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Senate

The Senate met at 12 noon and was called to order by the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut.

PRAYER

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

Let us pray.

Almighty and everlasting God, we praise Your Name for all those who answer the call to serve You and country. We confess that we often pay honor to people who labored for liberty long ago, but we sometimes neglect to appreciate those who sacrifice for freedom today. Forgive us when we resist those in our own time and in our own associations who, for our own good and for the good of the Nation, challenge our rigid ideas of thought and patterns of action.

Make our lawmakers, this day, open to greater creativity in their convictions so that they may become partners with You in these challenging times by paying the price for unity.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable RICHARD BLUMENTHAL led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUYE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 21, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

Mr. BLUMENTHAL thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

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

SPORTSMEN'S ACT OF 2012—MOTION TO PROCEED

Mr. REID. Mr. President, I move to proceed to Calendar No. 504.

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

The legislative clerk read as follows:

Motion to proceed to Calendar No. 504, S. 3525, a bill to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes.

SCHEDULE

Mr. REID. Mr. President, the next hour will be equally divided between the two leaders or their designees. The majority will control the first half and the Republicans the final half.

As I think we should know, and I am happy to restate it, the next rollcall vote will occur about 1 a.m. this morning, an hour after we come in. I am, of course, hopeful we can work something out in order to complete our work. We can either do it all tonight, tomorrow, or, if that doesn't work out, as the Presiding Officer knows, under the rules of the Senate we will have that vote at 1 a.m., and then we would have another vote on the CR. Final passage of that would be around 7:30, 8 o'clock in the morning on Sunday. Then we would immediately follow to the motion to proceed on the sportsmen's package.

We continue to have discussions. We are working to see if we can schedule these votes at a more convenient time for Senators. Everyone should know we would finish by Sunday morning. We are not going to go into next week.

MEASURE PLACED ON THE CALENDAR—S. 3607

Mr. REID. Mr. President, S. 3607 is at the desk and due for a second reading.

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

The legislative clerk read as follows:

A bill (S. 3607) to approve the Keystone XL Pipeline.

Mr. REID. I object to any further proceedings with regard to this bill.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bill will be placed on the calendar.

Mr. REID. Mr. President, over the past week I have listened to my Republican colleagues come to the floor and lament how little the Senate has accomplished during the 112th Congress. I, above all, share that concern. In fact, it is a wonder we have gotten anything done at all, considering the lack of cooperation Democrats have gotten from Republican colleagues.

I have said before, and it bears repeating: In my time as the majority leader, I have faced 382 Republican filibusters. That is 381 more filibusters than Lyndon Johnson faced during his 6 years as majority leader.

Time and time again my Republican colleagues have stalled or blocked perfectly good pieces of legislation to score points with the tea party, and they have done nothing but hurt the middle class in this process. Even the most noncontroversial, consensus matters—items that would have passed by unanimous consent in the past—have been obstructed or stalled.

Take, for example, the bipartisan sportsmen's bill. The junior Senator from Montana, Mr. TESTER, has assembled a broad package to support the needs of sportsmen across the country. Just so everyone understands I am not making this up, there are more than 50 groups—50 organizations in this country—who support this legislation. It is

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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a wide range of organizations, including the National Rifle Association, Ducks Unlimited, American Sports Fishing Association which, by the way, has more than 2 million members, Boone and Crockett Club, National Shooting Sports Foundation, Theodore Roosevelt Conservation Partnership, The Nature Conservancy, the National Wildlife Federation, Trout Unlimited. If we put labels on just these 10 organizations I have mentioned, it goes from the more conservative, many would say, National Rifle Association, to the more progressive Trout Unlimited.

I ask unanimous consent that a list of these organizations I have referred to, as well as others, be made a part of the RECORD.

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

American Fisheries Society
American Fly Fishing Trade Association
American Sportfishing Association
Archery Trade Association
Association of Fish and Wildlife Agencies
B.A.S.S., LLC
Berkley Conservation Institute
Boone and Crockett Club
Bowhunting Preservation Alliance
Campfire Club of America
Catch-A-Dream Foundation
Center for Costal Conservation
Congressional Sportsmen's Foundation
Conservation Force
Costal Conservation Association
Dallas Safari Club
Delta Waterfowl Foundation
Ducks Unlimited
Houston Safari Club
Isaac Walton League
International Game Fish Association
Mule Deer Foundation
National Marine Manufacturers Association
National Rifle Association
National Wildlife Refuge Association
National Wildlife Federation
National Shooting Sports Foundation
National Trappers Association
National Wild Turkey Federation
North American Bear Foundation
North American Grouse Partnership
Orion—the Hunter's Institute
Pheasants Forever
Pope and Young Club
Public Lands Foundation
Quail Forever
Quality Deer Management Association
Rocky Mountain Elk Foundation
Ruffed Grouse Society
Shimano Sport Fisheries Initiative
Texas Wildlife Association
The Conservation Fund
The Nature Conservancy
Theodore Roosevelt Conservation Partnership
TreadLightly!
Trout Unlimited
Trust for Public Lands
U.S. Sportsmen's Alliance
Wild Sheep Foundation
The Wilderness Society
Wildlife Forever
Wildlife Management Institute

Mr. REID. Mr. President, this measure combines about 20 bills important to the sportsmen's community—bills that promote hunting, fishing, and recreation. They would foster habitat conservation through voluntary programs and, as I have indicated, more than 50 national sportsmen and conservation groups support this bill unequivocally.

This legislation should be passed like that. As I indicated yesterday, I have read Capitol Hill newspapers where Republican Senators said: What a great piece of legislation; I will vote for it.

We should pass this in a matter of seconds. We shouldn't be spending all this time on it. It is one of those things where there shouldn't be a fight and there has been a fight.

So I hope, as we try to get back to working on campaigns and doing the work things we have to do at home, that we can move along and get this done.

In the process, though, we are holding up a lot of other things. I am hopeful we can get something done on the Iran containment resolution, which is something LINDSEY GRAHAM, Senator LIEBERMAN, Senator MENENDEZ, and many others, have pushed very hard to get done. I hope we can confirm our Ambassadors to Iraq and Pakistan, and the continuing resolution to fund the government for 6 months.

Republicans say this Congress has been unproductive, but if Republicans want to know why it has been unproductive, they should take a look in the mirror. Benjamin Franklin once said: ''Well done is better than well said.'' Well done is better than well said.

So it is time Republicans stop talking about how much they want to get things done and start working with us to actually get things done.

RECOGNITION OF THE MINORITY LEADER

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

ADDRESSING CHALLENGES

Mr. MCCONNELL. Mr. President, yesterday dozens of Republican Senators came to the Senate floor one after the other to register their complete frustration with the way Democrats are running this place. Never before—never—has a President and a majority party in the Senate done so little to address challenges as great as the ones our Nation faces right now—never.

I mean, we have a $16 trillion debt and they haven't bothered to put together a budget in 3 years. They haven't passed a single appropriations bill. They haven't passed a Defense authorization bill for the first time in a half a century. These things are usually about as standard as turning the lights on. They haven't done any of them. It is a disgrace.

Think about it: The Middle East is in turmoil, we are fighting a war in Afghanistan and against al-Qaida, and they can't even bother to pass a Defense authorization bill.

We are fed up with the way this place is being run. No legislation, no amendments, no action on taxes, no action on Defense cuts. Nothing. Now we are at it again. All Republicans want to do is extend government funding for a few months, and the majority leader won't even do that unless he can squeeze in yet another political vote.

Democrats have treated the Senate floor like an extension of the Obama campaign for 2 years. Now they are holding the CR hostage for no other reason than to help one of their incumbents on the campaign trail.

Well, we are ready to vote on three bills—the same ones the majority leader asked for votes on earlier this week.

We have responsibilities to meet. Let's meet them, and leave the politics of the campaign trail where it belongs.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

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

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the following hour will be equally divided and controlled between the two leaders or their designees, with the majority controlling the first half.

The Senator from Illinois.

STRATEGY OF OBSTRUCTION

Mr. DURBIN. Mr. President, I listened to the statement made on the floor by the Republican leader. It was a statement similar to one that was made yesterday. I responded to it yesterday and I wish to make a response today.

I am disappointed that this session of Congress has been so unproductive, but I know the reason why. It isn't for lack of effort. We have tried to bring to the floor time and time again legislation to help create more jobs in America, create a more positive business climate, create more consumer confidence in middle-income families, and we have consistently run into the same problem over and over.

In the last 6 years, since HARRY REID of Nevada has been the majority leader on the Democratic side, the Republicans have created 382 filibusters. How does this compare with previous years? There is no comparison. We have never, ever, in the history of the U.S. Senate, run into such a consistent strategy of obstruction by one party in the Senate.

It was no surprise, because the Senator from Kentucky who just spoke announced 4 years ago exactly what his strategy would be. He said his No. 1 goal was to make sure that Barack Obama was a one-term President.

I have served in the House and in the Senate with Republican Presidents, and certainly I supported their opponents whenever they ran for election, but I felt a moral and civic obligation to do my best to work with those Presidents to achieve some good for this country.

I would say that President George W. Bush is a classic example. He and I saw the world so differently, and yet when it came to specific issues I was prepared to stand and not only praise his work but join him in trying to pass important legislation.

President George W. Bush may not be remembered for this, but he should be: He spoke in favor of immigration reform. When is the last time you heard

a Republican leader speak about immigration reform? But George W. Bush understood it, and I admired him for it and complimented him for it, as I do today.

He stood and said the United States should lead the world in eradicating the HIV/AIDS epidemic, and he put his money and the money of the American taxpayers where his promises were, and I supported him for it. He was right to do it.

President George W. Bush stood up after 9/11 and reminded America we are not at war with people of the Muslim religion. George W. Bush told us it is a good and peaceful religion. Those who would corrupt it, those extremists in the name of Islam, are not a credit to that religion and do not reflect it, and I admired him for that. At a time when America was so angry over 9/11 and the loss of all those innocent lives, he showed real leadership.

What a contrast with those who come to the floor of the House and Senate and say our No. 1 goal is to make sure this President fails no matter what he tries. That is not good for America, and that is one of the reasons we have been as unproductive as we have been. But there have been exceptions. Let me tell you some of those exceptions.

We passed the Violence Against Women Act—an important piece of legislation. Go to a domestic violence shelter. I am sure the Acting President pro tempore did as attorney general of the State of Connecticut and as U.S. Senator, as I did, and sit across the table from a victim of domestic violence—a poor woman with two black eyes crying her heart out, saying: I just had to get out of that house.

Go to a domestic violence center in Little Village or in Pilsen in the city of Chicago where immigrant women come in, holding their children close by, for fear that drunken husband is going to take another swing at them or at her and tell me we could not agree, Democrats and Republicans, to put the resources together to protect those people.

Well, we passed it over here. We passed it in the Senate—a bipartisan bill—and it died in the House of Representatives.

The same thing happened on important legislation such as transportation. That used to be the easiest bill to pass. Who in the world, elected in the House and the Senate, does not want to see better highways and bridges and runways and ports across America? We know it is key to our economic development. We passed it on a bipartisan basis. What happened? It died in the House of Representatives. They ended up sending us a shell of a bill so we could go to conference and finally come up with something.

Then the farm bill. This one troubles me. I say to the Acting President pro tempore, I know Connecticut has some farmers. We have a few more in Illinois. My farmers have been through a pretty tough time of it. This summer has been exceptional when it comes to weather. Virtually every county in my State has been declared a disaster area because of drought.

It used to be routine on the Fourth of July to have shoulder-high corn, to watch in August as it just grew even more and was ready for harvest. It was a magnificent scene. I have seen it every year of my life. This year it was a sad scene in too many places in Illinois. The farmers—many of them will get through; 80 percent of them bought crop insurance—but they want to know what the farm bill is going to be next year so they can get ready.

Well, we told them in the Senate. We passed a bipartisan farm bill in the Senate. Senator DEBBIE STABENOW of Michigan—what a great example of leadership. She not only put a good farm bill together, she brought PAT ROBERTS, a Republican from Kansas on her committee, with her to the Senate floor and passed it with 64 votes—a bipartisan bill. It not only wrote the farm programs for the next 5 years, it saved $23 billion, cut it off the deficit. Pretty good work. I am proud of her.

So what happened to that important bill we sent to the House of Representatives 3 months ago? It died. The House announced this week they were unable to pass a farm bill. Do you know why? For the same reason they have been unable to pass major legislation through the course of the last 2 years. They insist it be passed only with Republican votes.

Two of the bills I mentioned—transportation and the farm bill—have traditionally been the most bipartisan bills to come to the Congress. Why? Because we all share the concern about the infrastructure of America and the agricultural sector of America, Democrats and Republicans. But those bills have died in the House of Representatives.

When the Senate Republican leader comes to the floor and talks about how unproductive we have been, he fails to mention 382 Republican filibusters—an all-time record of obstruction. He fails to mention his promise to make sure his guiding principle would be the defeat of this incumbent President. And he fails to mention that graveyard of important legislation across the Rotunda in the House of Representatives. That is the reality, and the reality is a troubling one.

Yesterday, I did satellite radio and television feeds back to Illinois, and a number of the reporters said: Well, what can we do about it? I said: You get your chance November 6. Decide. Decide what you want. Decide if you want to send Democrats and Republicans to this Capitol with an awesome responsibility and also with the spirit of consensus and cooperation.

We have had one Senate candidate in the Midwest who announced: I am not going to compromise with anybody when I get to Washington. I hope the people of Indiana remember that on November 6. If that is what they want, that is what they will get.

But I sense the American people want more from us. They want us to work together. There have been instances, examples where that has happened. President Obama created a deficit commission called the Simpson-Bowles Commission. Eighteen people were appointed to it. Senator HARRY REID asked me to join the commission, and I did. I did not think much would come of it, to be honest with you. There have been a lot of commissions around here. They spend taxpayers' dollars and a lot of time and generate reports that are quickly forgotten. This was an exception simply because Erskine Bowles and Alan Simpson came together and did an extraordinarily good job.

We spent a year looking at this budget and realizing that this deficit is unsustainable and unacceptable. We borrow 40 cents for every $1 we spend in this town. Whether we are spending it on food stamps, on missiles, on foreign aid, or on agricultural programs, we borrow 40 cents of it. And who is our No. 1 creditor in the world? The same nation that is our No. 1 competitor in the world, China. How about that? We are borrowing money from China. Borrowing that money, of course, is at the expense of interest payments which continue to grow because of the costs we are faced with across the board.

So we talked in the Simpson-Bowles Commission about coming up with a way to reduce the deficit in a responsible fashion. I was certain, when I walked in the door, that we were not going to get much done there, and I was even certain that I was not going to vote for it because I thought there were some issues I just could not see my way through. But I came to a different conclusion. I voted yes on the Simpson-Bowles bipartisan deficit commission, and out of the six Senators who sat on the commission—three Democrats and three Republicans—five of us voted yes. We believe it showed the path to a responsible reduction of the deficit.

Well, it did not go any further, unfortunately, because the commission did not have 14 votes, which it needed, and it did not have the power of law, which it needed. It turns out that the original legislation creating the commission had failed on the floor of the Senate when seven Republicans switched their votes and voted against it. After cosponsoring it, they voted against it.

Thank goodness the ideas behind Simpson-Bowles are still alive and continue to be alive. We have continued to meet. We have had Democratic and Republican Senators meeting almost nonstop for a long time trying to push forward this concept of reducing the deficit in a responsible way while still growing our economy and creating jobs.

We are going to have our chance soon to put on the table whatever we can come up with. Right after the election, on December 31, we face what is known as the cliff. At that point, many important pieces of legislation and laws will

expire and automatic spending cuts will go into place. It is a pretty serious outcome. This is our chance to come up with a bipartisan answer to it. We cannot get to it until after the election, which I think is understandable. It is such a highly charged political atmosphere until November 6. But after the election, it is a test—a test of the House and Senate as to whether the Democrats and Republicans can put the campaign behind them and work together to solve some of this Nation's problems.

The path that Simpson-Bowles laid out is a pretty direct one and a pretty obvious one. We need to do two things to reduce our deficit. We need more revenue and we need to reduce spending. Those are the two things that reduce the deficit. I think we can do that. I think we can achieve that in a fair way. I have tried to work and continue to work toward that goal.

I would say despite the statement of the Republican leader just a few minutes ago, I am more hopeful, even for the rest of this session. If we can put these filibusters behind us for a moment, if we can come to the floor and work together, I think we can achieve something. We did with the farm bill, we did with the Transportation bill, we did with the Violence Against Women Act, and we did with postal reform—bipartisan bills, important bills that passed the Senate and died in the House. I hope if we show some leadership over here the House will follow in a bipartisan fashion to deal with these same issues. We know we have major problems facing us in this country, problems that will not be resolved unless we work together.

SUPER PACS

Mr. President, I would like to make a statement about another issue, which I think relates directly to the performance of Congress and what is going on in American politics today.

Across the street, the U.S. Supreme Court reached a decision known as Citizens United. It was a decision which has had a dramatic impact on the way campaigns are waged in America. We have seen unprecedented—unprecedented—influence buying by corporations and wealthy individuals in a way we have never seen in the history of the United States.

There are about 16 or 17 multimillionaires who are investing millions and millions of dollars—hundreds of millions of dollars—into our election process. The same thing holds true for major corporations.

Let me tell you some of the numbers to compare.

In the 2006 congressional midterm elections, outside groups spent $70 million to influence the result, Mr. President. 2006, $70 million.

Four years later, in 2010, outside groups raised the $70 million figure to $294 million—four times the amount they spent in 2006.

In the current Presidential election cycle outside special interest groups and wealthy individuals have already broken the record of 2010. These outside groups—and these are not the campaigns of any candidates or even political parties—have already spent, with 7 weeks to go, $350 million, breaking all records for outside money.

How is this money being spent? Turn on your television in a battleground State and try to get around the television ads. They have spent $50 million more than they did in 2008—and we are just entering the end of this campaign when the expenditures will skyrocket.

If there was ever any doubt that the Citizens United decision would lead to a flood of campaign cash from wealthy individuals and corporations, we have our answer.

At the end of 2010, there were 84 active super PACs. Two years later, there are now 657 super PACs prepared to spend hundreds of millions of dollars to persuade voters.

The only thing worse than this unprecedented amount of money from special interest groups and wealthy individuals flooding our airwaves is the fact that ordinary Americans often have no idea where this money is coming from.

In 2006, only 1 percent of all outside spending came from secret donors. In 2010, after Citizens United and the rise of super PACs, secret donors rocketed to 46 percent of the outside spending in campaigns, which means when we see the ads on television, we have no idea, generally—in half the cases at least—who is paying for it.

As I have said before, these are not just super PACs, these are outside groups pouring money into elections. They are super secret PACs in many instances because the public has shockingly little information about the sources of the money. These super secret PACs and the wealthy individuals and corporations behind them are drowning out the voices of average citizens, and many times the voices of the candidates themselves.

Our representative democracy values transparency, participation, and open debates. Unfortunately, nonpartisan reports indicate that as the amount of money flooding into campaigns increases, core democratic principles are diminished.

The little that we have been able to learn about the major donors to these super PACs is very disturbing. Mr. President, 17 percent of all funds raised by super PACs came from for-profit businesses. It is safe to say that their primary goal is generally not advancing the public interest but, rather, enhancing their corporate bottom line.

Mr. President, 80 percent of funds given to super PACs during this Presidential election—80 percent of all the $350 million that I mentioned—came from 196 people—196 people who want to control our campaign process.

Moreover, there is an ultra-elite club of 22 millionaires and billionaires who provided half of all super-PAC money being spent in this Presidential election—22 Americans. I do not begrudge anyone their success in life or in business. I applaud it. The voices of business leaders, wealthy individuals, and special interests should be heard as part of the public debate. They are an important part of our country, and they need a seat at the policymaking table. Their voices, however, are not the only voices and opinions that matter. They should not occupy every seat at the policymaking table or buy control of what is served on that table.

A Las Vegas casino magnate, Sheldon Adelson; billionaire oil tycoons, two brothers, Charles and David Koch; and the multimillionaire head of a retail empire, Art Pope, may have achieved laudable business success, but their economic success does not entitle them to secretly use their virtually unlimited resources and impose their political will and their political agenda on America. Unfortunately, after the Citizens United case, that is exactly what they are trying to do.

The Las Vegas casino magnate Sheldon Adelson is reportedly the most generous super-PAC donor. He has contributed $36 million and threatens to spend even more. His first spend was on a candidate named Newt Gingrich. When he did not make it to the finish line, Mr. Adelson said that he is now going to give it to the Republican nominee for President. That is a lot of money and a lot of influence and probably more, but for this particular super-PAC donor, that $36 million contribution, when you look at his wealth, is equivalent to $168 from the average American.

The terms of the political debate and, I fear, the outcome of many elections are not being set by 314 million Americans whose lives, jobs, safety, and health are impacted by the decisions of the people they elect; instead, it is the 22, 22 wealthy individuals pouring money into super PACs that have outsized influence on the terms of our political debate and the outcome of our elections.

Our fellow Americans may not know the intricate details of campaign finance laws, but they know their voices are being drowned out by these corporations, special interests, and wealthy individuals. Many people are losing confidence in this democracy as a result. According to a recent survey, three out of four Americans believe corruption has increased over the last 3 years. Well, in some part, we can thank the Citizens United decision for that.

The time to fix our broken campaign finance system is now. I am a realist. I understand that most Americans view this flood of spending by special interest groups and wealthy individuals on political campaigns the same way they view gangland slayings: Let them shoot one another as much as they want. As long as the bullets do not hit us, as long as we do not have to watch, let them have their fun.

But it is more serious than that. If our political process is stolen away

from the average American, even the average candidate, by these special interest groups and wealthy individuals, it will diminish our democracy, there is no question. So here is an idea, one I have been pushing for a long time. I introduced the Fair Elections Now Act, which would create a public financing system that would free candidates from the dangerous reliance on super PACs once and for all. Under Fair Elections, viable candidates who qualify for Fair Elections programs would raise campaign funds in small amounts from individual donors—small amounts. Once they have raised a certain threshold number of small donations, they could receive matching funds and grants sufficient to run a competitive campaign. Fair Elections would fundamentally reform our broken system and put the average citizens back in control of their elections and their country.

I wonder what the American people would think of shorter campaigns directed to the issues, actual debates between the candidates? Would they miss us if they did not see all of those ads on television? I do not think they would miss us.

I also support the DISCLOSE Act. The Supreme Court got it wrong in Citizens United, but this bill we have tried to pass would require super PACs and other big spenders to disclose all donors who give $10,000 or more to influence an election. What is wrong with transparency and disclosure when it comes to our democratic political process?

I chair the Judiciary Committee's Subcommittee on the Constitution, Civil Rights and Human Rights.

I will tell you that when it comes to constitutional amendments, I have been pretty picky as a Member of the House and Senate. I think the Constitution which I have sworn to uphold and defend as a Member of the Senate and the House is an extraordinary document. I am not so bold or bigheaded to think I have a great idea that ought to be parked right in the middle of that fantastic and sacred document. I have been skeptical of those who have offered amendments over the years. As I have said, I do not believe we should take a roller brush to a Rembrandt. It is an amazing work of political art, and we should take care not to amend it except in the most extraordinary situations.

During the most recent hearing I chaired on the impact of Citizens United, our subcommittee received 1,959,063 petition signatures from Americans representing every State in the Union, almost 2 million Americans. These Americans support the constitutional amendment that would stop the pernicious influence of secret corporate and special interest money.

I see on the floor Senator UDALL of New Mexico, who has been a leader on this issue on this constitutional amendment. As I have said, I am very selective in the constitutional amendments to which I will add my name. I have joined him because I think he is right.

Citizens United has corrupted this political process. The likelihood that Congress can change it is a long shot. If it is going to be changed, it needs to be changed in a meaningful way so that we can reclaim our political process for the people of this country and take it away from the 22 multimillionaires and billionaires who are trying to take control of this political process.

I stand with these 2 million Americans, and I stand with Senator UDALL and so many others because the way we finance our campaigns in this country is in urgent need of reform.

This will be the last day or two the Senate meets before the elections. I wanted to come to the floor and speak to this issue before the election, whatever the outcome may be. America is not a better and stronger nation when we give up our political process to the wealthy and politically articulate. The strength of America is when every person has a voice and a vote and they are not going to be overshadowed or outdistanced because of someone who happens to be very wealthy and very successful and wants to buy their way into our political system.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

Mr. UDALL of New Mexico. Mr. President, before my colleague, Senator DURBIN, leaves the floor, let me just say that this whole issue, as he has pointed out, of campaign finance is a pressing issue. It is one that is before us now. We are seeing it play out in the campaign. I am sure that at the end of this campaign, citizens across this country are going to demand reform, they are going to demand change. The Senator has outlined several pieces of legislation that I believe really do that. This constitutional amendment is one. The DISCLOSE Act, a piece of legislation the Senator has offered and fought for, I think both in the House and the Senate, really brings transparency to the process. They bring disclosure to the process, and we need to do it. So I really appreciate the Senator's leadership and look forward to working with the Senator very closely on this issue as we get into the next Congress.

TRIBUTE TO RUSSELL TRAIN

I rise today to pay tribute to a gentleman by the name of Russell Train. On Monday of this week, our Nation lost a great friend of the environment. I was saddened to learn of the passing of Russell Train. Russ was a true pioneer in the history of environmental protection. He was a part of that great generation of bipartisan leaders, that remarkable group of men and women, Democrats and Republicans, who put the environment center stage, who championed conservation. My father, who knew and admired Russ, was also a part of that generation. They leave very big shoes to fill. Their legacy is monumental.

Russ Train's life parallels so much of the history of the environmental movement in this country because he was part of that history because he did so much to make it happen. In 1965, when he was 45, Russ left his position as U.S. Tax Court judge. He decided to devote himself full time to conservation and became president of the Conservation Foundation. His midlife career change may have been a loss for the Tax Court, but it was a huge gain for the environment.

Brilliant, tenacious, committed, he dedicated the rest of his life to the environment. Along with Rachel Carson, the celebrated author of ''Silent Spring,'' Russ helped raise environmental issues to the national level. He served as Under Secretary of Interior from in 1969 to 1970. He was the first Chairman of the White House Council on Environmental Quality from 1970 to 1973. He was instrumental in the creation of the Environmental Protection Agency and headed it from 1973 to 1977. During those years, he oversaw landmark legislation: the Clean Air Act, the Clean Water Act, the Endangered Species Act, the Toxic Substance Control Act. All bore the imprint of Russell Train.

