behalf of North Carolina's 8th District, his service to the United States, and to wish him continued success in his future endeavors.

IN RECOGNITION OF JOSHUA LOGELIN

HON. LARRY KISSELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Sunday, December 30, 2012

Mr. KISSELL. Mr. Speaker, I rise today in honor of the members of my Congressional Staff who have served with me over the past four years. As a Member of Congress, my greatest responsibility was to provide exceptional constituent services to our district, and my team did just that. I could not ask for a more talented and dedicated team, and I take great pride in the work that each staff member has done on behalf of North Carolina's 8th District. Each District Staff member has shown great dedication to meeting the needs of each and every one of our constituents. They go above and beyond to ensure that each constituent is treated fairly and respectfully.

My team has shown a strong sense of dedication to meeting the needs of our constituents. I greatly appreciate the support and friendship they have shown me during my years of service in Congress.

Joshua Logelin has filled many roles during his time in our office. Starting as an intern in the office, and being hired as a Press Assistant, Staff Assistant, and finally a Caseworker, Joshua has never been afraid of a challenge. Having been raised in North Carolina's 8th District, he possesses the great ability of being

able to relate to the issues of our district, allowing him to best serve the people.

Mr. Speaker, I ask my colleagues to join me in recognizing and thanking Joshua for his hard work on behalf of North Carolina's 8th District, and the United States, and to wish him continued success in his future endeavors.

IN RECOGNITION OF JARROD HALL

HON. LARRY KISSELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Sunday, December 30, 2012

Mr. KISSELL. Mr. Speaker, I rise today in honor of the members of my Congressional Staff who have served with me over the past four years. As a Member of Congress, my greatest responsibility was to provide exceptional constituent services to our district, and my team did just that. I could not ask for a more talented and dedicated team, and I take great pride in the work that each staff member has done on behalf of North Carolina's 8th District. Each District Staff member has shown great dedication to meeting the needs of each and every one of our constituents. They go above and beyond to ensure that each constituent is treated fairly and respectfully.

My team has shown a strong sense of dedication to meeting the needs of our constituents. I greatly appreciate the support and friendship they have shown me during my years of service in Congress.

Jarrod Hall has served as my Director of Outreach during his time in the office. In this capacity, he has brought our office to the communities of the 8th District. Jarrod has made sure that our office knows what is going on in each corner of the district. He is an exceptional young man who has been invaluable to keeping lines of communication open, and our office always accessible.

Mr. Speaker, I ask my colleagues to join me in recognizing and thanking Jarrod for his hard work on behalf of North Carolina's 8th District, and the United States, and to wish him continued success in his future endeavors.

IN RECOGNITION OF GEORGIA LOZIER

HON. LARRY KISSELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Sunday, December 30, 2012

Mr. KISSELL. Mr. Speaker, I rise today in honor of the members of my Congressional Staff who have served with me over the past four years. As a Member of Congress, my greatest responsibility was to provide exceptional constituent services to our district, and my team did just that. I could not ask for a more talented and dedicated team, and I take great pride in the work that each staff member has done on behalf of North Carolina's 8th District. Each District Staff member has shown great dedication to meeting the needs of each and every one of our constituents. They go above and beyond to ensure that each constituent is treated fairly and respectfully.

My team has shown a strong sense of dedication to meeting the needs of our constituents. I greatly appreciate the support and friendship they have shown me during my years of service in Congress.

Georgia Lozier has served as Deputy District Director for Administration during her time in the office. She is tenacious, and has gone above and beyond to help get millions of dollars in retroactive benefits for our constituents. She is devoted to her job and has helped lead our team to serve the people of our area well.

Mr. Speaker, I ask my colleagues to join me in recognizing and thanking Georgia for her hard work on behalf of North Carolina's 8th District, and the United States, and to wish her continued success in her future endeavors.