Perhaps his most lasting achievement was the National Environmental Policy Act of 1970. He helped see that groundbreaking legislation through the Nixon White House and through Congress. For over 40 years now, NEPA has required Federal agencies to prepare environmental impact statements for any major projects. NEPA is justly regarded as the foundation for U.S. environmental protections.

But what began as a bipartisan triumph was later subject to partisan divide. While in the House in 2005, I served as the ranking member of a task force whose stated purpose was to review and improve NEPA. But there were those who wanted to destroy it—with 1 swift blow or by 1,000 cuts but destroy it all the same. Many of us fought very hard not to let that happen. As I said at that time, where critics of NEPA saw only delay, we saw deliberation. Where they saw postponed profits, we saw public input. NEPA was then and is now an antidote to the potential arrogance of government power. It listens to the community, it addresses opposition early on, and in the long run it minimizes conflict and protects the environment. It trusts the American people to take part in managing their public resources. And it remains one of Russell Train's greatest legacies.

Russ himself stated it best at the 40th anniversary of NEPA. He said:

> NEPA is America's most-imitated environmental legislation around the globe. What we launched in 1970 has become a contribution to the planet not less than to our citizenry . . . NEPA's legacy is that what the people know has great value to a government that seeks their knowledge and takes it seriously.

After leaving the government, Russell led the U.S. branch of the World

Wildlife Fund for many years. He did so with his usual passion and commitment, always engaged, always pragmatic and reasonable but ever the visionary for a better world.

In 1991 President Bush awarded Russ the Presidential Medal of Freedom.

Russell Train was a remarkable man. Jill and I have been honored to call him and his wonderful wife Aileen our friends. We extend our sincere condolences to Aileen and their children and hope they will take comfort in knowing the world is a better place for Russell's life and work.

NEW MEXICO'S CENTENNIAL

On January 16, 1912, President Taft signed the proclamation making New Mexico the 47th State. So it is with great pride that I join Senator BINGAMAN in submitting a resolution recognizing the centennial anniversary of our State.

For those of us who are blessed to call New Mexico home, we are imprinted by its remarkable history and its awesome beauty. We are part of the rich diversity of its people.

One hundred years ago, the population of New Mexico was 327,000 people. Now it is over 2 million. But the mix of Native American, Hispanic, and European tradition has long been a part of our State. New Mexico is a land of deep roots. We are enriched by this mosaic of culture. It has informed our history, our art, and our sense of who we are as a people. Our State is rightly called the Land of Enchantment. It is also a land of courage. From the Civil War to Teddy Roosevelt's Rough Riders, from the Navajo Code Talkers to Bataan and Corregidor, and from Korea and Vietnam to the brave men and women who have served in Iraq and Afghanistan, when our Nation has called, New Mexico has always stood ready to answer that call.

The story of New Mexico is a long and proud one. It goes back well over 10,000 years to the Clovis people. It goes back to Santa Fe, founded in 1610, the oldest capital city in the United States. In 1920, Route 66 connected New Mexico to California and to the Midwest. This and other interstate projects that followed brought jobs and more people to our State, and today we need a new commitment to investing in the infrastructure that is essential to renewed prosperity.

In the 1920s and 1930s, New Mexico was part of an oil boom that fueled the rest of the Nation, and today we are on the cutting edge of clean energy technology, helping to reduce our Nation's dependence on foreign oil. In the 1940s and 1950s Sandia and Los Alamos National Labs became legendary centers of scientific innovation and research. Today they continue to play a vital role in our Nation's security. Our State is also promoting STEM education—science, technology, engineering, and math—so that our graduates can get good jobs, so they can compete in a global economy.

How we address these issues will shape the next 100 years in our State, but I am sure of one thing: We have a blend of cultures and backgrounds like nowhere else. It has helped bring us where we are today. It will help take us where we need to go tomorrow. The vitality and creativity of our people is as strong as ever. Working together, we will continue to meet the challenges of our State and our Nation. In this year of our centennial, we look back to our unique history and we look forward to a bright future.

I thank the Senator from Kentucky, Mr. PAUL, for allowing me to finish my statement. I appreciate very much his courtesy. With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky.

FOREIGN AID

Mr. PAUL. Mr. President, I am going to tell you the story today of a love affair. It is a story that is a steamy one. It is a story of illicit behavior, of treachery, and of gluttony. It is a story that involves intrigue and deception. It is a story of unintended consequences, and it is a story of anger and violence. It is the story of American foreign aid.

Joseph Sambayi Mukendie never sleeps at home anymore. Mukendie's sleep is interrupted by dreams. He feels unsafe even a continent away from his attackers. Mukendie was arrested at home one night. He was taken to an underground cell at Camp Kongolo—a military base in Kinshasha, Zaire. The secret police of Mobutu stripped him naked, stretched him out on the floor, and then he was beaten with a large stick with nails protruding from the end.

Mobutu received billions of dollars in foreign aid from our country. Over his 30-year bloody dictatorship, he received billions of our taxpayer dollars. As his people starved, his wife went to Europe, spent millions of dollars on spending sprees. Zaire has very little running water and sporadic electricity. It rotted under Mobutu's rule, and yet he received billions of American dollars. Mobutu stole the lion's share of this. He became one of the richest men in the world. Enough was stolen that his wealth was estimated to be in the billions. They called his wife Gucci Mobutu. Her shoe collection rivaled Imelda Marcos'. She was capable of spending $1 million in one day in Europe.

Jean Nguza Karl-i-Bond was an ally of Mobutu who fell out of his favor. Mobutu accused him of trying to seduce the First Lady. Many believed his only crime was that he was mentioned in the foreign press as a possible successor to Mobutu. Nguza was subjected to physical and electric torture to the genitals—too horrific to even repeat. The administration of Jimmy Carter, who ostensibly were champions of human rights, nevertheless continued the steady flow of foreign aid, for foreign aid is a bipartisan project. There is a consensus in the United States and in the Senate. We must send it no matter what the behavior of the recipients.

Not only did our leaders turn a blind eye to Mobutu's graft and human rights abuses, they bestowed upon him inexplicable and personal friendship. Mobutu was known as a personal friend of the first President Bush and vacationed at his personal residence. When Mobutu traveled to Europe, he would stop by the Central Bank of Zaire. Early in his reign, he would come by with a Louie Vuitton bag and would get about $50,000 in cash. Toward the end of his career, he was getting $500,000 in cash for these trips to Europe. One of his many foreign residences was in Switzerland. He apparently had the time and money to vacation there, and even had his own brandy being made at our taxpayers' expense.

It is sad to contemplate what despots and dictators have done and are doing to their people. It is sadder still to realize they are being subsidized in this horrific behavior by taxpayer money. And it continues. We are having a debate now over foreign aid because they still want to send more. Many people think the answer is to send more; maybe they will behave better if they get more of our money.

Apologists for foreign aid don't deny foreign aid has often been stolen by corrupt leaders, and there is evidence the humanitarian outcomes are scant and don't occur. Nevertheless, the advocates of foreign aid justify the continuing aid with the argument we must often choose the lesser of two evils. As many have pointed out, the lesser of two evils is still evil.

Throughout the Cold War, the perceived threat of Soviet expansionism, though, clouded the minds of many leaders. American leaders would pick one dictator over another if he or she were a pro-American dictator. We didn't care what they were doing to their people. We turned a blind eye.

We gave money to dictators from Saddam Hussein, who was once our ally, receiving billions of our tax dollars, to the mujahedin, who were radical jihadists. But at the time, we didn't mind if they were a radical jihadist if they were our radical jihadist because they were opposing the Soviet Union. But the mujahedin actually, eventually, became the Taliban, who are now our enemies. We despise jihad now, and we fight against radical Islamic jihad. But at one time we subsidized jihad. In fact, there were several weapons left over from the time period when we were giving weapons to the mujahedin.

We subsidized Qadhafi before we fought Qadhafi. We gave Qadhafi foreign aid. He was our friend. In the year preceding his overthrow, there were Senators from this body speaking with Qadhafi's family about sending more money to Qadhafi. Where does the insanity end?

U.S. foreign aid has continued to flow despite a long string of abuses well-known to most of those who are dispensing the aid. They simply turn a blind eye. Except for Libya, Egypt, and Tunisia, where many are saying let's

send the money to secularists; now there is a question as to whether some of that money may be going to radical Islamists.

With the end of the Cold War, some were finally cut off. Mobutu, whom I mentioned, who committed these atrocious acts of torture, finally was cut off, but only after 30 years of receiving our taxpayer money, torturing his own people, and stealing everyone blind.

Foreign aid from developed countries in 2006 totaled $100 billion a year. Over the past 50 years, we have given $2 trillion to developing countries in foreign aid. Over the past 42 years, Easterly states that although $568 billion has flowed into Africa, per-capita growth in income in Africa has been flat. In fact, in some countries, such as Zimbabwe, where Mugabe was in charge for several decades, the growth rate has actually been negative.

So for those who say: I just simply want to help people; I want to help poor people around the world by sending them money, it is stolen by their leaders. It doesn't get to the poor people, and, besides, some may have heard we are $1 trillion short in our budget. How can we send more money overseas?

Some academics have argued that with the Arab spring, the emerging democracies will require even more foreign aid. Hillary Clinton is on Capitol Hill today asking for more money to go to Egypt. As they burn our flag, as the hordes gather by the tens of thousands, she is asking to send Egypt more money. There were no Egyptian policemen or soldiers who showed up when our Ambassador was attacked, and Hillary Clinton is asking for more money to go to Egypt.

According to Coyne and Ryan, the world's worst dictators have received $105 billion under the guise of official developmental assistance. Instead of helping the poor, the assistance is aiding the ability of the dictators to remain in power. In fact, it keeps them in power long enough that it inflames the populace so that we end up having to go back in because of war because the populace is so inflamed against the dictator that we have propped up against popular rule.

Some academics argue emerging democracies will require more aid. Professors Bruce Bueno de Mesquita and Alastair Smith argue:

> Democracy would make the price much higher. Democracy in Egypt comes at a big price for U.S. voters. Good or bad—that is up to the observer, but it will be costly, no doubt.

The professors' argument is that democracy is messy and costs more to subsidize because the ballot box gives voice to the minorities that dictators would not hear, that they would silence or imprison.

I think the real question and the image we have to have in our mind is when we see 10,000 people outside the Embassy in Pakistan burning the U.S. flag, imagine that we would send them more money. Imagine we would not ask for restrictions on this money. I have been asking for 6 weeks to place restrictions on foreign aid. I am not even asking that it end, although I would, but I am asking to simply place restrictions on it. Everyone should watch this vote. If I get this vote, just watch. The vast majority of the Senate is going to vote for unlimited, unrestricted foreign aid. I will probably lose this vote, but when we ask our friends, when we go home and ask our friends: Should we be sending money to countries that disrespect us, to countries that burn our flag, I think most will find that 80 to 90 percent of the American people wouldn't send another penny. That may be why Congress has about a 10-percent approval rating. They don't get it. Ninety percent of the folks up here are going to vote to continue sending taxpayer money with no restrictions to countries that burn our flag and disrespect us. Is it any wonder that only 10 percent of America approves of Congress?

In fact, many people who claim to be conservatives are for foreign aid. Big government conservative advocates, such as John Guardiano, try to couch their support in feigned opposition. He says:

> Now, I don't like foreign aid any more than the next conservative. Most foreign aid is probably economically wasteful and counterproductive. But the point of foreign aid is not economics. It is geopolitics.

That is what most of them will admit around here. Continuing his quote:

> It is intended to shape a recipient country's behavior and, quite literally, buy American influence.

To his mind he says it does that. But if foreign aid is meant to shape a country's behavior, advocates have a lot of explaining to do. From Mobutu to Mugabe, from Mubarak to Hussein to Qadhafi, from the current Egypt to the current Pakistan that is holding a gentleman who helped us get bin Laden, to the current Pakistan that seemed somehow to let bin Laden live for 7 years in their midst with no knowledge he was there—they have some explaining to do. For those who advocate foreign aid, saying it is shaping the behavior of these countries, they have some explaining to do because it doesn't appear as if these countries respect America. It doesn't appear as if they even like us. And it also doesn't appear that if they want to be our ally they are acting like it.

That is all I am asking. If a country wants to be an ally of our country, they should act like it. If they want to receive and cash an American check, they need to act like our ally at the very least.

There is some question about whether the aid works when it is sent for poverty or humanitarian purposes.

Doug Bandow asked this question and argues that foreign aid actually encourages poverty and starvation because African nations use displays of poverty and starvation to seek more aid. Why get rid of your problem? Why cure your problem if that is what you are showing the world you have so you can get more aid? We don't seem to care about results because we continue to give it to some of these dictators for decades, who produce no results and we know are stealing the money.

Brautigram and Knack illustrate the existence of a moral hazard problem surrounding foreign aid. They contend that aid allocation may actually encourage impoverishing policy because as the damaging policies create misery, the more likely the donors are to grant more aid.

Herb Werlin maintains that American foreign aid is undermined by tariffs and subsidies, including a $3 billion-a-year subsidy lavished on 25,000 cotton farmers. Because of high subsidies, America is able to export corn at two-thirds the cost of production, making it impossible for African farmers to compete. So our trade policy makes it harder for African countries to become self-sufficient. Peanuts are protected by a tariff up to 164 percent, thereby making Africa's peanut-producing nations, such as Uganda, even more dependent on aid.

But it is not just rich people in poor countries getting foreign aid; we also continue to shift our dollars to rich countries.

Michael Tennant reports:

> According to a report from the Congressional Research Service, in fiscal year 2010 the United States' top creditor nations received millions of dollars in aid.

So the countries we are borrowing money from, we are sending them foreign aid. China, to whom we owe over $1 trillion, still gets $27 million in aid. Russia, to whom we owe $127 billion, still gets $71 million in aid. To add insult to injury, China gets economic development assistance from the U.S. taxpayer.

It just amazes me. But you mark my words, you listen to the debate, and you watch the vote today—the vast majority does not want any change to foreign aid other than that they would increase it. If we are not getting the behavior we want, they would increase it.

Hillary Clinton is on Capitol Hill today asking to increase aid to Egypt—not to put restrictions on the aid, to increase it. We currently do have some restrictions on aid to Egypt. Hillary Clinton has waived those and said they are doing fine.

When the marauders, when the horde came to the Embassy in Egypt last week, there was a phone call made to our Embassy saying: The mob is coming. But no soldiers came. No one came to protect our Embassy. In the civilized world, the host nation protecting the guest nation's Embassy is of primary concern. It is something every civilized nation is expected to do. In the case of Egypt, no one came. We were lucky that we escaped death in Egypt. We weren't so lucky in Libya.

The report on China that found out we were borrowing money and then

giving foreign aid to countries we borrow from was commissioned by Senator TOM COBURN, who has been watching out for your money. He demanded this report, and he said:

> Borrowing money from countries who receive our aid is dangerous for both the donor and the recipient. If countries can afford to buy our debt, perhaps they can afford to fund their own assistance programs without relying on the American taxpayer.

Michael Tennant goes on to say this:

> We give China 3.9 million to enforce the rule of law and human rights, neither of which are thought to be China's selling points.

The one that really burns, though, is that $700,000 in economic development assistance. It just boggles the mind that the U.S. taxpayer is asked to send money to China—which is outcompeting us in virtually every sector—to send money to subsidize their economic development assistance.

One would think that with all this evidence that foreign aid doesn't reach the intended beneficiaries and often winds up in the hands of dictators, this information would make it easy to defeat foreign aid.

When you look at the polls of the American people, you find that nearly 80 percent of the American people think foreign aid in general is a bad idea. We have roads in our country that are crumbling and need repair. We have bridges that are crumbling. In my State alone, we had a bridge out 6 months last year. We have two bridges in Kentucky that are older than I am and need to be replaced. We don't have the money, but we somehow have billions of dollars to send to people who disrespect us and burn our flag. I don't understand how we can send our money to these countries that disdain us, disrespect us.

In Pakistan, they hold the doctor who helped us get bin Laden. We fought a 10-year war in Afghanistan to get bin Laden and his followers. We finally got him—no help from Pakistan. He lived in Pakistan for many years. Pakistan is now mad that we got him. In fact, they riot over there and burn the American flag because we killed bin Laden. What do we do? Here is some more money. If we give you some more money, will you behave. If we give you more money, will you let our supplies go across your northern frontier.

But we don't ask them the real question: Are you our friend? If you are our friend, act like it. If you are our ally, act like it.

Anytime this question is broached over foreign aid, the vast majority of career politicians complain bitterly and quash any debate. I have been trying to have this vote for 6 weeks. I am still hopeful we will get it, but they don't want to vote on this because they know they are voting against the popular will, they are voting against the wishes of their constituents.

There is not one Senator from any one of the 50 States up here who, when they vote against these limitations on foreign aid, won't be voting against the will of their State—they won't be voting against the will of their people. You can go to Massachusetts or Maine or to conservative Texas and ask the taxpayers, ask the voters: Are you in favor of sending money to these countries where tens of thousands of people are gathering and burning our flag? Are you in favor of sending hard-earned taxpayer money to countries that disrespect us? Are you in favor of sending money to these countries when we have so many problems at home that we can't handle? And in every State in the Union, you will find that a majority of voters—sometimes a vast majority of the voters—think it is a mistake. So what is happening here is that the will of the people is not being transmitted by this body because this body, when it votes on this issue, will vote in direct defiance of the will of the people.

It is often said that it is difficult to determine whether a recipient is a friend or a foe. Libya is an example. One day Libya came in from the cold. A longtime pariah among nations, rivaling Iran as a model for extreme thuggishness, Libya came in from the cold. Libya and her Colonel Qadhafi phoned the West and said they would change their ways, they would stop developing weapons of mass destruction and become good neighbors to all. This is before the recent Libyan revolution. This is the Qadhafi, whom we helped to overturn, who was by all accounts a horrible dictator, but about 2 or 3 years ago he came in from the cold and wanted to be a friend to America because he wanted our assistance.

With an alacrity sped by naivete, the West welcomed Qadhafi back into the bosom of respected nations. Delegations of U.S. Senators—ones who are still in this body—went to meet with Qadhafi, to meet with Qadhafi's family, to offer Qadhafi money. Prime Minister Tony Blair gushed with praise for his new friend Colonel Qadhafi. President Bush concluded that Libya was no longer a sponsor of terror. Three Senators met with Qadhafi's son and, according to leaked cables, offered him aid. Fast-forward barely a year later into the Arab spring, and these same Senators who were offering Qadhafi aid were back in Libya offering the rebels aid.

We should scratch our heads and say: My goodness. Maybe we should question the judgment of these people who tell you foreign aid should be given to everyone all the time, and if they misbehave, give them more, because you have Senators from this body going and offering aid to Qadhafi and a year later offering it to the rebels to overthrow Qadhafi and saying Qadhafi is a terrible dictator. He was. He always was. But he played a game, and we accepted the game because we are always willing to play the game with your money.

Egypt. Egypt is a pile of contradictions. In the words of former CIA Agent Robert Baer, ''If you want a serious interrogation, you send a prisoner to Jordan. If you want them tortured, you send them to Syria. But if you want them to disappear—never to see them again—you send them to Egypt.''

This was the Egypt under Mubarak, who—when we felt someone needed to be tortured or disappeared and we didn't want there to be any repercussions coming back on us, that is where they sent them—to Egypt.

Over the past 30 years, we bought this sort of regime there to do our bidding when we wished. It became very unpopular with the people. So you wonder about the Arab spring and you wonder, why are these people so unhappy? Well, they hated Mubarak because he was a dictator, he was an autocrat, and they didn't have freedom of speech, they didn't have freedom of association, and they were beaten with billy clubs if they tried to gather. Their political parties were outlawed. They hated Mubarak because he was antidemocrat. He didn't allow voting. But he was our guy. We paid for him.

So you have to think this through. Why is there such widespread anti-Americanism? Because we have propped up and given money to so many despots, to so many dictators. Over the past 30 years, the United States sent over $30 billion to Egypt to help finance a police state ruled by an emergency decree that lasted several decades.

Khaled Said became the face of that foreign aid, as pictures of his bloody beating at the hands of the Egyptian police spurred the youth of Egypt to take to the streets in the Arab spring of 2011.

On June 6, 2010, Said had been sitting on the second floor of a cyber cafe. Two detectives from the Sidi Gaber police station entered the premises and arrested him. Multiple witnesses testified that Said was beaten to death by the police, who reportedly hit him and smashed him against objects as he was led outside to their police car.

The owner of the Internet cafe in which Said was arrested stated that he witnessed Said being beaten to death in the doorway of the building across the street after the detectives took him out of the cafe at the owner's request.

Another young man, Wael Ghonim, a young Egyptian living in Dubai, found the photos of Said after he was beaten to death by police, and he started a Facebook page. It is called ''We are all Khaled Said.'' It was moderated by Wael Ghonim. It brought attention to his death, and it became a phenomenon and spread across the Middle East as people saw the death of this man, beaten to death by the police.

So we have to think, why are we seeing people burning the American flag? Why are we seeing such great unrest in 30 different countries? Because our foreign aid and our military aid have propped up dictators who become, over decades, despotic, autocratic, who torture their people and prevent freedom from occurring, and then there is a

backlash. What we are seeing is the backlash of 30 years of foreign aid and propping up military dictatorships simply because they were predisposed to like us as opposed to someone else.

''We are all Khaled Said'' was the rallying cry that brought hundreds of thousands of people to the streets in Egypt. Ghonim's Facebook, where he posted ''We are all Khaled Said,'' spawned a revolution.

As hundreds of thousands of protesters filled Tahrir Square, the police beat them back.

David Reiff of the New Republic reports:

> U.S. military aid to Egypt, which averages $1.3 billion annually, allowed the Egyptian police and paramilitaries to bombard protestors with volley after volley of tear gas made by a company in Pennsylvania.

Why are they angry? They know this. They know their protests are beaten down by autocrats supported by the United States who are spraying tear gas on them that is made in the United States. We have to understand the dynamic if we are ever to try to improve the situation.

The protest in Egypt escalated day after day. An unemployed man by the name of Salah Mahmoud, who had moved to Cairo in search of work to save enough money to own a home and marry but instead had been living on small day's wages, set himself on fire in the middle of the street before being put out by bystanders.

The U.S. military aid and tactical training given to Libya, Egypt, and Tunisia to fight terrorism was used to fight against free association and freedom of speech of their people.

When we hear about the Arab spring, we need to understand where the Arab spring comes from. The Arab spring was a rising up for democracy. There is nothing wrong with that. But why would a rising up for democracy take on anti-American tones? I am as offended as anybody else by people burning our flag. But we have to understand why did the Arab spring that seemed to be a search for freedom and democracy—why did it get transformed into an Arab winter? Why did it get transformed into an anti-American protest? Because the tear gas that rained down on them for decades was made here, because the police batons were paid for with our money, because Mubarak, who stole millions of dollars and whose family lived with such wealth and abundance, with homes in London and Paris and secret Swiss accounts, got that at our expense. So when they hated Mubarak, they hated us also. They hated us because we were Mubarak. They hated us because we were Ben Ali in Tunisia. They hated us because we were at one time Saddam Hussein's friend.

If we do not understand this, we are never going to figure out a way to make things better. There are many and ample fiscal reasons to oppose foreign aid, but Thomas Eddlem puts it succinctly when he writes: ''Foreign aid has historically been used to suppress freedom and has reduced the moral influence of the example of the U.S. Constitution.''

It is hard for us to imagine, because we have such a great Constitution and such great freedom here, why they don't appreciate that. Why don't they appreciate and look to the shining example we set? We do set a great example in our country for freedom and tolerance and association. Why can't the folks in the Middle East see that? Because they see the truncheon, they see the police baton, they see the jail cells, they see trial without jury from the autocrats we have supported. We have to understand why this anti-Americanism comes. It has come because, largely, our foreign aid for decade upon decade has been given to despots throughout the Middle East. Those despots have run roughshod on their people and their people are unhappy.

It is not that they despise our Constitution. I think many of them would like to have the freedoms enshrined in our Constitution, but it is confusing to us because we think: Oh, they hate what America is all about. They hate America for our wealth and freedom. They don't hate wealth and freedom. They probably don't hate us in the abstract, but they hate us because when they see Mubarak, when they see the other end of a truncheon coming from the police of Mubarak or the police of Saddam Hussein or the chemical weaponry and the chemical gas Hussein sprayed on his people, they see where it came from and they see the money that came in to prop up these dictators.

From 1980 to 1988, there was a war. We have largely forgotten about it. It was between Iran and Iraq. In that war there were planes on both sides, American planes, because we had sold planes to both sides. At the time, Iran was still flying many F–4s, a couple hundred F–4 Phantoms, and on the other side we had advisers on the ground advising Hussein.

Hussein was our ally. We sent money to Hussein on a routine basis. There are some reports that said Hussein directly got money from our CIA. So we can understand the confusion over there and we can understand that even though Iraq was been liberated and there is a democracy there, that some of them still seem to hate us for some reason. We wonder why they would hate us if we freed them. Because some still remember Hussein and they fear there will be another Hussein.

One of the saddest stories that came up in the last week was a young soldier who was killed in Afghanistan. He was killed by the policeman, the Afghan policeman he was training. We have had over 50 deaths in Afghanistan this year from friendly fire, from our supposed allies. This one was particularly sad. This boy was to come home within a week or two. His brother was having a football game. He was supposed to make his brother's football game. This is a patriotic family, a military family. This boy proudly served, and he deserves nothing but our admiration. But he called his dad a week before and he said to his dad: I think the guy I am training is going to kill me. The Afghan policeman had been coming up to him for weeks saying, ''We don't want you here.''

These are the people we are sending our money to. We are sending our young men and women to die over there, but we are supporting people who it is not clear want to be our friends or want to be our allies. It is not clear we can win their friendship. The President of Afghanistan, Karzai, we basically helped get in power. He stays in power probably because of our presence there. Yet he is disdainful of us. They have said if there is a war with Pakistan—Karzai said he would side with Pakistan.

When there was a shooting recently where an Afghan policeman shot several of our officers in a government building where they should not have been armed—or were not armed—Karzai's response was to talk about the burning of the Koran, as if there was justification for these deaths.