IN RECOGNITION OF EMMA LAMBETH

HON. LARRY KISSELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Sunday, December 30, 2012

Mr. KISSELL. Mr. Speaker, I rise today in honor of the members of my Congressional Staff who have served with me over the past four years. As a Member of Congress, my greatest responsibility was to provide exceptional constituent services to our district, and my team did just that. I could not ask for a more talented and dedicated team, and I take great pride in the work that each staff member has done on behalf of North Carolina's 8th District. Each District Staff member has shown great dedication to meeting the needs of each and every one of our constituents. They go above and beyond to ensure that each constituent is treated fairly and respectfully.

My team has shown a strong sense of dedication to meeting the needs of our constituents. I greatly appreciate the support and friendship they have shown me during my years of service in Congress.

Emma Lambeth has served as Deputy District Director for Oversight and Compliance during her time in the office. She has been a liaison with Federal agencies and other organizations. Having been raised in North Carolina's 8th District, she possesses the ability of being able to relate to the issues of our district, allowing her to help my team serve the people of our area well.

Mr. Speaker, I ask my colleagues to join me in recognizing and thanking Emma for her hard work on behalf of North Carolina's 8th District, and the United States, and to wish her continued success in her future endeavors.

IN RECOGNITION OF ELENA DiTRAGLIA

HON. LARRY KISSELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Sunday, December 30, 2012

Mr. KISSELL. Mr. Speaker, I rise today in honor of the members of my Congressional Staff who have served with me over the past four years. As a Member of Congress, my greatest responsibility was to provide exceptional constituent services to our district, and my team did just that. My Washington, D.C. office was also in charge of all aspects of the legislative process, quite a daunting task. I could not ask for a more talented and dedicated team, and I take great pride in the work that each staff member has done on behalf of North Carolina's 8th District.

My team has shown a strong sense of dedication to meeting the needs of our constituents. I greatly appreciate the support and friendship they have shown me during my years of service in Congress.

Elena DiTraglia has been with me since before I took office. As our Director of Operations she was the person who made sure that all functions of the office, my schedule, and too many other things to list went smoothly. Elena, who is originally from Texas, has made the people of the 8th District of North Carolina her priority, and she has served them so well.

Mr. Speaker, I ask my colleagues to join me in recognizing and thanking Elena for her hard work on behalf of North Carolina's 8th District, and the United States, and to wish her continued success in her future endeavors.

IN RECOGNITION OF ELIZABETH BONNER

HON. LARRY KISSELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Sunday, December 30, 2012

Mr. KISSELL. Mr. Speaker, I rise today in honor of the members of my Congressional Staff who have served with me over the past four years. As a Member of Congress, my greatest responsibility was to provide exceptional constituent services to our district, and my team did just that. My Washington, D.C. office was also in charge of all aspects of the legislative process, quite a daunting task. I could not ask for a more talented and dedicated team, and I take great pride in the work that each staff member has done on behalf of North Carolina's 8th District.

My team has shown a strong sense of dedication to meeting the needs of our constituents. I greatly appreciate the support and friendship they have shown me during my years of service in Congress.

Elizabeth Bonner has served as my Press Assistant during her time in our office. Hailing from the great state of North Carolina, Elizabeth has been an excellent addition to the team. Assisting in all mediums of communication with our district, she has been instrumental in communicating with our constituents.

Mr. Speaker, I ask my colleagues to join me in recognizing and thanking Elizabeth for her hard work on behalf of North Carolina's 8th District, and the United States, and to wish her continued success in her future endeavors.

IN RECOGNITION OF CHRISTOPHER SCHULER

HON. LARRY KISSELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Sunday, December 30, 2012

Mr. KISSELL. Mr. Speaker, I rise today in honor of the members of my Congressional Staff who have served with me over the past four years. As a Member of Congress, my greatest responsibility was to provide exceptional constituent services to our district, and

my team did just that. My Washington, D.C. office was also in charge of all aspects of the legislative process, quite a daunting task. I could not ask for a more talented and dedicated team, and I take great pride in the work that each staff member has done on behalf of North Carolina's 8th District.

My team has shown a strong sense of dedication to meeting the needs of our constituents. I greatly appreciate the support and friendship they have shown me during my years of service in Congress.

Christopher Schuler has held many positions in our office, and provides invaluable counsel. As Communications Director he helped make sure our constituents were always informed, and that their concerns were always put foremost. In addition to being an excellent writer, he is also very knowledgeable about legislation and has also served as Legislative Assistant, and with his help we have been able to lead the "Buy American" effort.

Mr. Speaker, I ask my colleagues to join me in recognizing and thanking Christopher for his hard work on behalf of North Carolina's 8th District, and the United States, and to wish him continued success in his future endeavors.

IN RECOGNITION OF DAVID DEESE

HON. LARRY KISSELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Sunday, December 30, 2012

Mr. KISSELL. Mr. Speaker, I rise today in honor of the members of my Congressional Staff who have served with me over the past four years. As a Member of Congress, my greatest responsibility was to provide exceptional constituent services to our district, and my team did just that. I could not ask for a more talented and dedicated team, and I take great pride in the work that each staff member has done on behalf of North Carolina's 8th District. Each District Staff member has shown great dedication to meeting the needs of each and every one of our constituents. They go above and beyond to ensure that each constituent is treated fairly and respectfully.

My team has shown a strong sense of dedication to meeting the needs of our constituents. I greatly appreciate the support and friendship they have shown me during my years of service in Congress.

David Deese has served as my Outreach Assistant during his time in the office. In our office, David has brought help to those who may not be able to get to our office, through satellite office hours, community meetings, and chamber meetings. This has proved to be very useful for the folks of our district, and has helped to bring our office to the communities. His many years as a newspaper publisher and editor have made him an excellent liaison to the community.

Mr. Speaker, I ask my colleagues to join me in recognizing and thanking David for his hard work on behalf of North Carolina's 8th District, and the United States, and to wish him continued success in his future endeavors.

IN RECOGNITION OF CHAZ OFFENBURG

HON. LARRY KISSELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Sunday, December 30, 2012

Mr. KISSELL. Mr. Speaker, I rise today in honor of the members of my Congressional Staff who have served with me over the past four years. As a Member of Congress, my greatest responsibility was to provide exceptional constituent services to our district, and my team did just that. I could not ask for a more talented and dedicated team, and I take great pride in the work that each staff member has done on behalf of North Carolina's 8th District. Each District Staff member has shown great dedication to meeting the needs of each and every one of our constituents. They go above and beyond to ensure that each constituent is treated fairly and respectfully.

My team has shown a strong sense of dedication to meeting the needs of our constituents. I greatly appreciate the support and friendship they have shown me during my years of service in Congress.

Chaz Offenburg has served as a Caseworker in our office for more than two and a half years. In that time, Chaz has helped the constituents of our district, and served as a liaison to Federal agencies. Chaz is the epitome of a team player, and was a great member of our office.

Mr. Speaker, I ask my colleagues to join me in recognizing and thanking Chaz for his hard work on behalf of North Carolina's 8th District, and the United States, and to wish him continued success in his future endeavors.

IN RECOGNITION OF CHRIS KELLEY

HON. LARRY KISSELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Sunday, December 30, 2012

Mr. KISSELL. Mr. Speaker, I rise today in honor of the members of my Congressional Staff who have served with me over the past four years. As a Member of Congress, my greatest responsibility was to provide exceptional constituent services to our district, and my team did just that. My Washington, D.C. office was also in charge of all aspects of the legislative process, quite a daunting task. I could not ask for a more talented and dedicated team, and I take great pride in the work that each staff member has done on behalf of North Carolina's 8th District.

My team has shown a strong sense of dedication to meeting the needs of our constituents. I greatly appreciate the support and friendship they have shown me during my years of service in Congress.

Chris Kelley has served as my Legislative Director for the past year. In his time with the office, Chris has help to guide and implement the legislative agenda of the office. During his time in the office, Chris has covered issues including agriculture and environment. Chris cares deeply about the agriculture issues facing our nation. Having worked in the House for many years, Chris' commitment to the good of our nation is very evident.