When the riots erupted in Egypt recently, what were the first words out of President Mursi's mouth, from Egypt? The first words out of his mouth were: How dare America produce this film?

America didn't produce the film, but those were the first words out of his mouth, not that ''we should protect the Embassy'' and that ''there is no justification for attacking an embassy'' regardless of any kind of discussion over this movie.

We have to figure out how do we get and retain valid allies? We do have allies around the world we do not give any money to. But too often through the years we have decided to choose one dictator over another, to choose the lesser of two evils. Ultimately, often we have had to go back in to fight against our own weapons. Hussein was our ally. We ended up going back to fight against him. The mujahedin, who became the Taliban, they were our ally, too, against Russia. We were, in fact, in favor of radical jihad when it was directed against the Soviet Union. Some of the weapons are left over. In fact, when we look at Taliban weapons captured now, many of them are American weapons because it is unclear whether we have a good handle on what we give to the Afghan police. We are not positive they don't wind up in the hands of the Taliban.

It is a murky situation, but I don't think it is a situation that should continue. I think it is time to come home from Afghanistan.

People on the other side say: You want to disengage. No; I want to have relationships with countries around the world. I want to have diplomatic relationships. I want to have trade. But I don't think having diplomatic relationships or engaging with other countries means we have to bribe them.

There are some people who hate us enough that bribing them will not work and often is counterproductive.

Thomas Eddlem reports that even:

> Rieff—[from the New Republic, who is] no opponent of foreign aid in theory—concluded of [foreign] aid to Egypt [that] ''this is not only a moral scandal, it is a geo[political] strategic blunder of huge portions.''

Like so many authoritarian regimes, the prime beneficiary of the U.S. foreign aid of Egypt was the leader for life, Mubarak, and the end result of 30 years of supporting an unpopular dictator is we are now seeing uprising in the streets. Why are they anti-American? Because they see us as friends of Mubarak. Mubarak was not a friend of freedom.

Aladdin Elaasar, author of ''The Last Pharaoh: Mubarak and the Uncertain Future of Egypt in the Obama Age,'' said the Mubaraks owned several residences in Egypt, some inherited from previous Presidents and the monarchy and others he has built. ''He had a very lavish lifestyle with many homes around the country.''

He estimates the family's wealth between $50 billion and $70 billion. The gross national income is $2,000 per family in Egypt. Do you think that might make people a little bit mad? The guy is worth $50 to $70 billion and the average income is $2,000. The average income in Africa has not improved in decades and they have dictators worth billions of dollars. Do you think that makes those people harbor anti-American sentiments because the leaders, these dictators, have gotten American money? About 20 percent of the population in Egypt lives below the poverty line, according to a 2010 report.

It is not just Hosni Mubarak himself, it is his whole family who has been enriched. In 2001, they estimated his wealth at $10 billion just in American banks, Swiss, British banks, Bank of Scotland, England, Credit Suisse of Switzerland. You wonder what it is worth today or if we found it all. You also wonder how much of that money in those secret bank accounts is actually just your money.

Egypt's First Lady Suzanne Mubarak's wealth just by herself is estimated at $5 billion. How much of that is your money?

When we hear these numbers of billions of dollars the dictators have secreted away in Swiss bank accounts, listen to that and remember when we hear the plethora of Senators who will come to the floor and say that not one penny of foreign aid should ever be cut—ever. Not one penny of aid, they argue, should have conditions placed on it.

The amendment I will offer today places conditions on foreign aid, but it places conditions that have to pass the Senate, not that can be rubberstamped by Hillary Clinton. Hillary thinks human rights are going fine in Egypt. She rubberstamped and said: Give them 1 billion a couple months ago, no human rights abuses in Egypt.

She also approved an extra billion for Pakistan 1 month ago. We cannot rely on the purse strings to be transferred—particularly to this administration but even any administration, Republican or Democratic. The purse strings are to remain—were intended to remain and the Constitution says are to remain—in the legislature.

This is a real problem. My legislation makes it come back, and we have to vote on it here, that they are in compliance, that there are no human rights violations, that Egypt is not stealing the money and that they are willing and able—that they can and will protect our Embassy.

I think, at a very minimum, if they are going to cash our check, if they are going to have our foreign aid—which I am not a big fan of—but if they are going to get it, at the very least it should have strings attached to say: You have to protect the American Embassy.

One of Mubarak's friends was Gamal Mubarak. He is the Assistant Secretary General of the ruling Democratic National Party in Egypt. His own wealth is estimated at $17 billion, supposedly spread through several banking institutions in Switzerland, Germany, the United States, and Britain. You wonder how much of the $17 billion is actually your money.

Alaa Mubarak, the daughter, her property has reached into nearly $8 billion. She has properties on Rodeo Drive in Los Angeles, real estate in Washington State, New York, owns two royal yachts with a value of 1 million pounds. These are the yachts one can land a helicopter on. These are the yachts that have a swimming pool on them. How much of that $8 billion, how much of the money that went to pay for these yachts for the Mubarak family is yours?

The thing is, you should be mad. I think Americans are mad. But it is this confusing situation. We should be mad about the foreign aid and so are the populations who are burning the American flag, they are mad—because they did not receive the foreign aid. The foreign aid went to Mubarak. So you should be mad that your Senators send this money to dictators and that the dictators live these lavish lifestyles in mansions throughout the world, throughout Switzerland, London, Paris. Some of the largest private homes in the world are owned by dictators, paid for with your money.

You should be angry. You should be frothing. You should be upset. You should tell your Senators, you should tell your Congressman: No more money to these dictators.

But at the same time you become angry, think it through and understand why the Arab world is angry. They don't hate our freedom. They don't hate our Constitution. They are angry at their own dictators, but they are angry we propped up their dictators for decade after decade. But it all has to do with foreign aid.

I have been arguing primarily about Pakistan, but the thing is, this is bigger than Pakistan. Pakistan is just the most egregious and one of the larger recipients of our aid—$3 billion worth a year, maybe more. Right now they are holding Dr. Shakid Afridi, who is the doctor who helped us get bin Laden. They tortured him for a year, and he will be in prison for the rest of his life. That is not the way an ally acts.

I say no more money to Pakistan until they release this doctor. I don't think that is too much to ask. We would find very few in this body who agree. Ask the American people and 80 to 90 percent agree no more money to Pakistan until the doctor is free. I will be lucky to get 20 percent of them to agree to not just cut off aid, but have restrictions on aid. That is how bad it is.

The Arab spring brought corruption and theft of U.S. aid to Libya and Egypt, but Africa is rife with stories of theft and dictator spoils.

Teodrin Obiang Nguema is the son of Equatorial Guinea's dictator. He recently ran afoul of French customs who discovered that his chartered jet had 26 supercars on it, including seven Ferraris, five Bentleys, four Rolls Royces, and two Buggatis. Is anybody besides me mad that we are sending foreign aid to African dictators whose sons are importing Rolls Royces, Bentleys, Ferraris, and Buggatis to Africa, countries that have no electricity?

I don't care if you are the biggest humanitarian in the world and you want to help people, it is not going to the people. The foreign aid is stolen by the leadership of these countries. This is not one example; this is example after example, decade after decade.

The learning curve around here is so slow we will get 10, maybe 20 Senators to place any restrictions on foreign aid. Seventy percent of the people living in Africa live under the poverty threshold of $2 a day, and the son of a leader is importing Buggatis, Bentleys, Rolls Royces, and Ferraris on his own private charter jet. It has to be a pretty big jet to have 26 supercars on it. The rest of Africa lives on $2 a day. It is our money given by our government to dictators in Africa. We have to get the connection. We need to be mad. There needs to be an ''American spring'' where we tell our leaders we are sick and tired of our money going to fund dictators—an American spring where we understand what happened in the Arab spring.

The Arab spring is a direct consequence of us sending foreign aid and lavishing it on people who don't respect the freedom of their constituents and don't allow constitutional freedoms. The Arab spring's anger, as much as it is directed against America, is not against our Constitution. It is not because they don't believe in freedom. It is because they are upset that we have been funding and subsidizing their dictators. The United States has given Guinea almost $300 million over

the past 10 years despite Guinea having one of the worst human rights records on the planet. Torture is said to be commonplace.

The New York Times reported last spring: ''Any policeman can arrest any citizen at any time.''

Torture is a ''current thing,'' ''current,'' said Mr. Mico, a lawyer who is with an opposition party. He was recalling his own beating in the presence of high officials.

Gonzalo Ndong Sima, a pharmacist in the center of town, recounted his recent encounter with the police over a simple traffic mishap saying, ''They beat me like an animal.''

So what do we do? We give Guinea our money and people are beaten with police truncheons at traffic accidents. Who are they mad at? We need to begin to understand where the anger is coming from. When we prop up dictators in third-world countries who beat their subjects into submission, that is why they are angry. They don't care that we are wealthy or free. They are angry because we prop up dictators who beat them with truncheons.

Despite widespread reports of abuse, corruption, and ineffectiveness, foreign aid continues unabated. Despite polls that show over 70 percent of the American voters are opposed to foreign aid, it continues unabated.

Even when advocates of foreign aid are beaten down with stories such as I have been telling today of human rights abuses, starvation, and death threats, hangings, shootings, executions, these advocates trot forward their last defense: ''Foreign aid is less than 1 percent of the whole budget.'' It is only $30 billion.

Do you know how many times they use that argument? Every time I want to cut $30 billion, it is only $30 billion. They use it for $300 million too. It is only $300 million. If we don't get started somewhere, how are we ever going to balance our budget? We can't live on the $1 trillion deficits.

They argue eliminating foreign aid would not balance the budget. No, it won't, but it is a start. We have to start somewhere, and why not start with something that is counterproductive? Why not start with eliminating something from the budget that is counterproductive and seems to create some of the anger—at least it is some explanation for the anger in the Arab world.

The final arguments for foreign aid are so flimsy one would not think they would be worth much to even try to refute. Proponents of the status quo use this argument over and over for any budgetary item. If we can't cut millions now or even billions, how will we ever get to trillions?

When conservatives argued for cutting small subsidies to little airports that sometimes subsidize one airline ticket for $3,000, they argue it will only save $300 million. It is not a valid argument, it is a weak argument, and we should not accept it.

Cutting $30 billion worth of foreign aid would not balance the budget, but I am not even asking to cut the foreign aid. What I am asking for is that we place contingencies on it, rules of behavior. If they want to be our ally, act like it. If they want to be America's ally, act like it. If they want to cash our check, act like an ally and behave. At the very least shouldn't there be rules and restrictions on who gets it?

While there are reasons they are burning the American flag, I am an American and it upsets me. I am bothered by the fact that the American flag is being burned, but I am also bothered by the fact that we are sending money to countries where this is occurring. We are faced daily with tens of thousands of protesters in these Middle Eastern countries. We are faced with the tragic assassination of Ambassador Stevens.

With all the aid and all the evidence that foreign aid is not working, that it enables dictators and rarely buys the behavior we want, Republicans and Democrats still clamor for more. They will fight tooth and nail against any restrictions on the aid.

So one wonders, where are we going? In fact, we will find in this argument—and if we will read the paper, we will find that Secretary of State Clinton is arguing for more aid to Egypt. Their argument is if a country doesn't like us, if they behave illy toward America, if we give them more money, maybe they will act better.

I think the opposite. One, we are out of money. We are $1 trillion short. I think if we give them less money, they would think more about their behavior. Perhaps if we gave less money or, in my mind, no money to Pakistan until Dr. Afridi is released, maybe he would be released.

It boggles the mind to think these Senators are in favor of no restrictions and increasing aid despite decades of evidence that aid is not working. Proponents of this aid continue to argue that these mobs will be more inflamed if we don't give them money. I think it is quite the opposite.

I think the other thing about it they don't quite get is that I don't think the people writing are writing and saying give us more aid. What they are writing for is they don't like what our aid did in the first place. They are writing against autocratic authoritarian governments that were propped up by our aid.

People arguing that taking away the aid will inflame the Arab world, turn on the television set. They are plenty inflamed. Taking it away doesn't make it better, but at least we have some consultation that we are trying to do something about the deficit and maybe we have problems at home that are more pressing than this and maybe we won't reward bad behavior.

To say that taking away the aid may inflame the Arab world, just turn on the television set because they are plenty inflamed already. If we don't understand why they are inflamed, if we don't understand the Arab spring, if we don't understand why they are mad, that they are mad that we propped up dictators who kept them down and kept them from freedom, we will never understand or come to a resolution to make things better.

I, for one, will not vote for one more penny of foreign aid to anyone unless it has restrictions on it. I will only vote for it if the restrictions say they have to behave and it has to be approved by the Senate. We have tried it before. The other side may come to the floor and say foreign aid already has restrictions. Well, yes, they are not working because we gave them to the executive branch. Like so much in this body, we have been giving up power to the Presidency for 100 years. This is not a Republican-Democrat thing. This is just a legislative abdication of power, and we let the President do whatever he wants.

I am not arguing Republican or Democrat. I am arguing any President. The power should remain here with the purse strings. We should control them tightly, and we should say foreign aid only goes out under strict conditions. We should not let the final decision be made by an administration that doesn't seem to have the fortitude to make these tough decisions.

Enough is enough. We are running trillion-dollar deficits, and it is time to make a stand. I have been making a stand for the last week by filibustering this bill. It doesn't make me the most popular person here in Washington. People's travel schedules have been disrupted because of my filibuster. People's campaigning has been disrupted because of my filibuster. But this is not a new problem, and it is not a small problem.

We are talking about an aid program that has gone on decade after decade. We are talking about an enormous uprising in 30 countries, the Arab spring, and now maybe the Arab winter. We are talking about how we make things better. Until we fully understand what the Arab spring is about and also why the huge amount of anti-Americanism is running throughout the Middle East, we can't make it better.

I say throwing good money after bad is not the answer. This evening I think we will get to vote on my amendment. My amendment is to simply say to Libya, Egypt, and Pakistan that there are restrictions. All three will have to say that they will protect our embassy. There is a question of whether Egypt was forthcoming in protecting our embassy, and there is no question Libya was not.

In the case of Libya, I think there are elements there that like America, and there are also still elements that don't like America, but there is not really a government. I wonder if an embassy should be reopened in Libya. If we reopen the embassy in Libya and we put 50 marines in there, we may have a catastrophe like we had in Lebanon

when 200 marines were killed in the early 1980s. Without thousands of marines, I don't think we can protect an embassy in a large city in Libya.

It doesn't mean we don't have relations. When I argue for not putting the embassy back in, it is because I think long and hard about the danger to another ambassador and what their family will have to suffer if another ambassador is killed. I also think we can have probably an embassy in a neighboring country, and that is what I will recommend until things stabilize.

If Libya wants to have aid, they should keep cooperating with us with regard to finding the assassins. They should try to work where they can become stable enough to have an embassy. The bottom line with Libya that a lot of people forget—as I talk about foreign aid, so many people say we can't cut off aid to Libya; they want to be pro-American. They have oil.

When President Obama was bombing Libya, he kept saying: It will all be free. They will pay us for it later. It will be a free war. We heard that one before. Iraq was going to be a free war also. Iraqi oil was going to pay for it. It never ends up happening. That is what they told us about Libya.

With regard to Pakistan, I have one additional requirement. They have to prove to us they will protect our embassy, and they have to release Dr. Afridi. I think this is very little to ask. He is under death threats in prison. His family is under death threats in the countryside. They are hiding and living in fear because they helped us.

The other reason why this administration should take it personally is somebody leaked Dr. Afridi's name. His name should have never been known. I doubt it was someone with the CIA, but somebody who knew his name leaked this story. There were some stories about a month or two ago about how the President was doing a great job with terrorism. In those stories they talked about a doctor with a vaccine program and his name was found out. Somebody leaked it. Somebody very close to the President leaked it. I think that needs to be investigated. It is a crime and it should be punished. Not only is it a crime, but whomever in the administration leaked that information about Dr. Afridi, I hope they lie awake at night and worry about their soul in the sense that this man may well die. He is going to be in prison for the rest of his life because his name was leaked. That kind of behavior from high-ranking government officials is inexcusable.

This evening we will have this vote. I will encourage Senators to vote for this resolution. It doesn't end aid. I would prefer we end it. This is a moderate step in the sense that it attaches conditions to it. I think the American people expect that of us, at the very least, and I encourage my fellow Senators to vote for my resolution.

I thank the Chair.

Mr. President, I yield back the remainder of my time, and 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. MCCAIN. 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. MCCAIN. Mr. President, I ask unanimous consent that I be allowed to address the Senate as in morning business, with a colloquy with the Senator from South Carolina, and perhaps other Senators who may wish to speak.

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

IMMIGRATION

Mr. MCCAIN. Mr. President, before I get into the issue concerning the amendment of the Senator from Kentucky, I was just informed that the President of the United States, while speaking to Hispanic television, alleged that the reason why immigration reform was not enacted in the last 4 years of his Presidency is because the Senator from Arizona walked away. Incredible. An incredible statement. I am not often in the business of accusing Presidents of the United States of not telling the truth. But facts are stubborn things.

First of all, it was then-Senator Obama who joined with Senator Kennedy and me when we were doing comprehensive immigration reform, and we pledged that we would take tough votes so the whole fragile coalition would not fall apart.

Instead of doing that, the then-Senator from Illinois, Barack Obama, proposed an amendment which would have destroyed the entire coalition we had together, and did so without telling Senator Kennedy or me or anyone else, by sunsetting the provisions that called for temporary workers.

But, more importantly, in 2009, I was invited over to the White House. I went over there. It was a conversation with others about comprehensive immigration reform, and the President at that time stated they would be proposing legislation. I told him I would be glad to examine it and I would be glad to support any effort to comprehensive immigration reform that I could agree with. Nothing came from the White House—zero, not one word. Not one piece of legislation was proposed by the administration.

After the shooting and the tragedy in Tucson, the President gave a great speech. I wrote an article thanking him. I was invited over to the White House again. And when we discussed comprehensive immigration reform, I said: I am ready to sit down with you and move forward on it. He said: Of course. There was never a word. Was the President of the United States waiting for the Senator from Arizona to bring forward comprehensive immigration reform? Is that how he thinks government works? So again we find a President who wants to blame everybody else no matter what it is.

My friend from South Carolina was involved in this issue as well, and I would be interested in his observation of this entire issue. I still stand ready to move forward with comprehensive immigration reform.

Mr. GRAHAM. I thank the Senator.

It was very difficult politics. It was a very fragile but robust coalition back in the day. President Bush sent over two Cabinet Secretaries every week and was personally involved in trying to get comprehensive immigration reform passed in 2006 and 2007. I saw firsthand the commitment by the White House, where Secretary Gutierrez and many others came over—the Homeland Security Secretary came over—and basically wrote the bill line by line—Senator KENNEDY, myself, MCCAIN, KYL—a bunch of people—SALAZAR. Senator Obama showed up on occasion.

But at the end of the day, the basic construct was that for a modern immigration system—merit-based immigration, a new way of doing business, better border security, better employer verification systems—Republicans would allow the 12 million to earn their way into lawful standing—a long and arduous way back to citizenship they would have to earn—and, in return, we would get a temporary worker program that would help American businesses supplement the labor force when they could not find an American worker, after paying a competitive wage.

The chamber, all businesses were for this because it gave the business community the certainty they needed regarding immigration. Part of the grand bargain was that the chamber would be able to access labor in a more modern, efficient way. The labor unions hated that part of the bill. A lot of people on the right hated the idea of an earned pathway to citizenship—coming out of the shadows and living under the law, paying taxes, and all the other things in the bill.

Senator Obama, out of nowhere, came to the floor and said: I have a commonsense amendment I would like to propose that we sunset the temporary worker program—$400,000, I think it was, allocated to American businesses—after 5 years.

Well, what would have happened if I came to the floor and said: Let's terminate the pathway to citizenship or sunset it after 5 years?

That was the heart and soul of the deal. Thank God his amendment went down. But during the negotiations and during that critical time, I think he gave in to the pressure from the unions. But he did promise, in 2008, when he ran against Senator MCCAIN, that he would pass comprehensive immigration reform in his first year.

I looked at the interview last night and got bits and pieces of it. As I recall the first year of the Obama administration, it was all about ObamaCare and

the stimulus. I do not remember any effort, bipartisan or otherwise, to deal with comprehensive immigration reform because all the political capital was spent on ObamaCare and the stimulus.

At the end of the day, the only time President Obama has talked about immigration reform was when rallies were going to be held. And here, at the late hour of the election, he tries to do something with a dream act modified in a unilateral fashion.

So at the end of the day, the Senator is right, I say to Senator MCCAIN. He can blame others, but I think the record speaks pretty loudly and clearly where his agenda lay in the first couple years of his administration, and immigration reform was not even a blip on the radar screen.

FOREIGN AID

Mr. MCCAIN. Mr. President, on another subject, yesterday the Senate and, then later, the House were called together to get a briefing from key members of the administration, led by the Secretary of State; a high-ranking member of the FBI; our Director of National Intelligence, General Clapper; and the Vice Chairman of the Joint Chiefs of Staff, to tell us ostensibly what happened in the tragic deaths of Ambassador Christopher Stevens and three other brave Americans.

We gathered down in the secret room, where everybody turns in their phones and BlackBerries, and we went in and listened to basically a description of America's military disposition in that part of the world—something which certainly does not warrant a super-secret briefing.

But, more importantly than that, when the Secretary and the others were asked exactly what happened—what happened here? What caused this tragedy? What was the sequence of events?—in fact, it was Senators and the ranking member of the Intelligence Committee: What happened?—the answer was: Well, that is still an ongoing investigation and we cannot tell you anything.

Now, we were supposed to be down there to hear what happened, to hear the administration's version of the events of what happened. We were told nothing. We were told absolutely nothing because there is an investigation going on.

This morning in the Wall Street Journal, entitled ''Misjudgments Preceded Deadly Libya Attack,'' there is a tick-tock starting at 8 p.m. all the way through of the events that took place. Now, if that is not an incredible disrespect to the Members of the Senate, I don't know what is. Again, it is an example of the disdain with which this body is held by the administration, including, I am sorry to say, the Secretary of State. It is not that I am offended as a Senator, it is the disrespect to the institution of the Senate when we are called together ostensibly to receive information, that information they tell us they can't give us, and then it appears on the front page of the Wall Street Journal and the New York Times. What does that mean about the attitude this administration has to this body? Obviously, it is not one that I think is of respect.

Does the Senator wish to say something?

Mr. GRAHAM. Just briefly. I was very disappointed in the briefing yesterday too. The bottom line is that we asked questions like: How many security people were at the Benghazi consulate?

We will have to get back with you.

And you pick up the New York Times and you get a blow-by-blow description of what supposedly went on. So it was very frustrating, like pulling teeth to get information yesterday. A lot of Senators are frustrated. You pick up major papers in the country and you find details not shared with you.

One of the things I am worried about is that we are trying to find out who committed these terrible acts of terrorism. They were acts of terrorism, not a spontaneous riot.

We said: What is the game plan? Will they be held as enemy combatants? Are they going to be held as common criminals? Will they be prosecuted in Libya? Will they be brought back to the United States? Do you have to read them Miranda rights?

There was absolutely not a whole lot of information. But at the end of the day, I think it was a lost opportunity to inform the Congress.

Can we now move to the Rand Paul amendment?

Mr. MCCAIN. Mr. President, I would like to take what remaining time we have in order to discuss the Paul amendment. I would like to begin by asking unanimous consent to have printed in the RECORD the letter from retired military leaders urging opposition to the Paul amendment.

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

RETIRED MILITARY LEADERS URGE OPPOSITION TO PAUL AMENDMENT

SEPTEMBER 21, 2012.

DEAR SENATOR: As co-chairs of the U.S. Global Leadership Coalition's National Security Advisory Council, a group of more than 110 retired three- and four-star generals and admirals, we believe that the International Affairs Budget—U.S. foreign assistance—is critical to America's national security.

Like all Americans, we are concerned about the recent events that have taken place in Cairo, Benghazi, and other parts of the Arab world. However, a wholesale suspension of U.S. assistance to nations in this region is not in America's security interests.

U.S. assistance is not a gift to recipient nations. It is not a tool to make other countries like us. It's a critical component, along with a robust military, of America's national security strategy. These programs pay dividends in terms of our national security and preventing another 9/11.

America must remain strongly engaged in the world. We urge opposition to the amendment offered by Senator Rand Paul to suspend U.S. assistance to several nations in the most volatile regions of the world.

Thank you for your consideration of our views.

Sincerely,

ADMIRAL JAMES M. LOY, USCG (RET.), *Co-Chair, National Security Advisory Council.*

GENERAL MICHAEL W. HAGEE, USMC (RET.), *Co-Chair, National Security Advisory Council.*

NATIONAL SECURITY ADVISORY COUNCIL

Admiral Charles S. Abbot, USN (Ret.), Deputy Commander in Chief, U.S. European Command ('98–'00); Admiral Thad W. Allen, USCG (Ret.), Commandant, U.S. Coast Guard ('06–'10); Vice Admiral Albert J. Baciocco, Jr., USN (Ret.), Director of Research, Development & Acquisition, Department of Navy ('83–'87); Lt. General Thomas L. Baptiste, USAF (Ret.), Deputy Chairman, NATO Military Committee ('04–'07); Lt. General Paul Blackwell, USA (Ret.), Army Deputy Chief of Staff for Operations and Plans ('94–'96); Admiral Frank L. Bowman, USN (Ret.), Director, Naval Nuclear Propulsion ('96–'04); General Charles G. Boyd, USAF (Ret.), Deputy Commander in Chief, U.S. European Command ('92–'95); General Bryan Doug Brown, USA (Ret.), Commander, U.S. Special Operations Command ('03–'07); Lt. General John H. Campbell, USAF (Ret.), Associate Director of Central Intelligence for Military Support, Central Intelligence Agency ('00–'03); Lt. General John G. Castellaw, USMC (Ret.), Deputy Commandant for Aviation ('05–'07), Deputy Commandant For Programs and Resources ('07–'08); Lt. General Daniel W. Christman, USA (Ret.), Superintendent, United States Military Academy ('96–'01); Admiral Vernon E. Clark, USN (Ret.), Chief of Naval Operations ('00–'05); General Wesley K. Clark, USA (Ret.), Supreme Allied Commander, Europe ('97–'00); Admiral Archie R. Clemins, USN (Ret.), Commander in Chief, U.S. Pacific Fleet ('96–'99); General Richard A. ''Dick'' Cody, USA (Ret.), Vice Chief of Staff, United States Army ('04–'08).