Mr. Speaker, I ask my colleagues to join me in recognizing and thanking Chris for his hard work on behalf of North Carolina's 8th District, and the United States, and to wish him continued success in his future endeavors.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S8521–S8556

Measures Introduced: Two bills were introduced, as follows: S. 3714–3715. **Page S8548**

Measures Passed:

SAFER Act: Committee on the Judiciary was discharged from further consideration of S. 3250, to amend the DNA Analysis Backlog Elimination Act of 2000 to provide for Debbie Smith grants for auditing sexual assault evidence backlogs and to establish a Sexual Assault Forensic Evidence Registry, and the bill was then passed, after agreeing to the following amendment proposed thereto: **Pages S8551–52**

Durbin (for Cornyn) Amendment No. 3445, in the nature of a substitute. **Page S8552**

Pandemic and All-Hazards Preparedness Act: Senate passed S. 3715, to extend the limited antitrust exemption contained in the Pandemic and All-Hazards Preparedness Act. **Page S8552**

Lake Thunderbird Efficient Use Act: Senate passed H.R. 3263, to authorize the Secretary of the Interior to allow the storage and conveyance of non-project water at the Norman project in Oklahoma. **Page S8552**

Pinnacles National Park Act: Senate passed H.R. 3641, to establish Pinnacles National Park in the State of California as a unit of the National Park System. **Page S8552**

Pike National Forest Railroad Right of Way: Senate passed H.R. 4073, to authorize the Secretary of Agriculture to accept the quitclaim, disclaimer, and relinquishment of a railroad right of way within and adjacent to Pike National Forest in El Paso County, Colorado, originally granted to the Mt. Manitou Park and Incline Railway Company pursuant to the Act of March 3, 1875. **Pages S8552–53**

Natchez Trace Parkway Land Conveyance Act: Senate passed S. 264, to direct the Secretary of the Interior to convey to the State of Mississippi 2 parcels of surplus land within the boundary of the Natchez Trace Parkway, after agreeing to the committee amendment. **Page S8553**

Powell Shooting Range Land Conveyance Act: Committee on Energy and Natural Resources was discharged from further consideration of S. 2015, to require the Secretary of the Interior to convey certain Federal land to the Powell Recreation District in the State of Wyoming, and the bill was then passed. **Page S8552**

Federal Permit Streamlining Pilot Project: Committee on Energy and Natural Resources was discharged from further consideration of S. 3563, to amend the Energy Policy Act of 2005 to modify the Pilot Project offices of the Federal Permit Streamlining Pilot Project, and the bill was then passed. **Page S8552**

Leadville Mine Drainage Tunnel Act: Senate passed S. 1047, to amend the Reclamation Projects Authorization and Adjustment of 1992 to require the Secretary of the Interior, acting through the Bureau of Reclamation, to take actions to improve environmental conditions in the vicinity of the Leadville Mine Drainage Tunnel in Lake County, Colorado. **Pages S8553–54**

Peace Corps Commemorative Foundation: Senate passed S. 1421, to authorize the Peace Corps Commemorative Foundation to establish a commemorative work in the District of Columbia and its environs. **Page S8554**

Minuteman Missile National Historic Site Boundary Modification Act: Senate passed S. 1478, to modify the boundary of the Minuteman Missile National Historic Site in the State of South Dakota. **Page S8554**

Bonneville Unit Clean Hydropower Facilitation Act: Senate passed S. 499, to authorize the Secretary of the Interior to facilitate the development of hydroelectric power on the Diamond Fork System of the Central Utah Project. **Pages S8554–55**

Sleeping Bear Dunes National Lakeshore Conservation and Recreation Act: Senate passed S. 140, to designate as wilderness certain land and inland water within the Sleeping Bear Dunes National Lakeshore in the State of Michigan. **Page S8555**

San Antonio Missions National Historical Park Boundary Expansion Act: Senate passed S. 114, to expand the boundary of the San Antonio Missions National Historical Park, after agreeing to the committee amendment in the nature of a substitute, and the following amendments proposed thereto: **Pages S8555–56**

Durbin (for Hutchison) Amendment No. 3446, in the nature of a substitute. **Pages S8555–56**

Durbin (for Hutchison) Amendment No. 3447, to amend the title. **Page S8556**

White Clay Creek Wild and Scenic River Expansion Act: Senate passed S. 970, to designate additional segments and tributaries of White Clay Creek, in the States of Delaware and Pennsylvania, as a component of the National Wild and Scenic Rivers System. **Page S8556**

Tributes to Daniel Inouye—Agreement: A unanimous-consent agreement was reached providing that tributes to Daniel Inouye, a late Senator from Hawaii, be printed as a Senate document, and that Members have until 12 p.m. on Tuesday, January 8, 2013, to submit said tributes. **Page S8556**

Nominations Confirmed: Senate confirmed the following nominations:

By 64 yeas to 26 nays (Vote No. EX. 249), William Joseph Baer, of Maryland, to be an Assistant Attorney General. **Pages S8521–28, S8556**

By 69 yeas to 24 nays (Vote No. EX. 250), Carol J. Galante, of California, to be an Assistant Secretary of Housing and Urban Development. (A unanimous-consent agreement was reached providing that the nomination, having achieved 60 affirmatives votes, be confirmed.) **Pages S8521–29, S8556**

Messages from the House: **Pages S8547–48**

Measures Read the First Time: **Page S8556**

Statements on Introduced Bills/Resolutions: **Pages S8548–49**

Amendments Submitted: **Pages S8549–51**

Record Votes: Two record votes were taken today. (Total—250) **Pages S8528–29**

Recess: Senate convened at 1 p.m. and recessed at 7:26 p.m., until 11 a.m. on Monday, December 31, 2012. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S8556.)

Committee Meetings

(Committees not listed did not meet)

No committee meetings were held.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 4 public bills, H.R. 6716–6719 were introduced. **Page H7469**

Additional Cosponsors: **Page H7469**

Report Filed: A report was filed on December 28, 2012 as follows:

Semi-annual Report on the Activity of the Permanent Select Committee on Intelligence for the 112th Congress (H. Rept. 112–733).

A report was filed today as follows:

H. Res. 843, waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (H. Rept. 112–734). **Page H7469**

Notification of Reassembly: Read the text of the formal notification sent to Members on Thursday, December 27, 2012 of the reassembling of the House. **Page H7437**

Recess: The House recessed at 2:15 p.m. and reconvened at 4:30 p.m. **Page H7439**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Improving Transparency of Education Opportunities for Veterans Act of 2012: Concurred in the Senate amendment to 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, by a ⅔ yea-and-nay vote of 392 yeas to 3 nays, Roll No. 650; **Pages H7439–42, H7465–66**

Dignified Burial of Veterans Act of 2012: 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, by a ⅔ yea-and-nay vote of 393 yeas with none voting "nay", Roll No. 651; and **Pages H7442–46, H7466–67**

Foreign Aid Transparency and Accountability Act of 2012: H.R. 3159, amended, to direct the President, in consultation with the Department of

State, United States Agency for International Development, Millennium Challenge Corporation, and the Department of Defense, to establish guidelines for United States foreign assistance programs, by a ⅔ yea-and-nay vote of 390 yeas with none voting "nay", Roll No. 649. **Pages H7458–61, H7464–65**

Agreed to amend the title so as to read: "To direct the President to establish guidelines for United States foreign development assistance, and for other purposes.". **Page H7465**

Suspensions—Proceedings Postponed: The House debated the following measures under suspension of the rules. Further proceedings were postponed:

Clothe a Homeless Hero Act: Concur in the Senate amendment to H.R. 6328, to amend title 49, United States Code, to direct the Assistant Secretary of Homeland Security (Transportation Security Administration) to transfer unclaimed clothing recovered at airport security checkpoints to local veterans organizations and other local charitable organizations; **Pages H7446–48**

Drywall Safety Act of 2012: Concur in the Senate amendment to H.R. 4212, to prevent the introduction into commerce of unsafe drywall, to ensure the manufacturer of drywall is readily identifiable, and to ensure that problematic drywall removed from homes is not reused; **Pages H7448–50**

Uninterrupted Scholars Act: S. 3472, to amend the Family Educational Rights and Privacy Act of 1974 to provide improvements to such Act; **Pages H7450–53**

Foreign and Economic Espionage Penalty Enhancement Act of 2012: Concur in the Senate amendment to H.R. 6029, to amend title 18, United States Code, to provide for increased penalties for foreign and economic espionage; **Pages H7453–55**