Lt. General John B. Conaway, USAF (Ret.), Chief, National Guard Bureau ('90–'93); General Donald G. Cook, USAF (Ret.), Commander, Air Education and Training Command, ('01–'05); General Bantz J. Craddock, USA (Ret.), Commander, U.S. European Command and NATO Supreme Allied Commander Europe ('06–'09); Lt. General John ''Mark'' M. Curran, USA (Ret.), Director Army Capabilities and Integration Center/Deputy Commanding General Futures, Army Training and Doctrine Command ('03–'07); General Terrence R. Dake, USMC (Ret.), Assistant Commandant, US Marine Corps ('98–'00); Lt. General Joseph E. DeFrancisco, USA (Ret.), Deputy Commander in Chief and Chief of Staff of United States Pacific Command ('96–'98); Admiral Walter F. Doran, USN (Ret.), Commander in Chief, U.S. Pacific Fleet ('02–'05); Lt. General James M. Dubik, USA (Ret.), Commander, Multi National Security Transition Command and NATO Training Mission-Iraq ('07–'08); General Ralph E. Eberhart, USAF (Ret.), Commander, North American Aerospace Defense Command/Commander, U.S. Northern Command ('02–'04); Admiral Leon A. Edney, USN (Ret.), Supreme Allied Commander Atlantic/Commander in Chief, U.S. Atlantic Command ('90–'92); Admiral James O. Ellis, Jr., USN (Ret.), Commander, U.S. Strategic Command ('02–'04); Admiral William J. Fallon, USN (Ret.), Commander, U.S. Central Command ('07–'08); Admiral Thomas B. Fargo, USN (Ret.), Commander, U.S. Pacific Command ('02–'05); General Robert H. Foglesong,

USAF (Ret.), Commander, U.S. Air Forces in Europe ('04–'05); Admiral S. Robert Foley, USN (Ret.), Commander-in-Chief, U.S. Pacific Fleet ('82–'85); General John R. Galvin, USA (Ret.), Supreme Allied Commander, Europe/Commander in Chief, U.S. European Command ('87–'92).

Lt. General Robert G. Gard, Jr., USA (Ret.), President, National Defense University ('77–'81); Admiral Edmund P. Giambastiani, Jr., USN (Ret.), Vice Chairman, Joint Chiefs of Staff ('05–'07); Lt. General Arthur J. Gregg, USA (Ret.), Army Deputy Chief of Staff ('79–'81); Vice Admiral Lee F. Gunn, USN (Ret.), Inspector General, U.S. Navy ('97–'00); General Michael W. Hagee, USMC (Ret.), Commandant, U.S. Marine Corps ('03–'06); General John W. Handy, USAF (Ret.), Commander, U.S. Transportation Command and Commander, Air Mobility Command ('01–'05); General Richard E. Hawley, USAF (Ret.), Commander, Air Combat Command ('96–'99); General Michael V. Hayden, USAF (Ret.), Director, Central Intelligence Agency ('06–'09); Admiral Ronald J. Hays, USN (Ret.), Commander in Chief, U.S. Pacific Command ('85–'88); General Richard D. Hearney, USMC (Ret.), Assistant Commandant, U.S. Marine Corps ('94–'96); General Paul V. Hester, USAF (Ret.), Commander, Pacific Air Forces, Air Component, Commander for the U.S. Pacific Command Commander ('04–'07); General James T. Hill, USA (Ret.), Commander, U.S. Southern Command ('02–'04); Admiral James R. Hogg, USN (Ret.), U.S Military Representative, NATO Military Committee ('88–'91); Lt. General Patrick M. Hughes, USA (Ret.), Director, Defense Intelligence Agency ('96–'99); General James L. Jamerson, USAF (Ret.), Deputy Commander in Chief, U.S. European Command ('95–'98); Admiral Gregory G. Johnson, USN (Ret.), Commander, U.S. Naval Forces Europe/Commander in Chief, Allied Forces Southern Europe ('01–'04).

Admiral Jerome L. Johnson, USN (Ret.), Vice Chief of Naval Operations ('90–'92); General John P. Jumper, USAF (Ret.), Chief of Staff, U.S. Air Force ('01–'05); Admiral Timothy J. Keating, USN (Ret.), Commander, US Pacific Command ('07–'09); Lt. General Richard L. Kelly, USMC (Ret.), Deputy Commandant, Installations and Logistics ('02–'05), Vice Director for Logistics, Joint Staff ('00–'02); Lt. General Claudia J. Kennedy, USA (Ret.), Deputy Chief of Staff for Army Intelligence ('97–'00); General Paul J. Kern, USA (Ret.), Commanding General, U.S. Army Materiel Command ('01–'04); General William F. Kernan, USA (Ret.), Supreme Allied Commander, Atlantic/Commander in Chief, U.S. Joint Forces Command ('00–'02); Lt. General Donald L. Kerrick, USA (Ret.), Deputy National Security Advisor to The President of the United States ('00–'01); General Ronald E. Keys, USAF (Ret.), Commander, Air Combat Command ('05–'07); Lt. General Bruce B. Knutson, USMC (Ret.), Commanding General, Marine Corp Combat Command ('00–'01); General Leon J. LaPorte, USA (Ret.), Commander, United Nations Command, U.S. Combined Forces Command, U.S. Forces Korea ('02–'06); Admiral Charles R. Larson, USN (Ret.), Commander, U.S. Pacific Command ('91–'94); Vice Admiral Stephen F. Loftus, USN (Ret.), Deputy Chief of Naval Operations for Logistics ('90–'94); General John Michael Loh, USAF (Ret.), Commander, Air Combat Command ('92–'95); Admiral T. Joseph ''Joe'' Lopez, USN (Ret.), Commander in Chief, U.S. Naval Forces Europe/Commander in Chief, Allied Forces Southern Europe ('96–'98); General Lance W. Lord, USAF (Ret.), Commander, U.S. Air Force Space Command ('02–'06).

Lt. General James J. Lovelace, USA (Ret.), Commanding General, U.S. Army Central Command ('07–'09); Admiral James M. Loy, USCG (Ret.), Commandant, U.S. Coast Guard ('98–'02); General Robert Magnus, USMC (Ret.), Assistant Commandant, U.S. Marine Corps ('05–'08); General Barry R. McCaffrey, USA (Ret.), Commander, U.S. Southern Command ('94–'96); Lt. General Dennis McCarthy, USMC (Ret.), Commander, Marine Forces Reserve ('01–'05); Vice Admiral Justin ''Dan'' D. McCarthy, SC, USN (Ret.), Deputy Chief of Naval Operations, Fleet Readiness, and Logistics ('04–'07); General Stanley A. McChrystal, USA (Ret.), Commander, International Security Assistance Force in Afghanistan ('09–'10); Vice Admiral John ''Mike'' M. McConnell, USN (Ret.), Director of the National Security Agency ('92–'96); Lt. General Frederick McCorkle, USMC (Ret.), Deputy Commandant for Aviation, Headquarters ('98–'01); General David D. McKiernan, USA (Ret.), Commander, International Security Assistance Force in Afghanistan ('08–'09)/Commander, US Army Europe ('05–'08); General Dan K. McNeill, USA (Ret.), Commander, International Security Assistance Force in Afghanistan ('07–'08); Lt. General Paul T. Mikolashek, USA (Ret.), Inspector General, U.S. Army/Commanding General of the Third U.S. Army Forces Central Command ('00–'02); Vice Admiral John G. Morgan, Jr. USN (Ret.), Deputy Chief of Naval Operations for Information, Plans and Strategy ('04–'08); Admiral John M. Nathman, USN (Ret.), Commander, U.S. Fleet Forces Command ('05–'07); Admiral Robert J. Natter, USN (Ret.), Commander in Chief, U.S. Atlantic Fleet/Commander, Fleet Forces Command ('00–'03).

Lt. General Gregory S. Newbold, USMC (Ret.), Director of Operations, J–3 Joint Staff ('00–'02); General William L. Nyland, USMC (Ret.), Assistant Commandant, U.S. Marine Corps ('02–'05); Lt. General Tad J. Oelstrom, USAF (Ret.), Superintendent, U.S. Air Force Academy ('97–'00); Lt. General H.P. ''Pete'' Osman, USMC (Ret.), Commanding General II MEF ('02–'04); Lt. General Jeffrey W. Oster, USMC (Ret.), Deputy Administrator and Chief Operating Officer, Coalition Provisional Authority, Iraq (2004); Deputy Commandant for Programs and Resources, Headquarters Marine Corps (ended in '98); Lt. General Charles P. Otstott, USA (Ret.), Deputy Chairman, NATO Military Committee ('90–'92); Admiral William A. Owens, USN (Ret.), Vice Chairman, Joint Chiefs of Staff, 1994–1996; Admiral Joseph W. Prueher, USN (Ret.), Commander in Chief, U.S. Pacific Command ('96–'99); Lt. General Harry D. Raduege, Jr., USAF (Ret.), Director, Defense Information Systems Agency ('00–'05), Commander, Joint Task Force for Global Network Operations ('04–'05); Vice Admiral Norman W. Ray, USN (Ret.), Deputy Chairman, NATO Military Committee ('92–'95); General Victor ''Gene'' E. Renuart, USAF (Ret.), Commander, North American Aerospace Defense Command and U.S. Northern Command ('07–'10); General Robert W. RisCassi, USA (Ret.), Commander in Chief, United Nations Command/Commander in Chief, Republic of Korea/U.S. Combined Forces Command ('90–'93); Lt. General Michael D. Rochelle, USA (Ret.), Deputy Chief of Staff, G–1 Headquarters, United States Army ('06–'09); Vice Admiral Ronald A. Route, USN (Ret.), Naval Inspector General ('04–'07), President, Naval War College ('03–'04); Lt. General John B. Sams, Jr. USAF (Ret.), Commander, 15th Air Force ('98–'99).

General Peter J. Schoomaker, USA (Ret.), Chief of Staff, U.S. Army ('03–'07); Lt. General Norman R. Seip, USAF (Ret.), Commander, 12th Air Force/Air Forces Southern ('06–'09); General Henry H. Shelton, USA (Ret.), Chairman, joint Chiefs of Staff ('97–'01); Admiral Leighton W. Smith, Jr., USN (Ret.), Commander in Chief, U.S. Naval Forces Europe/Commander in Chief, Allied Forces Southern Europe ('94–'96); Admiral William D. Smith, USN (Ret.), U.S. Military Representative, NATO Military Committee ('91–'93); Lt. General James N. Soligan, USAF (Ret.), Deputy Chief of Staff for Transformation, Allied Command Transformation ('06–'10); General Carl W. Stiner, USA (Ret.), Commander in Chief, U.S. Special Operations Command ('90–'93); Vice Admiral William D. Sullivan, USN (Ret.), U.S Military Representative to NATO Military Committee ('06–'09); Admiral Carlisle A. H. Trost, USN (Ret.), Chief of Naval Operations ('86–'90); Admiral Henry G. Ulrich, USN (Ret.), Commander, U.S. Naval Forces Europe/Commander, Joint Forces Command Naples ('05–'08); General Charles F. Wald, USAF (Ret.), Deputy Commander, U.S. European Command ('02–'06); Lt. General Joseph H. Wehrle Jr., USAF (Ret.), Assistant Vice Chief of Staff, Headquarters U.S. Air Force ('02–'03); General Charles E. Wilhelm, USMC (Ret.), Commander, U.S. Southern Command ('97–'00); General Michael J. Williams, USMC (Ret.), Assistant Commandant, U.S. Marine Corps ('00–'02); General Johnnie E. Wilson, USA (Ret.), Commanding General, U.S. Army Material Command ('96–'99); General Anthony C. Zinni, USMC (Ret.), Commander in Chief, U.S. Central Command ('97–'00).

Mr. MCCAIN. Mr. President, I do not think that our military leaders, retired and Active Duty, are infallible, but I think their views are very important given the vast experience so many of them on this list have. These are 110 retired three- and four-star generals and admirals. I think we should at least pay close attention to their views. They have earned it. They have earned our respect for their views.

In addition, I ask unanimous consent to have a letter from AIPAC printed in the RECORD.

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

THE AMERICAN ISRAEL,
PUBLIC AFFAIRS COMMITTEE,
Washington, DC.

MAJORITY LEADER HARRY REID AND MINORITY LEADER MITCH MCCONNELL: We are writing to express our opposition to the Paul amendment cutting off U.S. foreign assistance to countries which host a U.S. diplomatic facility that is attacked any time after September 1, 2012. While we hope every effort is made to find and prosecute the terrorists who murdered the brave U.S. diplomats killed in the Embassy attacks in Benghazi, Libya, we do not believe the approach outlined in the Paul amendment is the way to respond to those horrific attacks.

For one, the amendment is broadly drafted so it would potentially affect aid to any American ally (including Israel) should terrorists decide to ''attack, trespass or breach'' U.S. diplomatic facilities there. Furthermore, at this time of turmoil and uncertainty in the Middle East, the United States government needs to be able to use all available tools to influence events in the region. U.S. foreign assistance programs are a critical part of that toolbox, and essential to ensuring continued strong American leadership in the world.

We urge you to oppose the Paul amendment.

HOWARD KOHR,
Executive Director.
MARVIN FEUER,
Director, Policy & Government Affairs.
BRAD GORDON,
Director, Policy & Government Affairs.

Mr. MCCAIN. This letter is from the American Israel Public Affairs Committee, America's pro-Israel lobby. It is a letter addressed to majority leader HARRY REID and minority leader MITCH MCCONNELL.

All of us here are very familiar with AIPAC. It is a very well respected and highly regarded organization that is really responsible for informing us, for strengthening our ties between the United States and Israel, and I hope my colleagues will take this very strong letter of AIPAC into consideration.

There are so many things wrong with the Rand Paul amendment that it is hard to know where to begin. I would like to mention—because I know my colleague who plays a role on the Appropriations Committee and the ranking member of the Intelligence Committee wants to join in, I do not want to take too much time. I wish to mention two countries—Libya to start with.

Somehow to labor under the belief that the Libyan people are opponents of the United States of America is a fundamental misunderstanding of the Libyans and the Libyan people. They are grateful. They are grateful to the United States of America. They have condemned this attack and this heinous crime of the assassination of four brave Americans. They have said they will do everything in their power to bring these people to justice.

I was there on July 7 in Tripoli. I saw thousands of Libyans saying: Thank you, America. Thank you, United States. Thank you, Ambassador Stevens. Thank you. Because they were under the yoke of one of the most brutal dictators on the Earth, who, by the way, was responsible for the deaths of Americans on Pan Am 103 and the bombing of the disco in Berlin.

But there is a problem in this country. They have porous borders. They have militias running around. They have not had a government of their own in forever, literally. And they need our help. They need our help in providing border security, in bringing these militias under control and these weapons that have proliferated everywhere.

So our message with the Paul amendment is this: Adios. See you around.

That is not America's role in Libya. That is not America's role in the world. And nothing would be more welcomed in Libya today by the Islamists and al-Qaida who are there and other extremists—nothing would make them happier than to hear that the United States had cut off all assistance to Libya. Nothing would encourage them more. Nothing would allow them to gain more traction and support from the Libyan people.

This is a fight for the hearts and souls of the people of the Middle East. It is not a video—it is not a video that has caused this problem and these riots and demonstrations. It is the efforts of the Islamists who magnify and spread an obscure video throughout the Arab world to stoke the fears and anger of the people of these countries when the fact is that it is a struggle for power. That is what is going on with these videos—a struggle for power.

So we are going to send a message to the Libyan people who lost thousands of their citizens in this recent struggle to oust Qadhafi from their country.

The second country I wish to mention very quickly is Egypt. Many of us are disappointed at some of the actions the Egyptians have taken. I will say that President Mursi condemned these attacks. He went to Tehran and condemned Bashar al-Asad. But in my view, Egypt is pretty much up for grabs. I don't how the Egyptians are going to go. There is a struggle internally between the Salafists and the extremists and those who want a modern and democratic society, and that struggle will continue.

But I would also remind my colleagues that one of the signal agreements of our time was the Egyptian-Israeli peace agreement that was consummated at Camp David by President Carter, Anwar Sadat, and Menachem Begin. This was a major step forward—peace between Egypt and Israel. Part of that deal was that the United States would provide aid to Egypt.

How are the Egyptians going to react if we cut off aid to them? I can tell you how they will react. They will react that we have breached an agreement that has gone on for a long time. And, believe me, Egypt and Israel's relations are vital in the Middle East. And, again, what would prove a better message to the extremists than to be able to tell their people: Not only do the American people dislike us, not only are they not in support of us, but they will not assist us and other countries.

There are many other examples. I believe the role of the United States in the world is important, and I believe also, as I mention as a footnote, that this debate has been going on all of the 20th century, now into the 21st century. Those who are isolationists, who want to fortress America—you can go back to post-World War I and the fight over the League of Nations and, prior to World War II, the isolationists, the Henry Fords, the Charles Lindberghs, the isolationists prior to World War II, past World War II, the Taft wing of the Republican Party and the Eisenhower wing, all the way up until this fight that will probably continue, and history will show that the greatest Nation in history was the United States of America, which, following World War II, restored Europe, turned back the tide of communism, and has been able, all over the world, with no greed, no selfish interest except for democracy and freedom, to aid these countries, which eventually redounds to the favor of the United States of America.

I urge, obviously, rejection of the Rand Paul amendment.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I do see Senator CHAMBLISS here. I will ask him a question and get his thoughts.

To kind of follow on what Senator MCCAIN said and to begin with, RAND PAUL is a recently elected Senator who has come to the body with a lot of enthusiasm, and he is willing to make hard choices. I have worked with him on Medicare reform, on Social Security reform. I think he will take on the spending situation in this country very aggressively. I think he is very brave when it comes to entitlement reform. On that side of the ledger, I find myself very much in agreement with what he wants to do. But he does have a view of foreign policy that I think is ill-suited to the times and historically has not worn very well.

As Senator MCCAIN said, history is full of moments where America and other powers felt that now is the time to withdraw and let those people argue among themselves. The problem with letting ''those people''—and you just fill in the blank who they might be—argue among themselves is that it ignores the fact of what goes on in one place in the world can affect us, and there is no better example than 9/11. The entire operation to attack our Nation cost less than $1 million. The 20 or 21 terrorists who trained to attack us had about a $1 million budget. The author of this attack lived in a cave in a far-away place called Afghanistan. So it does matter what happens in places such as Afghanistan. Radical Islamists have no desire for democracy in the Mideast or anywhere else, and they are a force within the Mideast and throughout the world.

But the good news for us is they are a minority force. The Taliban, which is a cousin of al-Qaida, basically, are very much rejected by the Afghan people. When traveling to Kabul today, one sees a city with electricity, with commerce, with cars, with movement, and with women in school. The average Afghan doesn't want to go back to the Taliban way of doing business, where there is no music, there is no interaction with each other except on terms set for them. So what we see on the television at night is a political struggle for the heart and soul of the Mideast. This has been going on for a long time and, finally, the lid blew.

Egypt was an authoritarian, corrupt dictatorship. Tunisia. Libya was ruled by Qadhafi, Syria by Assad. What we see are people who have seen another way of living and they are saying, enough already, I am not going to be part of that anymore. I am going to try to change my life and my children's lives.

Within that population there also are people who are dead set on making sure that nation in the Islamic world go backward, not forward. We have to take sides. If we don't take sides, if we sit on the sidelines, we will pay a price.

I think it is better to help people fight the Taliban than it is to ignore the Taliban. I think it is good to go

after al-Qaida in every country on the planet so they never know a moment of peace, but we can have a few moments of peace. I think it is better to fight these guys in their backyard than to stay home and let them come to our backyard. There is a reason we haven't been attacked in over 11 years. We have been on the offensive, and there are more ways to be on the offensive than just bombing people.

The biggest fear of the Taliban and al-Qaida, beyond having a bomb dropped on their head—and they do not mind dying; they really don't like living. They will die in a heartbeat to make sure others can't live their lives the way they like. It is absolutely of no consequence to them to sacrifice their own life and take someone with them. Their goal is: If we are going to live, we are going to live their way, not our way. But their big fear is that people will have the capacity to say no to them and the ability to fight back and win in the countries in question.

When we killed bin Laden, that was a moment of satisfaction and justice. But has that changed the war on terror? Have the terrorists given up? Have people said: Oh, the Americans killed bin Laden so we better not go over the wall in Egypt; we better not attack the consulate? No. This is a struggle between the modern world and forces of darkness, and the way America wins this war is to empower those in other countries to fight and win in their own country, without us having to be there with 100,000 troops all the time.

The biggest nightmare of the Taliban and al-Qaida is to see built a one-room schoolhouse where kids can get an education, for the people to have clean drinking water that they own and control, where people can go to a courtroom rather than a sharia court to have conflicts resolved, and to see commerce and interaction with the rest of the world, to trade with the rest of the world. That is what they fear most.

Our foreign assistance budget—foreign aid—is 1 percent of the entire Federal budget. If we took it off the table, we would be left with the following way to affect the world: Do nothing or bomb people. You know what, those men and women in uniform have been at war for 11 years. How about having a tool in America's toolbox to fight the enemy without having to use military force? When we clear a village of the Taliban, how do we hold and build that village? We bring in a health care clinic, something with the most rudimentary standards. It is not something we would even think about sending our kids to, but they welcome it because they have never had anything. We build a basic one-room schoolhouse, with a chalkboard and a few books. That lights up people's lives like we cannot believe. That is how we hold and build, with the State Department and the Department of Agriculture teaching people to plant crops other than heroin. That is the al-Qaida and Taliban's worst nightmare—and Egypt and Libya and Pakistan and Yemen, and fill in the blank, Afghanistan.

Here is where I am going to challenge the judgment, quite frankly, of my friend RAND PAUL. He has offered an amendment at one of the most critical times in the history of the Mideast that would break, that would sever all aid, all assistance to Libya, Egypt, and Pakistan. Why are we so upset by this thought process? Trust me, I know we are broke—$16 trillion in debt—and that America is struggling more now than at any other time in my adult life and that we have to get our fiscal house in order. But how do we live in peace and prosperity with the rest of the world in flames? If we want to pay $10 a gallon for gas, turn the Mideast over to these crazy nut jobs.

Here is my view of what we should do. We should stay in this fight and we should do more things than just bomb people. We should help them help themselves. The good news is most people appreciate our help. What we see on TV is the result not of a film but of radical Islamists taking advantage of a moment.

Yes, the cultures are different. It is hard for people in the Mideast to understand that a film could be made disrespecting Islam without the government approving of it, because in their world nothing gets done without the government approving it. So it is important for us to say: This has nothing to do with the United States Government or the American people. This is the result of some crazy group of people who have what we call freedom of speech. It is uncomfortable, but that is the way we are.

I think it is important to let the Mideast know, and Muslims in general, that this is the way we operate. We reject the disrespect shown to anyone's religion, and that is not who we are as a people, but freedom of speech does exist here. The reason we need to explain that is because in their world they can't imagine something being done like this without the government blessing it.

Having said that, there is no excuse in any society to do harm to another human being because of the way somebody speaks or acts unless it is an act of violence.

Senator PAUL is proposing disengagement in three of the most volatile areas of the Mideast at a time when it means the most. The way he has written this amendment should make everyone pause and evaluate how they want to vote. AIPAC, which most of us are familiar with, has indicated the way the amendment is written, if there is an act of violence against a U.S. interest in Israel, maybe we would have to withdraw our aid to Israel. But they have said they oppose the RAND PAUL amendment because they know what happens to Egypt if this were to ever pass and become law.

The treaty Senator MCCAIN referred to was the Camp David Accords. Israel and Egypt have been living under a peace treaty for decades now. Part of the deal was that America would provide aid to Egypt and Israel, and if we broke the agreement with Egypt, that would break the treaty with Israel.

So do not tell me or anybody else you support Israel if you vote for this amendment, because one of two things is going on: Either you have no idea what it means to support Israel or you are trying to pull the wool over my eyes. It is impossible to support the security of the Israeli nation and vote for this amendment because it will lead to the breach of a treaty with one of their strongest neighbors—80 billion people living in Egypt. It will unravel a delicate balance that has existed for decades. And I will be recorded as having no part of that. Imagine if this amendment passed what the chatter would be on every Islamic Web site in the world. And by the way, if these people had a PAC, they would be supporting this amendment.

I know RAND PAUL is as patriotic as anyone in this body, but the fact of the matter is the crazy Islamic extremist terrorists who try to kill us all would love nothing more than this to pass. They know they cannot win if we stay engaged helping people, so they are trying to drive us out because that is their best hope of winning the day. So if we want to empower the terrorists who exist in this world, we should pass this amendment because they will go crazy with hope and excitement that their tactics are working. And if we want to destroy the hope of everybody in the Mideast who has been brave enough to stand up to these thugs and lose their family members, if we want to break their spirit, then vote to pass this amendment. If this amendment passes, good luck finding anybody anywhere in the world who will partner with us, who would be brave enough to stand up to these thugs and say: You will not have my children's future. If this amendment passed, America could never look anyone in the eye again in the Mideast and say: Stand with me. You can count on me.

Ladies and gentlemen of the United States, and my colleagues in the Senate, I wish the world were not as screwed up as it is. I wish it would change. I hate the fact we have been at war and we have spent so much money. But I am telling you this right now: These are historic times in which we live. And every time in history when good people were confronted with evil and they blinked, millions died, not thousands. The only reason millions haven't died in the war on terror is the nut jobs who want to kill us all can't get ahold of weapons to do it. If you don't want Iran to get a nuclear weapon, if that bothers you—that they may get a nuclear weapon and throw the whole region into a nuclear arms race or share that technology with a terrorist organization to use it against us—then vote against this amendment. Because if this passed, what would the Iranians think about America's resolve to deal with them?

The last thing I am going to talk about is the vision of the author of this amendment, who, honest to goodness, is a friend, but on this issue I think he is dead wrong. Senator PAUL had the guts to write a budget, and I give him credit for that, but look at the vision of this amendment when it comes to our role in the world. In his budget, the American military's budget was reduced by 16 percent in the first year. This foreign assistance account I was talking about, which gives us a tool other than killing people—staying engaged and trying to build up their lives so they can live in peace with us, and is about $50 billion, or about 1 percent of the budget—under his proposal it goes down to $5 billion after 2014 and is frozen there forever.