Correcting and improving certain provisions of the Leahy-Smith America Invents Act and title 35, United States Code: Concur in the Senate amendment to H.R. 6621, to correct and improve certain provisions of the Leahy-Smith America Invents Act and title 35, United States Code; **Pages H7455–57**

Intercountry Adoption Universal Accreditation Act of 2012: S. 3331, to provide for universal intercountry adoption accreditation standards; **Pages H7457–58**

Department of State Rewards Program Update and Technical Corrections Act of 2012: 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 **Pages H7461–62**

Granting the consent of Congress to the State and Province Emergency Management Assistance Memorandum of Understanding: S.J. Res. 44, to grant the consent of Congress to the State and Province Emergency Management Assistance Memorandum of Understanding. **Pages H7462–64**

Meeting Hour: Agreed that when the House adjourns today, it adjourn to meet tomorrow at 9 a.m. for morning hour debate and 10 a.m. for legislative business. **Page H7467**

Recess: The House recessed at 7:15 p.m. and reconvened at .8:20 p.m. **Page H7467**

Member Resignation: Read a letter from Representative Tim Scott, wherein he resigned as Representative for the First Congressional District of South Carolina, effective Janary 2, 2013. **Page H7467**

Senate Messages: Messages received from the Senate by the Clerk and subsequently presented to the House today appear on pages H7439.

Senate Referrals: S. 3667 was referred to the Committee on Ways and Means and S. 3454 was held at the desk. **Page H7467**

Quorum Calls—Votes: Three yea-and-nay votes developed during the proceedings of today and appear on pages H7465, H7465–66, H7466–67. There were no quorum calls.

Adjournment: The House met at 2 p.m. and adjourned at 8:22 p.m.

Committee Meeting

SAME-DAY CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED BY THE RULES COMMITTEE

Committee on Rules: Full Committee held a hearing on H. Res. 843, waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules. The Committee granted, by a voice vote, a rule waiving clause 6(a) of rule XIII (requiring a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee) against any resolution reported on December 31, 2012.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR MONDAY, DECEMBER 31, 2012

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

No hearings are scheduled.

Next Meeting of the SENATE

11 a.m., Monday, December 31

Senate Chamber

Program for Monday: Senate will be in a period of morning business until 12 p.m.

Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m., Monday, December 31

House Chamber

Program for Monday: Consideration of the following measures under suspension of the rules: 1) S. 3454—Intelligence Authorization Act for Fiscal Year 2013; 2) H.R. 6612—To redesignate the Dryden Flight Research Center as the Neil A. Armstrong Flight Research Center and the Western Aeronautical Test Range as the Hugh L. Dryden Aeronautical Test Range; 3) Concur in the Senate Amendment to H.R. 443—To provide for the conveyance of certain property from the United States to the Maniilaq Association located in Kotzebue, Alaska; 4) Concur in the Senate Amendment to H.R. 2076—Investigative Assistance for Violent Crimes Act; 5) H.R. 6019—Juvenile Accountability Block Grant Reauthorization Act of 2012, as amended; 6) S. 3666—A bill to amend the Animal Welfare Act to modify the definition of ''exhibitor''; 7) Concur in the Senate Amendment to H.R. 6364—Frank Buckles World War I Memorial Act; 8) H.R. 6649—Naval Vessel Transfer Act of 2012; 9) H. Con. Res. 145—Calling for universal condemnation of the North Korean missile launch of December 12, 2012; 10) H. Res. 134—Condemning the Government of Iran for its state-sponsored persecution of its Baha'i minority and its continued violation of the International Covenants on Human Rights; 11) H. Res. 834—Urging the governments of Europe and the European Union to designate Hizballah as a terrorist organization and impose sanctions, and urging the President to provide information about Hizballah to the European allies of the United States and to support the Government of Bulgaria in investigating the July 18, 2012, terrorist attack in Burgas; and 12) H. Res. 193—Calling on the new Government of Egypt to honor the rule of law and immediately return Noor and Ramsay Bower to the United States.

Extensions of Remarks, as inserted in this issue

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