It is important to note that the author of this amendment believes we can gut the military—and that is exactly what he does with military spending—and then take all the assets we have to help people off the table and we will be safe. I don't know how in the world anyone can believe, given the times in which we live, it is a good idea to take military spending below historic levels, disengage from the world, and have absolutely no influence on nations other than trying to use military force.

I hope my colleagues will come to the floor and resist the temptation to do something that sounds good in a 30-second sound bite. I know people are frustrated and war weary, and I know we are broke, and we would like to leave everybody else alone, but they are not going to leave us alone.

Look how much money we have spent after 9/11. Look what 20 people can do to this Nation if we disengage from the world.

So now I would like to ask the question of my colleague, Senator CHAMBLISS, who is the ranking member of the Intelligence Committee—and I have asked this of the author—when you wrote this amendment disengaging from Libya, Egypt, and Pakistan, which is a nuclear-armed nation, did you ask anybody in the intelligence community? General David Petraeus? If there is ever an American hero of modern times, it is he. Have you ever asked him or Senator CHAMBLISS or anybody else: Oh, by the way, I am thinking about pulling the plug on our aid to Pakistan, Egypt, and Libya. What is your view of that? Have you been asked that question?

Mr. CHAMBLISS. I thank my friend from South Carolina, as well as my friend from Arizona, with respect to the debate they have been engaged in, for bringing this issue to the forefront, and being willing to stand up and say: Hey, if you talk about foreign aid in a coffee shop in Seneca, SC, or Phoenix, AZ, or Moultrie, GA, it is not the most popular topic. Most people back home think we can balance the budget if we eliminate foreign aid. But the fact is, as Senator GRAHAM said, it is a fairly minuscule amount in the overall context.

Right now we are at a critical juncture in our country with respect to our fiscal house and with respect to any number of domestic and foreign policies. As we go into the election, the American people are going to have a choice to make, but we are also at a crossroads with our foreign policy in this country.

All people have to do is pick up this morning's paper or turn on the TV and they will see what is happening in countries that are the subject of this particular amendment. There are tens of thousands of people protesting in Pakistan today. There are folks in Egypt who are still protesting. There are folks in Libya who are still protesting. We are 10 days away from the Ambassador to Libya from the United States of America having been killed.

We know that part of the world is in turmoil. We know that part of the world also has been very critical to our fight in the war on terror. When the President of the United States is asked if Egypt is an ally, and he can't answer that question affirmatively, that tells us what kind of foreign policy this particular President has. He doesn't know what his foreign policy is if he can't tell us whether Egypt is an ally.

Well, in spite of all that has happened in the last 10 days—and all of us still grieve for the loss of four very brave Americans who put their lives in harm's way as civilians to advocate what is in the best interests of our country. But I will assure you, if Ambassador Stevens were here today, he would say, absolutely, the direction in which the Paul amendment takes us is the wrong direction to go.

I know what the intelligence community thinks about this particular direction. I know the intelligence community thinks in spite of all of our problems with Pakistan—and we have had our very open and overt problems with Pakistan over the last several months and couple of years. But the fact is we have American soldiers in harm's way today in Afghanistan who are fighting to protect the freedoms of this country and who are fighting to make sure we remain the safest, most secure country in the world. We cannot decouple Afghanistan and Pakistan.

It is very important that we maintain a strong relationship with Pakistan. Even though it is difficult and even though it is fractured, it is of critical importance that we maintain that relationship. It is important because of what is happening in Afghanistan, but it is also very important for another reason.

We had a debate in this body about a year ago on what is called the START treaty, which is a treaty that we have with Russia for the elimination of certain nuclear weapons over a period of time.

During the course of that debate, we talked about the elimination of Russian nuclear weapons versus weapons in the United States. And that is good to a certain extent. But none of us in this body who have any idea about intelligence around the world have a great fear of any country getting hold of an ICBM, a major intercontinental ballistic missile, sticking it into a sleeve somewhere, and shooting it toward the United States. What we do have a fear of is somebody getting hold of what we call tactical nuclear weapons, sticking them into a suitcase and bringing them to the United States or putting them in a position to kill and harm Americans.

Pakistan has tactical nuclear weapons. As long as we maintain a strong relationship with them and as long as they are our ally—however you characterize that—then we have the ability to at least dialogue with the Pakistanis with respect to their nuclear program.

Even today, with all that has happened over the last 10 days and all the condemnation around the world from democratic countries, and particularly within the United States the condemnation of what has happened and the consternation and appall at what is taking place from the standpoint of demonstrations in Pakistan and in Libya, the Libyan Government and the Pakistani Government have given us all the help they can possibly give us, particularly in Libya. That is a government in transition. It is a temporary government, and we need to make sure the people of Libya have the opportunity to, hopefully, have a democratic form of government one day.

If we sever ties with them today, folks, that is over. We can just make certain of the fact that we have one more territory, one more country where terrorists have the opportunity to be trained to kill and harm Americans.

With respect to Pakistan, the PAC government has sent the Palace Guard to guard the Embassy of the United States. That is their most elite troops. Again, our relationship is frayed and it is fractured, but they are doing their level best to try to make sure the Americans who remain in Pakistan are protected. If we all of a sudden decide that we are going to cut them off from financial aid, is that going to improve the situation? Is it going to give us some sort of satisfaction? It may from the standpoint of folks who don't like the idea of foreign aid period. But from a national security standpoint, it is simply the wrong thing to do.

There will be one country that will gain from this. The country that will gain from this is the most notorious terrorist-sponsoring nation in the world, and that is Iran. Iran has a very powerful presence in Pakistan today. They want to have a powerful presence in Libya. I assure you if we cut off the minimal amount of aid that is being talked about with this amendment, then we are simply fostering the ability of Iran to have a larger voice and a larger presence in countries that are very fractious and very vulnerable today.

So while in spirit I agree with my good friend Senator PAUL, this is not

the right time in the history of our country and not the right time in the history of the world to take action that is simply not in the best interest of the United States.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, in the last few days several interesting things have happened, and some of them tragic—of course, beginning with the tragic loss of our brave four Americans and Ambassador Chris Stevens, then the demonstrations that have taken place everywhere. But I also remind my colleagues there was a most sophisticated attack on one of the most heavily fortified installations in Iraq. It was professional. It was carried out in a professional fashion. It resulted in $200 million worth of loss to the American taxpayer, the greatest single act of destruction since the Tet Offensive back during the Vietnam war.

In Afghanistan, because of the attacks of Afghan soldiers on American soldiers, we have had to suspend the operations between the military and police between the two countries. If there was ever an indicator of failure of our policy in Afghanistan, it is our now inability to even train with them to be ready to take over the responsibilities that we now hold.

There is no greater indication of the failure of the President of the United States to continue to tell the American people and the people of the world not that we need to succeed, not that we need to win, but that we need to withdraw. So countries in the region have taken the lesson and are making accommodations.

The fact is we are now facing a collapsed national security policy in the region, beginning of course with the assertion by the ambassador of the United Nations that what happened with Christopher Stevens and the three others was ''spontaneous'' and the President's spokesperson saying the same thing.

We knew it wasn't spontaneous. We know people don't bring heavy weapons and mortars and rocket-propelled grenades to demonstrations spontaneously. This was a well-orchestrated, well-planned, well-executed act of murder of four brave Americans. Now we blame it on the video; it is the video.

It is not the video. The video is the vehicle of radical Islamists that they use. And don't think there will not be other vehicles. There are people now, I am sure, all over the world who are making videos that Muslims may find offensive. I found it offensive when there was a picture—that I will not even describe now—back some years ago that was sponsored by the National Endowment for the Arts. And we believe in freedom of speech. The first thing we should have said is Americans cherish and have fought for these freedoms, including freedom of speech.

Very briefly, because I know my colleagues want to talk, we have totally failed in Iraq. Today, as we speak, Iranian aircraft are overflying Iraq to Syria and delivering weapons to Bashar Assad. We were supposed to leave a residual force there. We didn't because then-Senator Obama, who said the surge would fail—where he was completely wrong—now has said he is now celebrating that we are out of Iraq.

They just sentenced their Vice President to death. The tensions between Sunni, Shia, and Kurd have never been greater, and al-Qaida is on the rise in Iraq. In the words of General Keane, the architect of the surge, we won the war and we have lost the peace.

In Syria, 25,000 people have now been massacred. When is the last time the President of the United States stood and spoke on behalf of these people? It is impossible for me to understand why the President of the United States wouldn't at least speak out against the murder, rape, and torture that is going on, and continues to go on, and it is an unfair fight with Bashar Assad supplied with Russian weapons, Iranians on the ground—which they have acknowledged. Of course, every day that goes by more and more al-Qaida infiltrate the country.

In Afghanistan, of course they know we are leaving. Of course they are accommodating. There is a famous story of the Taliban prisoner and the American officer. The Taliban prisoner says: You have the watches; we have the time.

America is believed to be on the decline and weakening. So Mitt Romney was right. The statement issued by the Embassy in Cairo was a semi-apology, which later the administration itself repudiated.

This President does not believe in American exceptionalism, he does not believe in American leadership, and we have just paid a very heavy price for our lack of leadership. Leading from behind is not the role of America in the world, and appropriate lessons are being drawn from that all over the world.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I thank my friend from Arizona. I will be very brief because I know others want to speak.

This last conversation is extremely important. Northern Africa and other Arab countries are in a state of flux, to say the least. The Arab spring has caused lots of questions and profound implications that we don't begin to now fathom. Those countries don't have executive governments that have any experience. They have replaced tyrants who preceded them. These are Muslim countries.

Many of the people who live in these countries believe other parts of the world are more wealthy and they have been put upon. Add to that, these are countries which, in most respects, have very high unemployment. Add to that, most of the demographics of these countries are such that close to half of the population is under the age of 25 or 30, maybe even younger than that. It is a powder keg, and these are countries which don't have the history and culture of the first amendment freedom of speech we have.

I say all this because I urge all of us on both sides of the aisle to work together. It is an extremely complicated, complex situation.

It used to be not too many years ago that politics stopped at the water's edge. It used to be not too many years ago that on foreign policy issues, because they are nonpartisan, we as a country worked together. We addressed the world with one voice. So I strongly caution my colleagues on both sides of the aisle to not make this a partisan issue; that is, U.S. policy in the Middle East, especially in this case, northern Africa—but, rather, we work together. It is so important.

There is probably a reason why politics used to stop at the water's edge not too many years ago. Because it made us a lot more effective worldwide. I urge my colleagues not to be too critical of the other side of the aisle. It gets us nowhere. It is dividing and conquering, and that puts us at a great point of weakness.

SECOND BIG SKY HONOR FLIGHT TO DC

I rise on another matter and that is to recognize a very important event that is occurring this Sunday and Monday. What is that? Eighty-nine World War II veterans from the State of Nevada will take part in the Big Sky Honor Flight and come to Washington to visit their monument, the World War II Memorial. Their trip is hosted by the Big Sky Honor Flight Program. The mission is to recognize American veterans for their sacrifices and achievements by flying them to Washington, DC, to see their memorials at no cost. They raised money from Montanans all across the State to make this possible. I helped make this possible at steak fries, et cetera, and in today's economy, Montanans' generosity in paying for these flights is something special. Don't forget it has to be two tickets, one for the vet and one for the person helping the vet, because these World War II vets have been around several years and they often need a little bit of assistance.

One of the passengers on Sunday's flight is a 102-year-old. His name is Dr. McDonald W. Held of Billings, MT. Don has had a remarkable life. He has been a U.S. Air Force intelligence worker, a professor, an author, a minister, and a college president. Don was born in 1909. What was going on in 1909? That year President Taft was inaugurated as the 27th President. The U.S. Army received its first delivery from the Wright brothers. Congress passed the Homestead Act, which resulted in a large influx of settlers all across the West, including my State of Montana.

Don graduated from Baylor University in 1933 with a degree in speech. Although he earned his master's and doctoral degrees from Northwestern University, Don's heart remained at

Baylor. He wears a Baylor workout suit every Monday, Wednesday, and Friday when he exercises at the Billings YMCA. Remember, Don is 102 years old.

During World War II, Don served in the Air Force as an intelligence officer in the Philippines. After the peace treaty was signed he was stationed in Tokyo. He worked just a couple of buildings down from GEN Douglas MacArthur.

After the war, Don embarked on his career in academics at Howard Payne University, as a professor there from 1955 to 1964. He presided over the speech and theater department and served as academic dean. Don then worked for 7 years at Wayland Baptist University before moving to Billings, MT.

In Billings he became the first head of the speech and theater department at the Eastern Montana College, which we now know as Montana State University-Billings.

At age 74, Don was ordained as a Baptist minister in the Baptist church. He has ministered in three churches in Montana and also served as a president of the Yellowstone Baptist Bible Institute, now Yellowstone Baptist College.

Don and his wife Beverly have five children, five grandchildren, and seven great-grandchildren so far. His son Don, Jr., a veteran of the Vietnam war, will escort him to Washington this Sunday.

This is a special weekend for this group of heroes. Believe me, I was here when the last honor flight came in. I cannot remember a time when I have been so touched by people. You see these World War II vets. Most of the men and women are just talking about their experiences. They are the ''greatest generation,'' as has been mentioned before, especially by Tom Brokaw.

It is time to give them thanks for their courage, time to give them thanks for their sacrifice. They have done so much. It is time to reflect on all the sacrifices they made. Think of it, battles of Europe, Korea, the jungles of Vietnam, deserts of Iraq, and those who are currently fighting in the mountains of Afghanistan. We must not forget them.

Please join me in welcoming our Montana heroes to Washington this weekend. I am going to be down there. I know many others will too.

I yield the floor.

I thank again my good friend from South Carolina.

Mr. GRAHAM. Mr. President, I ask unanimous consent to speak in morning business for the next hour.

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

IRAN'S NUCLEAR PROGRAM

Mr. GRAHAM. Mr. President, we are going to have a nice discussion between Republicans and Democrats about an important issue. If you are looking for bipartisanship, your ship has come in. S.J. Res. 41 has 82 cosponsors. I am not sure we could get 82 of us to agree that Sunday should be a day off, but we have done it when it comes to the concept of not allowing the Iranian ayatollahs to possess a nuclear weapon and trying to contain them. S.J. Res. 41 has 82 cosponsors. The Presiding Officer is one of them. To my Democratic colleagues, Senators BLUMENTHAL, COONS, MENENDEZ, CASEY—Senator CASEY was the first one to step up—Senator LIEBERMAN—it has been a real joy to work in a bipartisan fashion over something that matters, that if there is a time for the Senate to speak, it is now, regarding Iran's desire to get a nuclear weapon.

President Obama has rejected containing a nuclear-armed Iran as a national strategy. Mr. President, you are dead right on that. I know Governor Romney agrees.

What I wish to do is recognize my good friend from Georgia, Senator ISAKSON, and we have Senator AYOTTE here, to share their thoughts. I will be joining later, and certainly Senator BLUMENTHAL, who has been one of the leading voices on the Democratic side for this resolution.

At this time I wish to yield for Senator ISAKSON.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, before he leaves, I wish to acknowledge that today may be one of the more important foreign policy debates that ever takes place in the Senate because whichever way the Paul amendment goes and this resolution goes is going to determine the direction of where America goes in terms of foreign policy. Are we engaged? Are we firm? Are we the greatest power on the face of this Earth? Or do we recede as we did prior to World War II and put our Nation in jeopardy again? I don't vote for receding. I think it is time to be strong. If there were ever an issue to be strong about, it is nuclear proliferation and the possibility of Iran possessing nuclear fissionable material to make a weapon. I will commend Senator GRAHAM for his leadership in the Armed Forces, for his leadership on this issue, for his leadership on the floor of the Senate. He is a beacon of hope in a body that needs it right now.

I also commend him for getting 82 cosponsors—I agree with him, we could not agree that Sunday is a day of rest if we had to have a vote on it—to come together and join to send a clear message not just to the Iranians but to the world that a nuclear-armed Iran is not acceptable. We need to have a policy of prevention. That is what this resolution does. It doesn't just say to Iran we want to prevent you from having nuclear fissionable material and weapons, it encourages the world to join together to prevent it.

Ten days ago I was in Germany, meeting with the EU Minister of Finance, meeting the German Minister of Finance, and meeting with the Defense Minister of Germany. Do you know what the No. 1 question of all three of them was? It was not the problems with the EU, although they have them. It was Iran and what would happen if they ended up possessing fissionable nuclear materials and a weapon. So this resolution is an important statement of the United States of America, but moreover the world, and I think it will be replicated in parliamentary bodies around the world to send that united signal. We are close to a time when we have to fish or cut bait. The Iranians have continued to work. We have pretty good knowledge but not total knowledge. One of the problems the Germans have, the IAEA thinks they know where the centrifuges are and where they all are, but they are not sure. They think there hasn't been movement and in some cases they think there may have been movement.

We need clarity, and the only way to get clarity is for the Iranians to agree to the rules that we establish for them to disclose through the United Nations or through whatever body possible to see to it we have total transparency, and in the absence of that they need to understand that our goal is to prevent them from ever possessing a weapon that could destroy humanity.

The nation of Iran states clearly and often and tells the world it yearns for the day until it destroys the nation of Israel and the Jewish people. No entity, none whatsoever, deserves the ability to have enriched uranium or any other tool to actually carry out what it says is its stated goal.

So I rise today as one Georgian, but one of millions of Americans, to send a clear and unvarnished message to the people of Iran. We want the people of Iran to know freedom and democracy, to be released from the tyranny of the ayatollahs and the current totalitarian government but, most importantly, we will not stand 1 day, 1 minute, or 1 hour for Iran to possess fissionable material or a weapon that could destroy mankind.

I end by commending the Senator.

I yield the floor.

Mr. GRAHAM. I thank Senator ISAKSON, who is on the Foreign Relations Committee. He is a ranking member on the African subcommittee. He has, frankly, opened my eyes with what we are doing in Africa. A little money goes a long way in Africa, trying to prevent radical Islamists from taking over the continent of Africa, combating the Chinese who are trying to buy up all the resources, and using American taxpayer dollars to create an environment and create jobs back here at home and, frankly, save thousands if not millions of young children from certain death from AIDS and malaria. JOHNNY is everything right about being a Senator in that regard. I appreciate him coming down here today.

If the Senator from New Hampshire doesn't mind, can we go to our good friend Senator BLUMENTHAL? I have had the pleasure of going to Egypt with him and all these other hotspots and

enjoyed working with him on this resolution. This started with a meeting in our offices, an idea to try to back up what President Obama said about not containing a nuclear-armed Iran. The next thing we know we are on the floor of the Senate today with 82 cosponsors.

My good friend from Connecticut, Senator BLUMENTHAL.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I want to begin by thanking my colleague and friend from South Carolina who has so eloquently and powerfully stated the case for this resolution. But even before discussing resolution 41, I thank him and our colleagues who spoke today on the floor about the RAND PAUL resolution.

I think this morning's debate—and I listened to it for all 3 hours, because I was presiding at the time—marked one of the finer moments of my brief time as a Member of the Senate. What I saw this morning was an articulate, thoughtful, and courageous statement against a resolution that would do grave harm to this Nation's national interests if it became law and if it bound the U.S. Government and cut off aid to these countries. I think the case stated was courageous because it very likely may prove unpopular with some elements of their own party—to put it very bluntly, the political reality here. But I think it was one of the finer moments of this body because it marked a point of clarity and a clear recognition for the need to come together as a nation when our national interests are threatened, when our national security is at stake, when the harm to this Nation requires acting together.

I am hoping this spirit of bipartisanship will also come together, as it has so far with 82 cosponsors, on the resolution we have sponsored, S.J. Res. 41. As Senator GRAHAM has rightly observed, it began with the leadership of a handful of Senators. He was one of the key leaders, as were Senator LIEBERMAN, Senator AYOTTE, Senator HOEVEN, Senator CASEY, and Senator MENENDEZ. I was proud to be among them. The spirit of bipartisanship and the strength of that spirit was really extraordinary.

Here is what we know. At a time of confusion and obfuscation, in many respects, where foreign policy is concerned, knowing with certainty some of the facts is very important. We all know from the International Atomic Energy Agency that as of November 2011, Iran had produced approximately 5,000 kilograms of uranium enriched up to 3.5 percent. We also know that this Iranian regime is the most active state sponsor of terrorism in the world, according to our Department of State. We know this regime has repeatedly expressed its desire to ''wipe Israel off the map.'' We know this regime has provided weapons training to Hamas, Hezbollah, and militias in Iraq who murder civilians and spread terror. We know it has already actively and consistently provided aid to the Assad regime in Syria in its brutal and unconscionable repression of its own people. The torture and murders that have occurred have been directly linked to Iran. We know the Iranian Government is attempting to develop nuclear weapons. If it does, it will lead to an arms race in that part of the world that will be as threatening as any other potential harm to this Nation. We know Iran would create access for terrorists to these nuclear weapons, making the Middle East a nuclear tinderbox. We cannot trust this regime. We know that fact beyond any potential doubt.

Iran's nuclear program is of extraordinarily grave concern not only to nations in that part of the world but to all nations everywhere that want peace. That is why an international coalition has come together, with the leadership of the United States of America. Iran cannot be permitted to continue its nuclear program to a point where it is capable of making a nuclear weapon.

Despite repeated calls for it to suspend or stop this program, we know with certainty that Iranian leaders show no signs of waiting or wanting to halt their program to build nuclear weapons. In fact, recent intelligence shows they are continuing to enrich uranium and develop nuclear facilities.

That is why we need S.J. Res. 41. There is no question that the administration, under President Obama, has repeatedly affirmed his commitment to such a policy. The President has made his position and the position of the United States absolutely clear. I am quoting President Obama:

> Iran's leaders should understand that I do not have a policy of containment; I have a policy to prevent Iran from obtaining a nuclear weapon.

That is the message of S.J. Res. 41. That is the message we must convey as a nation together from all parties, all parts of the United States, and all interests, that time is limited. Time is limited to keep Iran from acquiring nuclear weapon capability.

This resolution calls for increased pressure on Iran to come into compliance with the U.S. security resolution. This resolution builds on the efforts of myself and others to call for successful P5+1 talks that would lead Iran to halt its nuclear program. This resolution says to the world that the United States and governments of other responsible nations have a vital, mutual interest in working together to prevent Iran from acquiring nuclear weapon capability. Let's underscore the words and recognize their importance: nuclear weapons capability.

Many of us have written multiple times to President Obama outlaying a framework that would lead to successful negotiations. My hope is that the combination of strict international sanctions and international condemnation of a nuclear-armed Iran will convince that government to desist and cease its program of nuclear weapons capability building. It is not in our interest, it is not in the world's interest, and ultimately it is not in that regime's interest. If sanctions fail, we must be prepared to act.

This resolution expresses the resolution and the resoluteness of this body. I am hopeful that sanctions will work, but if the Government of Iran is unconvinced by this very compelling case, it must know that this issue is not a partisan one, it is not one on which we are divided. We stand together, we stand strong, and we are resolute and resilient. The United States and its allies will join together to prevent a nuclear-armed Iran.

Again, I thank the Senator from South Carolina and all 82 of my colleagues who have joined as cosponsors. We began with a handful, but I think the compelling power and persuasiveness of the need for this resolution is carrying the day.

I yield to the Senator from South Carolina, my good friend and the leader of this effort.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. I thank Senator BLUMENTHAL for those articulate words about the resolution and for his kind comments. Senator LIEBERMAN was on the ground floor of this, as he is with everything, including bills to construct foreign policy for the country.

One of the original partners we had trying to get this matter going was Senator AYOTTE, who is a freshman Senator but has quickly hit the ground running and has become a strong voice on national security.

With that, Mr. President, I ask unanimous consent to yield to the Senator whatever time she needs.

The PRESIDING OFFICER. The Senator from New Hampshire.

Ms. AYOTTE. Mr. President, I thank my colleague from South Carolina. He has really led the effort on this incredibly important resolution. I also thank my colleague from Connecticut, Senator BLUMENTHAL, for his leadership on this issue.

The bipartisan nature of this resolution tells us very clearly that this really is the policy of this Congress and how important this issue is for our country. This resolution will ensure that we give a clear message to Iran that it is not our policy and that the United States and the world will not accept Iran acquiring the capability of having a nuclear weapon. We understand that it would make the Middle East a more dangerous place than it is now and would cause an arms race in that part of the world. In addition, it would also cause us to be in a position in which one of our strongest allies in the Middle East, Israel, is threatened with annihilation because that is exactly what the Iranian regime has said.

Most importantly, it will endanger our own country if Iran acquires a nuclear weapon because Iran is incredibly hostile to the United States of America. Iran participates with various terrorist groups, including Hezbollah. One

of the greatest risks we face is that the regime itself wouldn't use the nuclear weapon; they would just give it to a terrorist group who could hit any one of our allies. They could use it to harm us and our country, and then, of course, the world changes. We cannot allow this to happen, and it is very important to have 82 Senators sponsoring this resolution.

I wish to talk briefly about the Paul amendment that is pending before this body. How we act on this amendment, as my colleague from Georgia so eloquently said, will define the foreign policy of the United States of America. I wish to state my strong opposition to the Paul amendment because I am very concerned that if we pass the Paul amendment, then we are sending the very message to the radical Islamists and the terrorists of the world that they want to hear from us, which is that we will withdraw.

Let's be clear on what their goal is when they attack us. They don't want us to be engaged. They would like the Middle East to become a seventh-century, Taliban-style government that is a threat to our country.

In my view, for us to withdraw now, we would put ourselves in a position where, for example, the amendment is so broadly drafted that even if one of our ally's embassies were attacked, such as Israel, we would have to withdraw aid and it would send the absolute wrong message. It would be to the detriment of the safety of the United States of America.

I understand that my colleague Senator PAUL is well intentioned, but every time we have withdrawn, people have died and the world has not become safer and the battle comes here. We don't want the battle to be here. We don't want any of these elements to be in our country. We can't forget what happened to us on September 11.

As my colleagues have eloquently stated before, our only tools can't be our military. The reason we have so many of our present and former military leaders standing up and saying they oppose the Paul amendment is because they understand that by engaging with these countries through the small foreign aid budget we have, we can prevent conflict. We can actually be in a position where we are engaged and we are sending the message to the radical Islamist terrorists that, no, the United States of America will not back off. They cannot put us in a position where they can bring the battle to our soil. We will not be defeated by them.

I think if we were to pass this amendment from my colleague, no matter how well intentioned it is, we would only be empowering those radical elements. I urge my colleagues to vote against the Paul amendment.

I also believe it very much relates to this containment resolution for the following reasons: We see Iran right now ignoring what the U.N. has asked of it, ignoring what the good people of the world want to have happen in Syria. In fact, Iran is supporting Hezbollah. They are arming and training Asad's forces in Syria. They are providing weapons to insurgents in Afghanistan who are killing our troops. They are engaged with radical elements in Iraq. If we look at the whole course of events, we can imagine that Iran will cheer if we pass an amendment in which we say that we back off our commitment to Pakistan, our commitment to Egypt, and our commitment to Libya and other areas around the world. God forbid if one of our other allies' embassies were attacked.

Most importantly, as my colleagues have said, Iran would cheer if the Paul amendment passes because it would actually break the Camp David Accords in which we agreed as a country to provide aid to Egypt. It would also make Israel less safe, and there is nothing in the world that Iran wants more than to have Israel be less safe. In fact, they have stated very clearly that their goal is to annihilate Israel from the face of the Earth.

We cannot allow them to get nuclear weapons. They are marching closer and closer to this capability. Senator BLUMENTHAL told us about the enrichment of the uranium. This is not the level of enrichment used for a powerplant. It is being enriched to have the capability of having a nuclear weapon.

They have created more and more centrifuges despite us asking them to stop, despite the sanctions we have put in place, all for the possibility of having that nuclear weapon they could use that would change the world, not to mention what they have said about our friend Israel, that they would seek to annihilate Israel.

The world is a very dangerous place. If we allow Iran to acquire a nuclear weapon, this is a game changer for the world. That is why this resolution is so incredibly important.

I very much appreciate the leadership on both sides of the aisle in support of this resolution, and my colleague from South Carolina for bringing this forward, because we need to tell the world we are not going to allow this game changer to happen. Iran needs to hear a very clear message from us as a Congress, backing up our President, that we will not allow for the containment of a nuclear-armed Iran, for the safety of the world.

Finally, we need to let our friends in Israel know, when Prime Minister Netanyahu said on September 16 that ''those in the international community who refuse to put red lines before Iran don't have a moral right to place a red light before Israel,'' I say to our friends in Israel: Please know that by passing this resolution, we stand with you. We will work with you to make sure the tyrannical regime in Iran never gets that weapon of mass destruction that could very much change the safety of the Middle East, the safety of your country, as well as our own country and the world.

With that, I yield for my colleague from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Thanks to Senator AYOTTE for helping to get this whole process going, for being on the Senate floor and for getting this whole process started, and for her strong voice on national security.

Now I wish to recognize my friend, the Senator from Tennessee, Mr. CORKER. He is on the Foreign Relations Committee and is moving up the ladder to be chairman or ranking member, depending on how the election comes out. But no matter how it comes out, Senator CORKER will be there talking about constructive engagements and guarding the taxpayer dollar. I would like for him to give his thoughts about the Rand Paul amendment and the noncontainment of a nuclear-capable Iran.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CORKER. Mr. President, I wish to thank the great Senator from South Carolina, the State where I was born. I do want to say the committee makes those decisions. I don't want anybody to be jumping the gun with the kind of statements made earlier about future situations.

First of all, I wish to speak to the resolution brought forward on Iran. I thank the Senator from South Carolina for that and for the tremendous work he has done to bring so many of us on as cosponsors. I think it is a strong signal to Iran, but also to people in the neighborhood, about our beliefs. So I thank the Senator from South Carolina for that.

I wish to speak mainly, though, about the Paul amendment. First of all, I wish to say to the Senator from Kentucky that I understand the sentiments that drive people to look at foreign aid the way a lot of people around this country are looking at it today. I wish to remind people that our total foreign aid budget is 1 percent of what we spend each year, but that doesn't mean we don't need to look at it in a very different way.

We haven't done an authorization bill on foreign aid since I have been here. I have been here almost 6 years now. I know the Senator from South Carolina is the ranking member on Foreign Operations, and I know they spend a lot of time looking at things in an appropriate way. But there is no question that as a body we should be looking more closely at how we generate foreign aid to other countries, and I hope we are going to be doing that in this next Congress when, hopefully, we will begin to function in a much better way.

I wish to say the purpose of foreign aid at the end of the day, in many cases, is to keep our men and women in uniform from having to be deployed in other places because of unrest that is against our national interests. So I would like to point that out.

In this particular case, regarding Libya, Egypt and Pakistan, I would

just like to point out three things: No. 1, the people of Libya are very thankful for our intervention. However, people have come in and created a travesty in Benghazi around our consulate, and these are people who are trying to undermine what we are doing there.

So the way the Paul amendment is drafted, if terrorists in any country we are aiding happen to do something at one of our embassies or consulates, then we withdraw aid. So what that means is that basically, terrorists—people such as al-Qaida, the Taliban, and other groups—are deciding what we are going to do as it relates to foreign aid. That would be a real big step for the Senate to say that in the future, everything we do relating to foreign aid will be determined by terrorists. I don't think that is what we want to do as a body.

So let me set Libya aside and say this was obviously something that wasn't a popular movement. It was done by premeditated terrorists. It was terrible. We all loved Chris Stevens, and we thank him for the work he has done for our Nation. But this is not the way for us to react to a country that is trying to evolve into, hopefully, a functioning democracy and, hopefully, a country that in some way down the road will create even more stability in that part of the world.

Let's move to Egypt. I was just in Egypt and sat down with the military leaders. One of the things we continue to talk about is the Camp David Accords. The aid we send to Egypt is to reinforce, in many ways, the Camp David Accords. That is very important to Israel, which is one of our major allies, one of the biggest allies we have in the world. So I don't know why we would decide to cut off all aid, which would totally undermine the Camp David Accords, which would totally undermine the security of a country that is one of our biggest allies.

Now, do we need to take into account the response in Egypt to what happened at our embassy? I think we should, and I think it should affect the negotiations we have with them regarding our foreign aid. I mean, let's face it. We have had decades of relationships with their military, and even though there have been a lot of changes in the country, the military is still there and, candidly, they did respond exactly the way we would like for them to respond. They are a great ally.

The President was a little hesitant to respond. I understand the fine line he is walking. He had just been elected. I understand the country hasn't been through this process, and I understand he didn't respond exactly the way we would expect him to respond. He, since that time, has, but I still think it should affect our negotiations and we ought to go slowly.

It is my understanding that the Senator from South Carolina, working with his counterpart, has taken those things into account as it relates to this next year, and I thank them for that.

So in Egypt, it looks to me as if we are slowing this down a little bit. We are making sure the relationship we have with Egypt is appropriate under the circumstances, and I thank the Senator for helping to make that happen. But withdrawing all aid would basically totally undermine the Camp David Accords, which most of us in this body believe to be something that is very important.

So let me move to Pakistan. Pakistan is a place where probably most of us are most disappointed. We understand the relationship the intelligence agencies in Pakistan have with the Haqqani network, and that has been disappointing. We understand the trouble we have had trying to close down some of the ammonium nitrate plants that are there and that are actually helping to create some of the IEDs that are used to dismember and harm and kill our men and women in uniform in Afghanistan. So we are disappointed about a lot of things in Pakistan.

Obviously, one of the most disappointing things—or maybe one of the things that is most difficult for us to understand—is the treatment of this physician who aided us with Osama bin Laden. Yet there is a legal process that is underway there, and I think we sometimes forget that, and there is a court of law there and, hopefully, that will have an outcome that ends up showing that it has been handled in a judicious way.

Let me just speak to Pakistan. We are getting ready to leave Afghanistan. We are going to have all of our troops out of Afghanistan, or a big part of our troops out of Afghanistan, by 2014. I met yesterday with General Dempsey. He was telling me that in order to meet that timeline, we have to move a truckload of equipment out of Afghanistan every 7 minutes between now and the end of 2014—every 7 minutes. Well, what is the major route we use to move our equipment out of Afghanistan? Pakistan.

Now, if we want to cut our nose off to spite our face, I would say let's close off that route, let's create enmity between us, more enmity than already exists.

I think most of us realize we have a very transactional-oriented relationship with Pakistan. It is not quite the way those of us in America would like to see it be, but the fact is there are some valuable things there that have a lot to do, by the way, with the safety of our men and women in uniform. If we have to take another route out in getting all of this equipment and material out of there, we are probably going to take a route that doesn't work quite as well for our men and women in uniform.

So, again, I understand the sentiment. Our phone is ringing off the hook with people who share the same sentiment. I understand it. When we see on television people rising up in these nations against us—by the way, these countries are not monolithic. It is not unlike here. We have groups, such as Occupy Wall Street, that are able to express themselves, but they don't represent my viewpoint. These countries are in some ways like ours. I mean, they have people who protest and do things. That doesn't mean the whole country feels that way. These are countries that have had strong men leading their countries in some places and aren't used to understanding what it means to be able to express themselves, and they don't understand how to operate in a society that is more open than it has been in the past.

So that certainly doesn't quell my strong feelings about what has happened in Benghazi, nor does it for anyone else here, I am sure. But the fact is we need to look at foreign aid in a different way. I think we have taken some steps to do that. We need to continue to improve. We need to make sure there is accountability.

What I do know is the Paul amendment is not the way to do it. Again, I appreciate the energy the Senator has brought to this body and the many good points he brings forth. But I know this: We do not want an amendment to pass that says if terrorists attack an embassy or consulate anyplace around the world, aid is taken from that country. I do not want a terrorist determining what our relationship is going to be with that country, and I think all of us know that our withdrawal from the Middle East will leave us in a world that is vastly unsafe for our citizens and for people around the world.

While I know our engagement needs to continue and evolve, I know this amendment is not the way to make that happen. I strongly oppose it, and I will vote against it if we ever get a vote on this amendment.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I thank Senator CORKER for his very good, country-by-country explanation; kind of a big picture, rational approach to what we are trying to do. I understand Senator PAUL's convictions. A lot of Americans are frustrated. We are broke but giving money to people overseas. They all hate us.

Well, they all don't hate us. Some do, some don't. Let's invest in the ones we can live with and stand up to the ones who want to kill us all.

Before I turn it over to Senator HOEVEN, one last thought about the world in which we live. We could get hit in the next minute. We could get hit today. We could get hit tomorrow. They are trying to get here as desperately as they can. Thank God for every day we have been able to survive without being attacked again in our homeland. But I would say this: One of the reasons we have been effective after 9/11 is that we are in their backyard. We are deployed over there—not just with military force but with assistance. We are making their lives more difficult by raising money and operating and being able to maneuver and

find allies. To get to America now to attack us is harder than it was on September 10, 2001, because we are engaged in the fight. If we withdraw aid, we take one of the most valuable tools off the table. There has to be more tools in the tool kit than just bombing people or disengaging from the world. So this 1 percent of the budget is a godsend to those in the military.

S.J. RES. 41

Now I will turn back to S.J. Res. 41. Senator HOEVEN of North Dakota was my first Republican cosponsor of the idea that we cannot contain a nuclear-capable Iran, and I cannot tell my colleagues how much I appreciate his leadership.

So I yield to Senator HOEVEN.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. HOEVEN. Mr. President, I wish to thank the Senator from South Carolina for his leadership on this incredibly important issue and to also express my appreciation for the Senator from Tennessee and my agreement with his remarks. I thought he was right-on with what he said, and I support what he had to say.

I am very pleased to be a cosponsor of S.J. Res. 41 with Senator GRAHAM. He is knowledgeable on this issue. He has dedicated an incredible amount of time and commitment to this effort.

Recently I was with Senator GRAHAM and Senator MCCAIN and others. We were in Afghanistan, and then we were in Egypt, where we met with the Muslim Brotherhood. We were in Israel, where we met with Prime Minister Netanyahu. Then we were in Libya, where we met with a number of the militia groups who now control Benghazi and Mirsrata and, of course, Tripoli. And we were in Tunisia as well. I have to say that it is incredibly important that we had the opportunity to go to those countries. Senator GRAHAM has been there many times, as has Senator MCCAIN. But it is very important that we understand what is going on.

Some of the comments Senator CORKER expressed are so true. We have to understand what is going on in these countries. At the same time, we have to communicate with these countries as they try to build democracies. But we must be clear and consistent in our foreign policy that we support our friends, we support our allies, we will oppose our opponents, and that we demand safety for our embassies and for Americans abroad. We provide no less to the people who come to our country, and we expect the same in return.

S.J. Res. 41 is a bipartisan effort. And I want to express that again; that is so important. It is a bipartisan effort—80 Senators standing together and expressing their support, bringing this resolution to the Senate floor, and saying to the administration: We need to take a tough stand with Iran. We cannot allow Iran to develop nuclear weapons. It is not an option. Containment—a nuclear Iran contained is not an option. It does not work.

Look what is going on in the Middle East right now, in Egypt, in Libya, Tunisia, Yemen. Across the Middle East right now, you have extremist groups—fundamental Islamic extremist groups—that are undermining the democratic efforts in those countries. Look at the attacks on our Embassy. Look at the killing of our Ambassador. We cannot allow that and can only prevent that through strength—through strength.

So we have to stand for America's interests in all of these countries, and we have to prevent a nuclear Iran. Iran is helping the extremists throughout all of these countries, supporting Bashar Asad in Syria, supporting Hezbollah, Hamas—all these groups that are undertaking violence throughout the Middle East, not only against Americans but against their own people, undermining these nations' democracies. The way we help stop that and the way we help support freedom and democracy is through a strong, consistent foreign policy.

That is what the resolution, on a bipartisan basis, is all about—saying to the administration: We must stand up to Iran, and we must prevent Iran from getting nuclear weapons. And if Iran were to develop a nuclear weapon, that could also start a race for other countries in the Middle East to develop a nuclear capability. Look at the unstable situation there. It is certainly not a situation where nuclear weapons can be added to the equation as well.

We have worked in the Senate, in the House, to provide tools to the administration to put sanctions in place to prevent Iran from developing a nuclear weapon. The Kirk-Menendez legislation, which was passed as part of the Defense authorization bill, provides strong sanctions against Iran that still have not been fully implemented. The best way to stop Iran from getting a nuclear weapon is through sanctions. All options have to be on the table. We must support Israel in whatever action Israel determines it must take to protect itself. All options for the United States must be on the table as well. The best way to stop Iran, if we can, is with sanctions, but the only way that is going to work is if they are fully imposed to the full extent possible.

Let me use Kirk-Menendez as an example. What did that legislation provide? That legislation provided a tool to the administration that essentially barred any company or country that does business with Iran or its Central Bank from doing business with the central banking system in the United States. That is an effective tool because if Iran cannot sell its oil, it cannot continue to function.

We must fully impose those sanctions. We must stand strongly with our closest friend and ally Israel in the region. This resolution is a bipartisan message to our administration saying: Stand strong. We can and we must prevent Iran from getting nuclear weapons.

With that, Mr. President, I see the majority leader and the minority leader are on the floor, and I will turn the floor back to the esteemed Senator from South Carolina and thank him for his work.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, before I turn this over, may I have just 2 minutes to wrap up.

I want to thank Senator REID and Senator MCCONNELL for scheduling this vote. Eighty-two Senators stand behind President Obama's statement that it is bad policy to contain a nuclear-capable Iran. Let me tell you right quickly why. If the Iranians get a nuclear weapon or nuclear capability, the Sunni Arab States will want one themselves to counter the Shia Persian influence, and you will have a nuclear arms race in the Mid East. That is not a good result. That is the road to Armageddon. Israel will never know a minute's peace. If the ayatollahs in Iran have a nuclear weapon, my God, what would living in Israel be like? Look at the threat you would live under the rest of your life. That is a no-go for the people of Israel.

The big concern I have above all else is that the ayatollahs will share that nuclear capability, that technology with a terrorist group. The only reason thousands have died in the war on terror and not millions is they just cannot get the weapons to kill millions of us. And if the ayatollahs had those nuclear weapons or that capability, they would share it with terrorists. That is why containment is not a good idea.

This is not an authorization to use force. It encourages sanctions. It encourages diplomacy. It says that all options are on the table. It is not authorizing force, but it is taking off the table the idea that the Iranians can get a nuclear weapon and we will try to contain them because that is just emptying Pandora's box.

One last thought. An Israeli soldier was killed today because the Sinai border between Egypt and Israel was breached. Part of our aid to Egypt has conditions that say: If you break the treaty with Israel, you lose the money. And you need to beef up the security in the Sinai.

The Egyptian Army is basically being driven out of the Sinai. They are moving back in. So if you really do care about the security of Israel, we cannot break relations with Egypt. It is a complicated relationship, but it is in our interest to be involved.

Again, we are all over the world in different fashions, and I would rather be helping people help themselves than having to send soldiers in every time there is a hot spot in the world. We cannot disengage from the world. It is our destiny to be the leader of the free world; we just need to do it smartly.

One percent of our budget is spent on foreign assistance. I think it makes sense.

With that, I will yield the floor and thank all of my colleagues for jumping

on board for a resolution that I think is timely. If the Senate of the United States ever needed to speak with one voice on a single topic, it is now, and that single topic is to the Iranian regime: You will not be allowed to get a nuclear weapon, period.

With that, I yield the floor.

The PRESIDING OFFICER. The majority leader.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that at 11:30 p.m. this evening, there be 30 minutes of debate equally divided between the majority leader and Senator PAUL or their designees; that following the use or yielding back of that time, the Senate proceed to votes in relation to the following items in the order listed: passage of S. 3576, passage of S.J. Res. 41, cloture on H.J. Res. 117; that if cloture is invoked on H.J. Res. 117, the pending amendments be withdrawn and the Senate proceed to vote on passage of H.J. Res. 117; that immediately following that vote, the Senate proceed to the cloture vote on the motion to proceed to S. 3525; that if cloture is not invoked on H.J. Res. 117, the Senate proceed to the cloture vote on the motion to proceed to S. 3525; that the vote on passage of S. 3576 be subject to a 60-affirmative-vote threshold; that if S. 3576 does not achieve 60 affirmative votes, then it be returned to the calendar; that following the cloture vote on the motion to proceed to S. 3525, the majority leader be recognized; finally, that no amendments, motions, or points of order be in order during the consideration of these measures.

That all begins at 11:30. Mr. President, usually we have a 15-minute vote for the first one, but I think, with the time we are doing this, I would like all votes to be 10-minute votes, so I also ask unanimous consent that be the case and that between each vote there be 2 minutes equally divided so the sponsors and those opposing the passage of that legislation can speak on them.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, this agreement paves the way for the completion of our remaining business for this work period. It is going to be a very early morning or late night, however you look at it, but it is the right thing to do. I expect that upon the completion of the scheduled votes, the motion to proceed to the sportsmen's bill will be pending, postcloture. I am gratified that we are on track to attempt to move this measure when we get back. After we address that bill, when we return in November, I intend to move to Senator MENENDEZ's housing bill. But I will be in touch with the Republican leader several times before the election, I am sure, anyway.

Mr. President, before we leave here, everyone should understand that what we are going to try to do this evening—I have spoken with the Republican leader—is that when people finish their talking—we hope it can be early this evening—we would go into recess—and hopefully we can do that at 5 or 6 o'clock tonight—until 11:30 tonight. I hope that can be done.

The PRESIDING OFFICER. The Senator from Kentucky.

S.J. RES. 41

Mr. PAUL. Mr. President, we have before us a resolution on containment of Iran. I have voted for sanctions on Iran and do not think it is a good idea that Iran have nuclear weapons. However, I am very concerned about this particular resolution. I think a vote for this resolution is a vote for the concept of preemptive war. I know of no other way to interpret this resolution.

The resolution says that containment—the strategy of trying to prevent expansion or invasion of countries—will never be our policy with regard to Iran. While I think it unwise to announce that we will contain Iran—I do think it unwise to tell Iran: Oh, it is fine to get a nuclear weapon; we will contain you—I also think it is equally unwise to say: We will never contain you.

The reason I say this is that we woke up one day and Pakistan had nuclear weapons. We woke up one day and Russia had nuclear weapons—China and India and North Korea. Had we made the statement—the rash statement—that we will never contain any country that has nuclear weapons, what does that mean? I think that means that you have decided—right now, before anything happens, you have decided that you will preemptively go to war.

We have been at war for a decade now. We have been at war in Afghanistan. I supported going to Afghanistan, but I am ready to come home from Afghanistan. We were at war in Iraq for nearly 10 years. I am glad we are coming home from Iraq. But I do not want to automatically commit our country to a war in Iran.

So while I do think it is a mistake to say we will not contain them, I think it is also a mistake to say we will contain them. It is a mistake to have a policy that is explicit one way or the other.

President Reagan was once criticized and accused of having no foreign policy. He replied that it was not that he had no foreign policy; it was that he did not care to share it with everyone. Because if you give everyone—your potential enemies or friends—if you say to every country: If you do X, I will do X, or if you maybe do this, I will do that, you are exposing exactly what your plans are, and that may not be the best strategy. In other words, foreign policy is an ever-shifting battleground, and there should be a certain strategic ambiguity to foreign policy.

So when we announce to Iran or to the world that we will never, ever contain Iran, it is an announcement that the bombs will be dropping if we ever hear that they are a nuclear power. I do not think we should say automatically we are willing to accept them as a nuclear power, but I do not think we should automatically say there will be a preemptive war with Iran.

Now, everybody has been bragging. They say: Oh, everybody in the Senate is for this. Everybody is not. I am not for this. I may be alone on this, but, interestingly, if you travel to Israel, there is a very spirited debate on this.

Meir Dagan, who was the head of the Mossad, cares deeply about Israel, would not be, by anyone's imagination accused of being a shrinking violet—he has done many things to prevent Iran from having a nuclear weapon. He is worried about what happens the minute the bombs start dropping on Iran. Where do you think the next set of bombs will go? They will be on Tel Aviv. They will not be on the United States. But if you live in Tel Aviv, you might have some concern over what happens and what Iran does.

The other thing about beginning a war is that historically in our country we have had defensive wars. Nobody messes with us, and I agree with that. You mess with the United States there will be significant repercussions. We will not let you invade other countries and we will not let you invade the United States. But the idea that we will have offensive war and not defensive war is a concept that is new in our history.

Preemptive war, going to war and saying we will go to war to prevent you from doing certain activities is a new concept in our lexicon of foreign policy. I think it is a dangerous one. Announcing to the world, as this resolution does, that containment will never be our policy is unwise. It is a recipe for perpetual war. A country that vows to never contain an enemy is a country that vows to always preemptively attack. To rule out containment as a strategy or as a strategic and sometimes militarily active form of defense is to admit we have become Orwellian. Yes, we have always been at war with East Asia or, yes, we have always been at war with Eurasia. It is an idea that we will always be perpetually at war.

I am proud of being for a strong national defense. I am proud of being for protecting our country. But I cannot accept a resolution that says we will completely get rid of the containment strategy that was a strategy that kept us safe for 60 years during the most aggressive and dangerous war we have ever encountered, the Cold War. The Soviet Union had 30,000 intercontinental ballistic missiles that could reach the United States and attack us and devastate our country.

If we would have had this concept that we rule out the idea of containment, we would have had an awful and devastating and maybe cataclysmic war with Russia. Now North Korea is more similar to Iran, a two-bit dictatorship that has trouble feeding their own people, has trouble having enough supplies of food and gasoline for their own people. There are similarities. But

when North Korea announced it had a nuclear weapon, did we immediately start dropping bombs? Did we say we will not contain them? We contained North Korea. Some would argue the leadership of North Korea is equally as irrational as the leadership of Iran, if not more so. So we were able to contain a two-bit socialist, very small and unproductive country such as North Korea. I see no reason why, if we had to, we could not contain Iran. I am not promoting that as a philosophy. We should not be telling Iran we will contain them. But for goodness' sake, we should not be saying: We will never contain you.

The people who vote for this resolution I think are well meaning, but I do not think they are thinking this through. We have had this before. When the resolution came up for the Iraq war, many voted for it and then some came back later and said: I voted for it before I voted against it. They wanted it both ways. Many come up to me now and say: I voted for the Iraq war, but it was a mistake. I voted for this concept of offensive war, of preemptive war to stop Iraq from having weapons of mass destruction, but I made a mistake.

I think the Iraq war was a mistake. I was not here, but I would have voted no. I fear we are pushing on. Every month there has to be a new and more bellicose resolution to ensure we will go to war and that at all costs we will go to war in Iran. I think it is a mistake. I think there should be some strategic ambiguity, meaning that we do not announce to our enemies exactly what we are going to do. We let them know firmly what our position is, but we do not announce to them our entire military strategy.

To do so, to rule out a strategy that we had for 60 years that worked, that kept us in a very difficult and uneasy peace with the Soviet Union, does anybody here argue we would have been much better if containment would not have been a strategy, if we would have said absolutely to Russia, if you do this, we are going to—the bombs will drop tomorrow.

That scares me. But what scares me more is that so many Members of this body are jumping up and down to embrace each other in the bipartisan desire that we will not have containment as a strategy, that we absolutely will go to war if we wake up and Iran has nuclear weapons. You know what, the other day Meir Dagan, the former head of the Mossad, said that you cannot bomb the nuclear knowledge out of the psyche. Nuclear knowledge, the knowledge to make nuclear weapons, is out there now. It is in Iran. We will not be able to stop that knowledge. We will not be able to eradicate the knowledge of nuclear weapons. That is something to think about. Because there may come a day—and this is the prelude to the next argument. The next argument we have on this floor will be one day when Iran announces, and am not for this, I think we should do everything—I voted for sanctions. I think we should do everything to prevent Iran from having a nuclear weapon.

But my goodness this is a huge mistake. It may be unpopular for me at home to say this, but I will say it. I will say it loudly. To rule out any kind of defensive strategy that does not include an offensive war is a huge mistake for the country. I will vigorously oppose this resolution. I hope those who have glommed onto this resolution so quickly, because there is an incredible force behind this resolution, there is an incredible lobbying apparatus that says you have to go onto this or else. I hope they will reread this and reconsider. Think about the double and triple amputees who have come home to your town. Think about the soldiers who have committed suicide. Think about the hundreds of thousands of soldiers who are overseas now. Ask yourself, are we ready to send another 100,000 or 200,000 or 300,000 soldiers to Iran?

I am not asking that we do nothing. We just beefed up the sanctions a couple months ago. But there are other things to do besides saying we will always have to go to war. For example, who does Iran trade with? You know the reason why the sanctions probably will not ultimately work? Because Iran trades with China and Russia and India and Japan and they are exempt from the sanctions. We say there are sanctions, but then we give them exemptions and they sell all their oil somewhere else. We do not have the power to shut down Iran through sanctions.

If we were to convince somehow Russia and China to be on our side, we could have leverage, and I think Iran would listen. The sanctions have brought them back to the table. They are negotiating. I do not for 1 minute believe everything they say or think they are trustworthy. But it is better than war to have negotiations, even with a fallible and perhaps deceitful partner sometimes—but it is still better than war.

I think there is such an eagerness or such a lack of reluctance in this body to think through the issues of war. That is how we get into this. We get into it because everybody wants to be stronger than the next guy. Everybody wants to be more bellicose than the next guy. Everybody wants to say: Nobody pushes us around and we are not going to take it. But there are other ways. There are other ways.

We have to worry about and think about what ultimately are the repercussions. Our soldiers are not inanimate clay that we put on this master board of chess, this geopolitical chess game, to move around. These are young men and women who live in your neighborhood, who live in the neighboring town. When I think about war, I think about this resolution; I do not think about empty black and white words on a page. I think about those young men and woman and my commitment, my real and strong commitment that I am not going to war without absolute provocation, without a threat to the national security, and for goodness' sake, without a debate over it.

The other side may say: This does not say anything about war. No, but it says some things that are very unwise; that we would rule out an entire form of defense strategy that we used for 60 years successfully to stay out of war. I think it is a mistake to say it is OK for Iran to be a nuclear country and we will contain them. But I think it is also a mistake to say we will never contain them.

I have another amendment that is coming up this evening. This is an amendment to place limitations on foreign aid. For the last hour or two, we have had a bit of the other side giving their response. That is fine. We discover the truth by hearing the debate on both sides of this. But Senator Moynihan, who used to serve up here who is deceased, once said: Everybody has the right to their own opinion, but you do not have the right to make up your own set of facts.

There was a Senator here earlier who said: Oh, that guy from Kentucky, he does not believe in a strong national defense. He would slash national defense. So anybody who is against foreign aid is not for national defense.

This particular Senator said: He would gut defense and he would cut it by 16 percent. That is just sort of making up your facts. That is not fair. He is entitled to his opinion, but he is not entitled to make up the facts. I do have a budget that I put forward that balances the budget in 5 years. I also have a priority within that budget that I think the most important thing our government does and that the Constitution mandates is a strong national defense. I think it is the most important thing we do in this country.

So in my budget I am able to cut a significant amount of spending, but I actually limit the military sequester. The military sequester was an automatic cut. I do it by cutting out other spending, real cuts in spending in the same year to reduce the size of government, but I do not have a 16-percent cut in military in 1 year.

In fact, under the military sequester, I actually restore $50 billion that allows the first year not to have any cuts in military. Do I think there should be some cuts in military? Yes. But I make it a little bit easier on the cuts over time. To say I am proposing a 16-percent cut is untrue.

Others have said: Yes, the military sequester is so horrible. He is going to cut foreign aid. The country will be defenseless. The hordes will be over here. We will have to fight them over there. There is a certain irony to this because half these people, these Senators who are caterwauling about this military sequester, guess what they will not tell you. They voted for the military sequester. I voted against the military

sequester last year because I did not think there was going to be enough cuts to rescue us from this debt bomb that is ticking.

But the people who voted for the military sequester are now up here accusing me of wanting to gut defense and all the military cuts and they voted for the military sequester. Others have come to the floor and said: If we do not pay people to be our friend, if we do not give people foreign aid, then we are wanting to withdraw from the world, that we are going to withdraw into a little, tiny shell, into a closet and lock ourselves in a fortress and we are not going to engage the world.

Nothing could be further from the truth. We do not give any foreign aid to England. Have we withdrawn from England? We do not give any foreign aid to anybody in Europe. Have we withdrawn from Europe? We are incredibly connected with Europe. We are incredibly connected with China, despite our differences—incredibly connected with China. We do not have to give foreign aid to be connected to the world. We should trade with the world. That is the connection. The more we are interconnected through trade, the less likely we are to go to war.

The other side also says that if we do not have foreign aid we will have war. My goodness, has anybody been paying attention? We have had two pretty big wars for a decade. We are involved in the longest war in the history of our country. I do not see any evidence that foreign aid is preventing war.

Some might say: But foreign aid is humanitarian and we want to help poor people. I see zero evidence that foreign aid is helping poor people. It is helping rich people in poor countries. I went through an hour's worth of this earlier talking about how dictators are the ones stealing the money in Africa. Africans live on an average of $2 a day. They did 30 years ago and they still do because foreign aid does not get to the people; it is stolen by the dictators.

The other point to make about foreign aid is: My goodness, if we do not have foreign aid, we will be fighting them on our shores. Because we have foreign aid, we have a great deal of antipathy. What they need to think through—and nobody is thinking through—is why are the Arabs mad? Why are they yelling and screaming and burning the American flag? That makes me mad, and that is one reason I don't want to send them any money, because they are burning our flag. But why are they mad?

They are mad because Mubarak, who was a dictator in Egypt—do you know what he did when the crowds were formed? He hosed them down with teargas made in Pennsylvania and bought with foreign aid. When the police came with truncheons and beat the crap out of people who were protesting in Egypt, they did it with money from the United States. They are not mad at us because we are rich, they are not mad at us because we drive cars and have nice clothes and have music they find distasteful. They are really not even ultimately mad at us because of that movie. They do not like it, and I understand there are sensibilities on this, but that is not ultimately why they are mad. But they get really mad when they are hit over the head with a police truncheon paid for with foreign aid.

So it is exactly the opposite of what the other side says. The other side says without foreign aid we will have more war. I say because of the foreign aid we have more war. There is no objective evidence. Is there any objective evidence we have had less war with foreign aid? None. Zero. There is a lot of evidence we are out of money, though. We are $1 trillion in the hole every year, and they all come down and pay lip service to it, but then say: Oh, well, $30 billion won't make a difference. I say we have to start somewhere, and foreign aid is a great place to start.

These Senators are disconnected from the public. I defy any Senator who votes to continue foreign aid with no limitations to go home and ask their people. I will bet 90 percent of the people at home—it routinely polls in the 70s—are in favor of not sending money overseas, particularly if asked whether they want to send money overseas to people who despise us or if they would want to send money overseas to people who are burning our flag; would they want to send money overseas to a country that has tortured a man who helped us get bin Laden; to a country that allowed bin Laden to live within its midst for 6 or 7 years unmolested; to a country that is mad at us now because we got bin Laden; to a country where a third of the population would vote for bin Laden for president.

I say far from destabilizing the world, what would happen if we were to remove foreign aid is we would remove the impetus to the Arab spring becoming the Arab winter. What I see is people recognizing that people are angry, but I see no intelligent discussion about why they are angry. When people come to me and they say: Oh, it is because we are rich and we are a wealthy country, that doesn't make any sense to me.

Many of these people actually in the Arab spring do want freedom—a freedom like our freedom. It may be a little different, because it is a different culture and they believe in a different system of democracy than we do, but they still want some freedom. Some might ask: If they want freedom and we have freedom, why wouldn't they admire our system; why wouldn't they be sympathetic; why are they burning our flag; why are 20,000, 30,000, 40,000, 50,000 people rallying and burning our flag? It is because too often our foreign aid has gone to support dictators who have oppressed their people.

Mubarak got $60 billion in Egypt. Estimates of his family's worth are up to $50 billion. They repressed their people. No one could come into the street without being beaten over the head with a police baton or sprayed with teargas made in Pennsylvania. They were mad at Mubarak, understandably, so that anger is transferred to us. The same with Ben Ali in Tunisia, and the same with Hussein.

Remember that Hussein was our ally before he was our enemy. In the Iran-Iraq war we had American planes on both sides. We had military advisers supporting Hussein against Iran, but we had F–4 Phantoms flying on Iran's side that were left there when we left. So this goes back a long way.

I remember being in high school and being perplexed as to why the Iranians hated us. Why were they burning our flag? Why were they burning our Embassy and jumping up and down like a bunch of idiots burning our flag? Why did they hate us so much? Because we kept in power a man—the shah—whom they didn't like, whom they despised, and who was autocratic and had a very significant police force that didn't allow dissent.

It is the opposite of what the other side argues for. The other side is arguing that without foreign aid we will have war. I am arguing that because of foreign aid we have war. Because of foreign aid and because of the misapplication of foreign aid, because of the theft of foreign aid, and because foreign aid is given to people who repress their people, the Arab spring, which has a healthy element to it, has become the Arab winter. If we don't understand that, we are never going to get beyond that.

We have to also go back to the specifics of what I am asking for in this amendment. In this amendment, what I am asking for is that there simply be restrictions. I am asking that in order to get our foreign aid, a country has to act like an ally; they have to significantly and believably pledge to protect our Embassy. In Libya's regard, they have to promise to turn over the people who assassinated our Ambassador.

I think that is the minimum of what we should do. Frankly, I think we probably shouldn't be sending aid at all, but I think this is a first step in the right direction; to say, for goodness sakes, if we are going to send aid to people, at least send it to people who are acting like our allies.

When we see the American flag being burned in public by tens of thousands of the horde around our Embassies around the world, we should ask ourselves if we want to send good money after bad to that country. Do we believe it is working? And when we think about whether our money should go to African despots and dictators, we should ask if that money is getting to the poor people in Africa or is our foreign aid going to rich people in poor countries. That is the history of it. It is the history of repression, it is the history of human rights abuse, it is the history of theft and more corruption than anyone can ever imagine.

I will probably lose this vote, but I have fought long and hard. I have

fought for 6 weeks to get this vote, and so we are going to have this vote at midnight. People aren't too happy with me now, but we are going to have a vote tonight at midnight, and I think it is an important vote. I think it is an important first step whether we win or lose. Because every Senator who votes on this tonight will have to go home and they will have to engage their constituents and explain to their constituents why they are still willing to send money to countries that are burning the American flag; why they are still willing to send money to countries where there is ample evidence of corruption and thievery; why they are still willing to send foreign aid to countries that are openly disdainful of us.

Does everyone realize the President of Afghanistan, or senior advisers, have said that if there is a war with Pakistan—between the United States and Pakistan—they will side with Pakistan? Pakistan's senior advisers have said if there is a war with Iran, they will side with Iran. These are the people we are sending billions of dollars to and saying: Please be our friends. They laugh and snigger at us and turn away and say: Fools. That is what they say about us.

I say what we need in this country is an American spring—an American spring where we wake up and say: Look, to make our country great again, to retain American greatness, we have to figure out how to grow at home. And I think that means leaving more money at home. I hope the Senate will consider this when they vote this evening.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

REPORT ON OPERATION FAST AND FURIOUS

Mr. GRASSLEY. Mr. President, on Wednesday, the inspector general of the Department of Justice issued his report on ATF's Operation Fast and Furious. This report is a significant milestone for the family of Border Patrol Agent Brian Terry. He was killed in a firefight with illegal aliens who were armed with illegal guns from Fast and Furious.

Attorney General Holder delayed any discipline for the officials responsible for Fast and Furious until after this report was released. The time for accountability has come. There are no more excuses for inaction.

The inspector general's nonpartisan review confirmed virtually everything I heard from whistleblowers over the last year and a half. The Justice Department tried to push all the blame on the ATF and officials down in Phoenix, AZ, but the inspector general confirmed that senior officials in Washington ignored red flag after red flag.

Senior officials in both the Justice Department and ATF knew or should have known that Operation Fast and Furious was putting guns into the hands of criminals. But they ignored the risk and failed to take steps to protect the public safety. The Inspector General also confirmed that there were major information-sharing failures between law enforcement agencies.

We are still going through the nearly 500-page report, as well as 309 pages of new documents the Justice Department produced late Wednesday. However, I was surprised to learn from the report that Attorney General Holder testified that he doesn't remember the conversation with me about Fast and Furious in my office on January 31, 2011. That is when I handed the first letters to the Attorney General opening the investigation of Fast and Furious.

I happen to remember that conversation. My staff told the Attorney General that day what whistleblowers had told us. Remember, whistleblowers got involved in coming to Congress because for months they were sending reports up from Phoenix to main Justice that selling guns illegally or encouraging our gun dealers to sell guns illegally was not a very smart thing for our Justice Department to do. And when they weren't listened to, these whistleblowers started coming to this Senator.

Specifically, at that meeting with Holder, we discussed that two weapons the ATF let go in Fast and Furious were found at the murder scene of Border Patrol Agent Terry. I emphasized I was personally bringing it to his attention—meaning the attention of the Attorney General—because these were very serious and credible allegations, not just some run-of-the-mill letter that I send to departments generally.

Yet even after that meeting, the Department didn't take this case seriously. The inspector general's independent report says so explicitly.

> We do not believe that the gravity of this allegation was met with an equally serious effort by the Department to determine whether ATF and the U.S. Attorney's Office had allowed the sale of hundreds of weapons to straw purchasers.

The Justice Department claimed its process for writing letters to Congress was sound. But its response to me, in its February 4, 2011, letter, was false. That letter came back only 4 or 5 days after I first handed the letter to the Attorney General. The February 4, 2011, letter was false because DOJ later withdrew it and claimed it relied on bad information from the ATF and the U.S. Attorney's Office. However, the inspector general agreed with me that the Justice Department's response was seriously flawed—and not just the initial response. The inspector general also found that the Justice Department knew its initial reply wasn't true when it reaffirmed the denial of the whistleblower allegations in a May 2, 2011 letter to me.

Instead of acknowledging it was wrong, the Department repeatedly doubled down on its denials.

For example, Attorney General Holder said on multiple occasions since November 2011 that the wiretap evidence authorized by the Justice Department headquarters did not put senior leadership on notice that the ATF was walking guns.

Most recently, on June 7 of this year, the Attorney General went before the House Judiciary Committee. At this point, many Members of Congress had obtained and read the affidavits, even though the Justice Department did not want us to see them. Members who reviewed them said that the affidavits contained evidence of gunwalking. But Attorney General Holder testified:

> I've looked at these affidavits, I've looked at these summaries. There's nothing in those affidavits as I've reviewed them that indicates gunwalking was allowed.

The inspector general has read these same wiretap affidavits. Since the inspector general is independent and nonpartisan, that independent, nonpartisan conclusion is at odds with the quote I just gave you from the Attorney General, and that quote from the Attorney General comes from testimony before the other body.

I quote from his report:

> [T]he affidavits described specific incidents that would suggest . . . ATF was employing a strategy of not interdicting weapons or arresting known straw purchasers.

In fact, much of the inspector general's report is redacted because those affidavits are still under seal. Chairman ISSA and I asked the Justice Department months ago to move to unseal them so the public could decide for themselves. Now the inspector general has joined Congressman ISSA and this Senator, and is also calling for the Department to ask for permission of the court to release the affidavits. The Justice Department should have filed that motion months ago. Unsealing the affidavits will allow the American people and the Terry family to see the whole story.

The details of those affidavits show that senior officials knew, or should have known, about gunwalking in Fast and Furious. The inspector general independently confirmed this point, quite contrary to Attorney General Holder's denials. Those denials by the Attorney General show either incompetence or lack of truthfulness. Congress created an explicit statutory duty for certain senior Justice Department officials to authorize all wiretap applications, not just those involved with Fast and Furious.

Deputy Assistant Attorney General Jason Weinstein, who served directly under criminal division head Lanny Breuer, was one of the officials who approved some of these affidavits. Senior officials such as Mr. Weinstein tried to claim that they shouldn't be held accountable because they only read memos summarizing the wiretaps, not the full wiretap applications, as I think is required under law. But the inspector general found that Justice Department officials should review more than just the cover memo. He said that under the statute, they have the responsibility to be fully informed before authorizing wiretap applications.

Yet the inspector general also found that even

. . . a reader of the . . . cover memorandum would infer from the facts that ATF agents did not take enforcement action to interdict the weapons or arrest [straw purchasers].

So the memo Mr. Weinstein admits he did read indicated that ATF had walked guns, according to the inspector general.

Back in September of last year, Attorney General Holder said at a press conference:

The notion that somehow or other this thing reaches the upper levels of the Justice Department is something that . . . I don't think is supported by the facts.

Maybe the Attorney General doesn't think someone who reports directly to the head of the criminal division is a senior official, but this Senator does.

As a result of the inspector general's findings, Deputy Assistant Attorney General Weinstein has resigned. Mr. Weinstein should be held accountable, but he shouldn't take the fall for more senior officials who are also culpable.

Mr. Weinstein reported directly to Assistant Attorney General Lanny Breuer. When the Justice Department sent its letter to me denying ATF ever walked guns, Breuer knew otherwise. He knew in 2010 about gunwalking in another case, Operation Wide Receiver. That was long before the allegations in Fast and Furious; yet he waited 9 months before e-mails about Wide Receiver were about to be produced to Congress before he publicly apologized for not doing more about gunwalking in the previous gun walking Wide Receiver.

I asked Breuer whether he had seen the draft of the February 4 false letter to me. Breuer testified:

I cannot say for sure whether I saw a draft of the letter that was sent to you.

Now I will explain why that was a false statement that he made to me.

A month after Breuer's testimony, the Justice Department released more documents showing that Breuer was sent five drafts of the letter before it was sent to me. He forwarded three of them to his personal e-mail account. Breuer still maintained in written responses that it was ''highly unlikely'' he had read the letter because he was in Mexico when it was sent. On this matter, the inspector general report contained a significant factual error.

By the way, there aren't many errors in this inspector general's report. I compliment him for a very good job that he did.

The report read:

The OIG found no e-mail messages from Breuer in which he proposed edits, commented on the drafts, or otherwise indicated he had read them.

That statement of the inspector general is not true. In response to one of the drafts that Breuer received, he commented to Weinstein that it was ''great work.''

That may not be a proposed edit, but it is certainly a comment. Thus, Breuer's statement to Congress is simply not credible. E-mails show that Breuer was very engaged in the process, asking for and receiving updates from Weinstein at every stage of the drafting of that letter of February 4, 2011 that 8 or 9 months later they withdrew because it was false. Breuer and Weinstein sent multiple e-mails to each other on the matter each day, with Breuer asking after a quiet period, ''Jason, let me know what's happening with this.''

So, quite obviously, he was involved before the letter was ever sent to me. Rather than holding him accountable for this evidence, the inspector general's report gives him a pass.

Worse, new e-mails produced Wednesday show that Breuer was in the weeds about his deputy Jason Weinstein coming to brief the Senate Judiciary Committee staff a week after the Justice Department's false letter was sent to me.

On February 13, 2011, Breuer sent an e-mail about such details as what specific questions my staff asked of Weinstein at this briefing. Breuer wrote:

The goal—and by all accounts it seems to have worked—was to communicate that ATF's work in the AZ case and others like it reflected sound judgment and investigative work.

It is clear that Breuer was in the weeds enough to know what the Justice Department was communicating to me was undermined by the gunwalking he knew about in Wide Receiver. He should have come forward in February 2011 and told Congress that he knew ATF had in fact walked guns. His failure to do so, coupled with his attempt to mislead Congress, is why I have called for him to resign or be fired. I made that request last fall on the floor of this Senate.

The Attorney General has been saying for months that he would hold off on any personnel action until the inspector general's report was released. We have been hearing that for almost a year, ''Let the inspector general finish his work, and then we will decide what to do.'' So, Mr. Attorney General, it is time to hold people accountable.

I wish to close with language from a statement that the family of Border Patrol Agent Brian Terry issued. Agent Terry is the person where two guns that were walked were found at his murder scene.

From the family of Brian Terry:

The Department's failure chronicled in the report had deadly and tragic consequences for hundreds of innocent American and Mexican victims of violent crimes.

And our son, friend, relative and hero, Brian Terry, is dead.

Questions and concerns should have been raised before the weapons purchased in this failed government sting wound up in the hands of drug dealers and killers, including those who killed Brian.

The focus today should not be on political spin control nor on praise for the Department of Justice supervisors who chose to resign in light of the report's findings, but rather on the gross negligence of the Department documented in the report and the tragic consequences of that negligence.

I yield the floor.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Iowa.

THE RYAN BUDGET

Mr. HARKIN. Mr. President, our Nation faces an absolutely fundamental choice in this year's election: Are we going to rescue, restore, and rebuild the middle class or are we going to continue to shift even more wealth and advantages to those at the top at the expense of the middle class?

As I have done every day we have been in session here, I want to point out to the American people what the blueprint is for this country under the Romney-Ryan budget. That is their budget. A budget is a blueprint of where you want to go, what you want to do, how you want to build something—how you want to build the future of our country. That is the Ryan budget. So I want to take a look again at the Ryan budget and what it does for the future of this country.

First of all, the very centerpiece of the Ryan budget is whopping new tax cuts, mostly for those at the top, the richest 2 percent. Those making $1 million or more a year would receive $265,000 a year in new tax cuts on top of the $129,000 they would get from extending the old Bush tax cuts. That means now if you are in the top 2 percent and you are making over $1 million a year, you get $394,000 in new tax cuts.

We keep hearing about Mr. Romney and Mr. RYAN talking about entitlements. We have got to cut back on entitlements. Don't we? What about this? That is what they always talk about. They are talking about people who are lower income, who rely upon certain things such as nutrition assistance or job training programs, maybe Pell grants for students, for poor kids to go to college—cut back on those. What about this entitlement? This is an entitlement; you are entitled to it: If you make over $1 million a year, you will be entitled to those tax cuts.

We don't hear them cutting back on that entitlement. No. They want to extend it. How do they pay for all these new tax cuts? The total is $4.5 trillion over 10 years. They do not exactly say how, but the Republican budget, that Ryan budget, would offset these tax cuts by making very deep and Draconian cuts in programs that undergird the middle class—everything from education, student loans, grants, law enforcement, clean air, clean water, food safety, medical research, highways, bridges and other infrastructure, all cut in the Ryan budget.

The Ryan budget, as I will explain a little bit more in detail shortly, would end Medicare. We will hear a lot of people saying it will end Medicare as we know it. Well, if we end something as we know it, that means we end it.

The Romney-Ryan budget, since Mr. Romney called it marvelous—the Romney-Ryan budget would end Medicare and make it a voucher care system. That would force seniors to pay nearly

$6,000 more per year out of their pockets for health care in the future.

Last, they offset these tax cuts by raising taxes on the middle class—actually raising taxes on the middle class. Mr. RYAN's budget is to use the deficit crisis as a pretext for dismantling Medicare, Medicaid, cutting education and environmental protection, workplace safety, and all the things I have said. What they do is double down on the theory that if we just give more and more to those at the top, it will trickle down to everybody else. That theory was tried under President George W. Bush, and it did not work out too well.

Today I want to focus on the devastating impact of the Romney-Ryan budget on Medicare and on health care generally. Since he first arrived in Congress, Representative RYAN has consistently pushed a very specific and radical health care program to end Medicare. Under his proposal, seniors would no longer have the guaranteed Medicare benefits they have enjoyed for decades. Instead, they would get a voucher from the Federal Government. They can then go out and buy individual private insurance or Medicare.

Again, they say: You can buy Medicare. You can stay in Medicare if you want or you can buy private insurance. Let's take a look at that. In 10 years the Ryan plan would eliminate Medicare, shift to vouchers, but the vouchers would not be enough to cover the health care costs so seniors' out-of-pocket costs would go up.

The nonpartisan Congressional Budget Office has projected that the Ryan proposal could increase annual out-of-pocket costs for seniors by more than $1,200 in 2030, almost $6,000 in 2050. If we total all these years, if we add one year after the other that seniors would have to pay, seniors retiring in 2023, over their lifetime, would be paying almost $60,000 more in total. For seniors retiring in 2030 it would be about $125,000. When we get up to 2050, a senior retiring then would be spending about $330,000 over their retirement years just for health care. That is what voucher care means.

In addition, the Ryan plan would leave the traditional Medicare system in a death spiral. Mr. Romney and Mr. RYAN, in extolling their budget, say: You know, we will give them a voucher. If you want to, you can go out and buy traditional Medicare or you can buy a private insurance plan.

What does that mean? That means if someone is a very healthy senior they might get a better deal by going out and buying a private insurance plan. So who stays in Medicare? The poorest and the sickest. Then the Medicare costs explode and it becomes unaffordable and we destroy the whole Medicare system. Do not buy that argument of Mr. RYAN, that someone can stay in Medicare if they want. No, it would destroy it.

Make no mistake, the Ryan plan is a radical break with the past. This is not some little transition. This is not some little bit of experimentation or something. No, the Ryan budget is a radical break with what we have had in the past. It turns a successful, reliable comprehensive source of health care that seniors have depended on for decades, paid into over years of hard work—they turn it into an unpredictable, unreliable voucher care system.

Our approach is very different. President Obama has fought to strengthen Medicare, not end it. He believes Medicare is a sacred compact, and he has improved Medicare in the Affordable Care Act or what we now know as ObamaCare.

My friends on the other side of the aisle have been saying ''ObamaCare'' as though it is a pejorative. It has a bad connotation. I use it as a very good connotation because I want to tell you President Obama does care. He cares about the fact that kids can stay on their parents' policy until age 26. He does care that insurance companies can no longer put lifetime caps on real sick people any longer. President Obama does care if someone has a preexisting condition, they cannot be denied affordable health care insurance. So, yes, President Obama does care. That is why I think ObamaCare really does describe it well—Obama cares.

For example, in ObamaCare we eliminate gaps in coverage; that is, the doughnut hole. We close the doughnut hole. We reduce the cost of prescription drugs. According to Medicare's Actuary—not me, the Actuary—the Affordable Care Act extends the program's solvency by 8 years, from 2016 to 2024, by getting rid of wasteful subsidies to insurance companies, getting rid of fraud, waste, and abuse in the system. So our plan for Medicare is simple: Mend it, don't end it. That is just what we do.

The Ryan plan is bad news for those who depend on Medicare for their basic health care needs. It is disastrous for people who depend on the Medicaid Program. The Ryan budget would block-grant Medicaid, put the entire program under the States, and then cut it by $810 billion over the next 10 years. That's right. The Medicaid Program, block-grant it to the States, cut it by $810 billion over the next 10 years.

What does Medicaid do? Seniors, if they pay into the program, have Medicare when they retire. If they become disabled, if they have paid in the requisite amount of money, they can get disability coverage or survivors' benefits. I am talking about Medicaid, health care for low-income Americans and other populations.

The Medicaid Program is something we instituted over half a century ago now to tell all Americans that they are going to be able to have quality health care. Do you remember that debate? I remember watching one of the debates that the Republicans were having in their Presidential series. The question was asked: You know we take care of sick people in our country. Where do they go? They can go to the emergency room. It costs a lot more money. But the question was asked—something about, do you just deny that? A lot of people would say just let them die, leave them out on the street.

Is that the kind of country we want to be? If we are sick and we do not have the wherewithal we cannot get health care? We moved beyond that. We have moved beyond that as a society.

The other population is Americans with disabilities. Almost one in every two Americans, almost 50 percent of Americans with disabilities depend on Medicaid for access to health services and support that span everything from hospital to home care. Services from the Medicaid Program allow our citizens with disabilities to live with dignity and with purpose in their homes and in their communities. Nearly 3 million seniors and people with disabilities use the Medicaid Program to avoid costly nursing home care. If we cut home and community-based care for this group of Americans, then they would have to turn to institutional care.

The short-term cuts, these cuts they are going to make in Medicaid, will lead to longer term expenses because we know that institutional care is more expensive than care at home or in the community. I guess, unless we just say to them: Tough luck, you are on your own. Tough luck. You have a disability? Cut your Medicaid. Can't live at home? Go live in an institution. Oh, the institution is no longer there because we cannot afford it—then I guess you have to go out on the street and beg.

Is that what we want to see? Like many third world countries where we see people with disabilities on the corners begging? Families with a child with a disability out in the street begging? Is that what we want? Do we want to walk down the street and see people who, through no fault of their own, are disabled and they are out there begging with a tin cup and a tin plate? Is that the kind of country we want to become?

To dismantle the Medicaid Program, as they would do under the Ryan budget, would dismantle our commitment to quality affordable health care for all. The Medicaid Program is a lifeline to hundreds of thousands of middle-class families—yes, middle-class families, working families who have children with lifelong disabilities such as Down syndrome or autism. Instead of cutting these families off from a critical lifeline, we should be strengthening the long-term viability of this program, Medicaid, reassuring these families that America is not going to turn its back on them when they need help the most.

You do not have to take my word for it about shredding this compact. I have said many times that we have a unique American social contract, a compact that evolved over our march from a society in which we had child labor,

which, if people were older and poor, they went to the county home; where children died in infancy; where, if people were disabled, they were put in dark places.

We evolved a social contract. We said, basically, in America we are going to provide a ladder of opportunity or ramp of opportunity. We are going to make sure we take care that we educate our young and take care of our elderly, a social safety net.

Here is the former Reagan economic adviser, Mr. Bruce Bartlett. Here is what he said:

> Distributionally, the Ryan plan is a monstrosity. The rich would receive huge tax cuts while the social safety net would be shredded to pay for them.

Then again, we don't have to take those words. I think the bishops had something to say about that when the bishops said the Ryan budget fails the moral test. The Nation's Catholic bishops reiterated their demand that the Federal budget protect the poor and said the GOP measure ''fails to meet these moral criteria.'' That is the Ryan budget.

At the centerpiece of the Ryan budget is its promise to repeal the Affordable Care Act or ObamaCare. Again, once we get past this political theater and look at what repeal of the Affordable Care Act or ObamaCare would actually mean, it is not a very pretty picture. Repeal would reopen the Medicare prescription doughnut hole, requiring seniors to pay about $600 more per year on average for prescription drugs.

Thanks to the Affordable Care Act or ObamaCare, about 86 million Americans received at least one free preventive service in 2011 and almost 1 million Iowans received at least one free prevention service in 2011. That would be repealed, and then they would be charged. Americans now get services such as mammograms, colonoscopies, and other cancer screenings. Eighty-six million Americans received free preventive services. This is in keeping with ObamaCare's goal that changes from a sick care society to a health care society. Rather than focusing all of our attention and money on emergency room care or when people get the sickest, we start to move it more upfront to preventive care. We would get to people early and prevent illness. We would keep people healthy and out of the hospital in the first place.

The Ryan budget shreds all of that. It is back to the old system we always had—no preventive care. When someone gets sick, they go to the emergency room, and that is busting us as a country. That is breaking our budget. We have to put more into prevention.

Mr. President, your mother was right, an ounce of prevention is worth a pound of cure. I don't know why we have not learned that. We did learn it. We put that in ObamaCare.

The Ryan budget says, no, we want to get rid of that. The repeal of ObamaCare would allow insurance companies to deny people coverage because of a preexisting condition. Nearly half of Americans have some form of a preexisting health condition, and right now the Affordable Care Act covers all children. In 2014—just 1 year and a little over 2 months from now—everyone will be covered even if they have a preexisting condition.

This is Eleanor Pierce from Cedar Falls, IA. She was denied health insurance, when she lost her job, because of a preexisting condition of high blood pressure. Without coverage, she racked up $60,000 in medical debts. If you repeal ObamaCare, more than 30 million people would be denied access to affordable and comprehensive health insurance. It would make insured Americans pay more than tens of billions of dollars of uncompensated care when they show up in emergency rooms.

Actually, repealing ObamaCare would cost American families an average of over $1,100 extra in premiums annually right now that we are paying for uncompensated care when people show up in an emergency room. Repeal would kick more than 3 million young people off their parents' policy.

That hurts people like Emily Schlichting. She testified at one of our hearings. She is a young woman from Omaha. She said that ''young people are the future of this country and we are the most affected by reform. We are the generation that is most uninsured. We need the Affordable Care Act because it is literally an investment in the future of this country.''

She suffers from a rare autoimmune disorder. In the bad old days, that made her uninsurable. Thanks to the Affordable Care Act or ObamaCare, she is now covered under her parents' policy until age 26. Guess what. In 2014 her preexisting condition will mean nothing. She will be able to get affordable health insurance. The Ryan budget says, sorry, Emily, you are on your own.

These are just a few of the ways in which the Ryan plan to repeal ObamaCare would drag us backward to the bad old days when insurance companies were in the driver's seat and millions of Americans were one illness away from bankruptcy.

Over the last few weeks, Governor Romney and Representative RYAN have been saying that the President's health reform robs Medicare. I heard that he said that in Florida last night. I don't know how else to say this, but that is totally false. That is untrue. First of all, nonpartisan economists have certified that the President's health care plan or ObamaCare has strengthened the Medicare Program and extends its solvency by 8 years. If we were robbing the Medicare Program, how could it extend its solvency by 8 more years?

The Affordable Care Act doesn't rob Medicare, it makes the program more efficient and more reliable. It saves $700 billion, not from beneficiaries, not from recipients who are on Medicare, but from overpayments to private insurance companies, providers, pharmaceuticals. It cracks down on fraud, waste, and abuse.

What is interesting is that the Ryan budget has exactly the same savings in his budget as ObamaCare has in the plan we passed here. It is the same and exact to the dollar. It is written the same way. As President Clinton said: ''You gotta give [him] one thing—it takes some brass to attack a guy for doing what you did.'' RYAN put in his budget exactly what we had in ObamaCare, and now they are attacking President Obama for what they have in their budget. Go figure. In both of his budget proposals, Mr. RYAN keeps all of the Affordable Care Act's medical improvements that we put in the Affordable Care Act.

I heard Mr. Romney in Florida last night attacking President Obama for doing what Mr. Romney said was marvelous about Mr. RYAN's budget. In short, Mr. RYAN's Medicare plan would end Medicare.

There is something else that I hear them say all the time. They say they are going to protect everyone over age 55. Under the Ryan plan he says they are going to go to this voucher care, but anyone over age 55 is protected. I have to ask: Protected from what? I mean, if it is such a good deal, why don't we do it for everybody? Yet Mr. RYAN and Mr. Romney say, no, everyone over age 55 has the same Medicare system and they don't get the voucher program. It is only for those under age 55. There must be something wrong with it then. If it is so darn good, why don't they put everybody in there right away? Conversely, if they are protecting everyone over age 55, why don't they protect everyone under age 55? Got it? If they are aged 55 and over they are unprotected. Put them on a voucher program. That is the dirty little secret they are not telling us.

Again, by repealing the Affordable Care Act, ObamaCare, 439,000 Iowa seniors would be forced onto these vouchers, 60,000 Iowa seniors would be forced back into the doughnut hole and paying more money for their drugs, and 400,000 Iowa seniors would pay for preventive services that they now get at no cost. More than 30 million people will be denied coverage under the Ryan budget. ObamaCare insures more than 94 percent of all Americans. That is what would happen; they would be denied coverage.

I will close with this: The bottom line is President Obama and ObamaCare protects Medicare. It keeps it solvent. It keeps everyone covered. The Ryan budget shreds the social safety net for Medicaid and destroys Medicare by turning it into a voucher system. ObamaCare protects Americans from insurance company abuses, expands coverage, increases the quality of care, shifts more into prevention and keeping people healthy. The Ryan budget does away with all of that and would drag us backward to the bad old days.

When we look at the Ryan budget—or the Romney-Ryan budget, since Mr.

Romney called it marvelous—we have to shake our heads in disbelief that they would take America back that far after we have come so far in covering people and getting rid of preexisting condition clauses. ObamaCare takes off caps on lifetime coverage for those who have a serious illness so they don't go bankrupt. ObamaCare makes sure kids in America can stay on their parents' policies. We don't want to go back, and that is why this Ryan budget must be totally defeated.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, I want to congratulate my colleague, Senator HARKIN, for his remarks. I certainly agree with him. I want to amplify a point Senator HARKIN made. There was a frightening story in the New York Times today. I don't know that people have digested it, but the headline is ''Life Spans Shrink for Least-Educated Whites in the U.S.''

Generally speaking, the trend for life expectancy in the United States, and all over the world, has been going up. The goal of a good society and a strong health care system is to see that people live longer, healthier, and happier lives, but as a result of the devastating attacks in a variety of ways on the working class of this country, over a period of years—not just starting yesterday—this is where we are. Let me quote from this article. I hope people hear this because this is shocking stuff. I quote:

> The steepest declines were for white women without a high school diploma, who lost five years of life between 1990 and 2008.

Their life expectancy went down by 5 years. This is astronomical. Going back to the article, it says:

> S. Jay Olshansky, a public health professor at the University of Illinois at Chicago and the lead investigator on the study, published last month in Health Affairs.

What happened is between 1990 and 2008—an 18-year period—life expectancy for white women without a high school diploma declined by 5 years.

The article states:

> White men lacking a high school diploma lost 3 years of life. Life expectancy for both blacks and Hispanics of the same education level rose, the data showed. But Blacks overall do not live as long as whites, while Hispanics live longer than both whites and blacks.

So let's digest what that means. As chairman of the Subcommittee on Primary Health and Aging, last year we held a hearing entitled ''Poverty as a Death Sentence.'' What that hearing pointed out is that people who are in the top 20 percent live, as I recall, about 6 years longer than people in the bottom 20 percent. But what new evidence is suggesting is that people without a high school degree—the least educated people in America and often the poorest people in America—we are now seeing a significant decline in the life expectancies of both men and women. This is moving in exactly the wrong direction.

The authors of the study are not exactly sure why this is taking place. Many low-income, uneducated people are using drugs, cutting short their lives. Lack of health care is certainly one of the reasons. More and more low-income people can't access health care, which is why it is so important that we defeat the Romney-Ryan effort to devastate, as Senator HARKIN just said, Medicaid and throw millions and millions of people off health insurance. If life expectancy for low-income people is now going down, think of what it will mean if we throw millions more off Medicaid. It is a death sentence.

I also wish to say a word on the issue of Social Security, and I wish to thank the Presiding Officer and Senator WHITEHOUSE and Senator BEGICH for joining me yesterday in releasing a letter which had 29 signatures on it from Members of the Senate, and that letter was pretty simple. What it said is that Social Security has not added a nickel to the deficit because Social Security, of course, is funded by the payroll tax. It said Social Security has a $2.7 trillion surplus and can pay out all the benefits to eligible Americans over the next 21 years. So it is absolutely wrong and bad public policy to be talking about cutting Social Security within the context of deficit reduction when Social Security has nothing to do with the deficit.

The reason we are in a deficit situation in a significant way—the reason we have gone a very long way in the wrong direction since January 2001 when Bill Clinton left office with a $236 billion surplus—has nothing to do with Social Security. It has everything to do with Bush and those people who voted for two wars and forgot to pay for them, thereby adding to the deficit; those people who gave huge tax breaks, much of it going to the richest people in this country, forgot to pay for it; passed the Medicare Part D prescription drug program and forgot to pay for it; and a recession caused by Wall Street which resulted in lower revenue coming into the Federal Government. Those are the reasons why we are in a deficit, not because of Social Security.

I understand Republicans want to cut Social Security. That is what they do. They are not very sympathetic to Social Security. They have opposed Social Security for years. They don't believe the government should be involved in retirement security. They want to balance the budget on the backs of the elderly, the sick, the children and the poor and give tax breaks to the rich. I understand that. More and more Americans understand that.

But I will tell my colleagues what I am concerned about. I am concerned about President Obama. Four years ago, the President was very clear on this issue. When the President was running for election against Senator MCCAIN, this is what he told AARP and, ironically, he just spoke to AARP, I believe it was today. So 4 years ago, same venue. This is what he said 4 years ago:

> John McCain's campaign has suggested that the best answer for the growing pressures on Social Security might be to cut cost-of-living adjustments or raise the retirement age. Let me be clear: I will not do either.

Candidate Barack Obama said that 4 years ago. Barack Obama is in the White House now.

We have people such as billionaire Pete Peterson, who has been pushing deficit reduction on the backs of working people for years now. He has been spending huge amounts of money to make sure we do deficit reduction not by asking the wealthiest people in this country to pay their fair share but by balancing the budget on the backs of the elderly, the children, the sick, and the poor. These guys have come up with a strategy called the chained CPI.

Nobody in America outside Capitol Hill knows what the chained CPI is. It is a new formulation as to how we determine cost-of-living adjustments—COLAs—for seniors. What these economists have decided—these rightwing economists—COLAs today are formulated in a way that are too generous—too generous for America's seniors and for disabled veterans. They want to reformulate how we come up with these COLAs. If they get their way—and I have a great deal of fear that unless some of us stop them, unless the American people stop them, they will, in fact, get their way—what this will mean is that if a person is 65 years of age today, by the time they are 75, they will lose about $560 a year in their benefits. If a person is 65 years of age today, in 20 years, when that person is 85, they will lose $1,000 a year.

Let me be very clear. I do not believe we should move to a deficit reduction on the backs of a senior citizen living on $14,000 or $15,000 a year and take $1,000 away from them and then get on the floor of the Senate and talk about how we have to give more tax breaks to billionaires. I think that is not only morally inexcusable, I think it is bad economics.

While we are talking about this so-called chained CPI which will cut benefits for seniors, we are also talking about cutting VA benefits for disabled veterans. So I want to hear all these tough guys here who think we should balance the budget on the backs of the elderly and the children, let them get up here and tell us why, when somebody fought in a war to defend the United States—maybe they lost their legs or their eyes or their arms—they want to cut their benefits and then they want to give tax breaks to billionaires.

The American people don't want to do that. So I think we have to get on the phones right now. We have to call our Senators and we have to call Members of the House and we have to call President Obama: Mr. President, 4 years ago you told us you weren't going to cut Social Security. Is that still your position? Four years ago, you came up with an idea that is, in fact,

exactly the right idea. You made the point that multimillionaires are contributing the same amount of money into the Social Security trust fund as somebody making $110,000, and 4 years ago you made the point that if we lift that cap—and we don't have to start at $110,000; we can go up to $250,000—if we lift that cap above $250,000, we could bring in enough revenue to fund Social Security for the next 75 years. That was your position, Mr. President, 4 years ago. Is that your position today? Are you going to stand up to the Republicans and the Wall Street folks who want us to cut Social Security?

That is where we are right now.

My last point I wish to make is on the much discussed remarks of Governor Romney from the video released recently that has gone all over the Internet. There is a lot that can be said about it, and I suspect everybody has said a lot. I just want to pick up on one point. I feel strongly about this point because I am the son of a working-class family—of a father who never made a lot of money but worked hard his entire life and of a mother who raised her kids as best she could. So I take this kind of personally.

This is what Mr. Romney said in connection with the famous 47 percent of the people who don't pay taxes, which is not true, of course. As we know, they pay Social Security taxes and gasoline taxes, Medicare taxes. But be that as it may, that is not the issue I want to get to.

This is what Mr. Romney said:

> My job is not to worry about those people. I will never convince them they should take personal responsibility and care for their lives.

Let me repeat that.

> I will never convince them they should take personal responsibility and care for their lives.

He was talking about my parents. He was talking about the parents of millions of people who worked hard their whole lives who don't need advice from a multimillionaire who went to elite schools and had all the money and privileges his family could provide him. We don't need advice from him to families who have worked and struggled their whole lives to, in fact, take personal responsibility to make sure their kids did well. That is an incredibly arrogant statement from a guy surrounded by money, speaking to millionaires, who should not be making that statement.

People on Social Security, people on Medicare, in many cases, have worked their entire lives, have done the best they could to provide for their kids, have seen their kids go to college. Many of the people on Social Security, Medicare have fought in wars defending this country. They do not need advice from a multimillionaire about how they should take personal responsibility for their lives. That is an insulting remark and it would become Governor Romney to apologize for that remark.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Might I ask how much time I have?

The PRESIDING OFFICER (Mr. TESTER). There is no controlled time. The Senator may consume as much time as he wishes.

Mr. HATCH. I thank the Chair.

Mr. President, I have to say I always enjoy my colleague from Vermont. He is a very sincere and dedicated man and I like him. There is no use kidding about it; you can't help but like him, in my eyes. But I don't know any Republican Senator who wants to cut Social Security. They want to save Social Security. I don't know anybody who wants to cut Medicare or Medicaid. We want to save Medicare and Medicaid. Anybody in their right mind who looks at this knows we have to do some things and change some things or we are not going to have Medicare and Medicaid for our people and we will not have Social Security continue.

With regard to Mitt Romney, yes, he may not have articulated his thoughts as well as he may have wished. But there is no way in this world Mitt Romney meant his comments to be taken the way they have been taken by the left in this country. All he is saying is there are too many people riding in the wagon and not enough people pulling the wagon and we are going to have to get jobs for those who should be outside the wagon, pulling the wagon, and help them to have the self-esteem that comes from working. That is what the whole welfare bill of 1996 was all about, in having a work requirement: We are going to help you, we are going to subsidize you, we are going to give you job training, but after a certain period of time, if you don't have a job, you are off the dole. Literally two-thirds, almost two-thirds of the people who have been on the dole, some for generations, went to work after incentives were realigned through Republican welfare reform. That is the Republican approach, to get people back to work, to provide efficient incentives, and to get this economy moving again; not to hurt anybody. So these things can be exaggerated to a point where sometimes it becomes confusing to the American people, and that is not right either.

I know Mitt Romney. I know how he cares for people. I know what he did when he was a bishop in the LDS Church, in the Church of Jesus Christ of Latter-day Saints. I was a bishop when I was running for Senate, and I have to tell my colleagues I spent at least 30 hours a week of my own time and expense, because there is no paid clergy in the LDS faith, other than the general authorities and those are very few people, and we all volunteer our time. We help people from every walk of life.

FISCAL HISTORY OF THE 1990S AND 2000S

Mr. President, I am here today to talk about some very important things that are related to what I have just been saying.

There has been much discussion by President Obama about the source of our current economic and fiscal challenges. The President seems to suggest we could easily return to the prosperity of the 1990s by adopting the policies of President Clinton, particularly by raising taxes to the level they were during his Presidency. At the recent Democratic National Convention, President Clinton himself made a similar argument. But the positive economic and fiscal history of the 1990s was not owing to higher taxes, and the economic and fiscal challenges we face today—in particular, our $16 trillion national debt and exploding entitlement spending programs—cannot be fixed by higher tax rates.

During his convention speech, President Clinton claimed that President Obama inherited a damaged economy, put a floor under the crash, began the road to recovery, and laid the foundation for a modern, well-balanced economy. Tell that to the 12.5 million unemployed Americans who continue to struggle with unemployment. Tell that to Americans who have been suffering through unemployment rates above 8 percent for 43 consecutive months. Explain to Americans how redistribution, massive expansion of refundable tax credits, ballooned transfer payments, and an interventionist Federal Reserve represent a foundation for future growth of the economy. Explain how this economy is ''well balanced'' when government spending represents as much as 25 percent of GDP, debt is higher than an entire year's worth of the output of the economy, and we have an activist Federal Reserve that has increased its balance sheet by well over $1 trillion.

President Clinton does admit that, under President Obama, we are not where we need to be. So, instead, he asks whether we are better off than when President Obama took office, and he answers in the affirmative. Putting aside the rhetoric and spin and considering the facts, this is a dubious claim at best.

Relative to the beginning of 2009 when President Obama took office, jobs are down by 261,000 and unemployment remains above 8 percent. But wait. Democrats say the President cannot be held responsible for bad things that happened during his Presidency; those things were inherited or due to Europe or caused by uncontrollable forces. All right, then. Let's look at the President's jobs record after the end of the recession, which the National Bureau of Economic Research says was June of 2009. Since then, job growth under President Obama has been only 73,600 jobs per month on average—far too weak to move the unemployment rate below 8 percent.

Democrats say the only reason we do not have more jobs is because Republicans will not agree to more Keynesian stimulus—never mind that the previous dose, which cost over $800 billion

and was promised to deliver unemployment below 8 percent, failed to get unemployment down.

Remember those promised shovel-ready jobs that became a source of amusement to the President? Remember the promised infrastructure? Americans should ask themselves where all those things are. Where are the jobs? Well, the President makes claims of saving millions of jobs because of stimulus magic. And the Federal Reserve claims millions of jobs saved from its so-called quantitative easing. There you have it. The President's foundation of well-balanced economic growth rests on debt-financed Keynesian stimulus and Federal Reserve stimulus.

Absent anything but a dismal record on jobs, President Obama has decided to try to run on President Clinton's record. So let's consider President Clinton's rose-colored nostalgia—a revisionist history adopted by President Obama and his surrogates.

President Clinton's view goes like this: I came into office with a weak economy. I raised taxes. The economy boomed.

President Clinton's depiction of the roaring 1990s is missing a few chapters. In his first years in office, Democrats controlled Congress. He and the Democrats raised income taxes and gas taxes. He tried to impose a Btu energy tax, attempted a government takeover of health care—known as HillaryCare and proposed a $31 billion stimulus while putting off welfare reform.

The first few years of the Clinton Presidency can fairly be characterized as prioritizing tax-and-spend economic policy. But HillaryCare failed, and American voters decided to make some changes. They faced uncertainty over taxes, health care, energy costs, deficits, and runaway government spending. After 2 years of complete Democratic control of Washington, American voters decided in 1994 that Republican control of the Senate and House was desirable.

Does this sound familiar? A new Democrat in the White House, complete Democratic control of Congress, prioritizing higher taxes, a government takeover of the Nation's health care system, and more spending, followed by a popular uprising that gave some Republican balance in Congress. It was the first Republican Congress in over 40 years.

But in contrast to President Obama's refusal to heed the message of the 2010 election, President Clinton listened to the American people and moved to the political center. He embraced a Republican goal of a balanced budget and, after two vetoes, signed GOP welfare reform legislation shortly before the 1996 election. In 1996 President Clinton was reelected, but Republicans retained control of Congress.

Now, President Obama claims these were the good old days because President Clinton raised taxes. Let's consider that tax landscape. President Clinton did raise the top income tax rate in 1993, and Democrats credit that increase for shrinking the deficit and unleashing future economic growth. However, he also agreed with Republicans in 1997 to cut the capital gains tax rate to 20 percent from 28 percent, which contributed to revenue and economic growth. I know because it was the Hatch-Lieberman bill that they followed in doing that. JOE LIEBERMAN had the guts to stand up on that issue, as did I, and it happened. The Democrats said we would lose revenues. The revenues went up because people did not feel gouged anymore. Funny how that chapter gets left out of the Democrats' 1990s story.

In 2000 President Clinton left office with Federal receipts measuring 20.6 percent of GDP—well above the 17.5 percent seen in 1992 before he took office. But those receipts were boosted by capital gains realizations associated with the Internet stock bubble that formed toward the end of the Clinton Presidency.

But even more notable and something Democrats do not discuss in relation to the Clinton Presidency is that he left office with Federal outlays measuring 18.2 percent of GDP—significantly below the 22.1 percent seen in 1992 before Clinton took office. Significant reductions in Federal outlays as a share of GDP occurred once Republicans gained control of the Congress. In contrast, President Obama has presided over the largest spending spree since World War II, with outlays as high as 25.2 percent of the entire economy—something that has not happened since the years surrounding World War II.

In his 1996 State of the Union speech, President Clinton took credit for budget improvements and spending restraint imposed by Republicans in Congress. He famously stated that the era of big government is over. But in a nod to the Republicans' role in containing the budget, in that same speech, he said: ''I compliment the Republican leadership and membership for the energy and determination you have brought to this task of balancing the budget.'' Compare that to the sentiment of President Obama: We tried it their way, and it did not work.

President Obama and those Democrats who embrace the history of the 1990s also conveniently neglect to give any credit to Ronald Reagan, whose ending of the Cold War led to a peace dividend which helped allow President Clinton to curtail growth in Federal defense outlays.

In summary, the Democratic nostalgia for the 1990s is based on a very limited recollection of events. They see that Clinton raised taxes, the economy grew, and the budget improved. Apparently, correlation is all that is necessary to establish causality in their world, particularly when it works in their favor.

What also gets left out of the standard Democratic history is a stock-price bubble that was actually the basis of much of the growth in the 1990s. So let's consider the Clinton bubble further and ask what it could possibly mean for the recent financial crisis.

One of the charges levied by President Clinton, which echoes a familiar Democratic talking point, is that Americans should be wary of Republicans because we champion deregulation that ''got us into this mess.'' But who generated the mess? The mess was a devastating financial crisis, and who sowed the seeds of that crisis?

First, consider the significant financial deregulation under the Bush administration. The fact is there was not any. So where did the deregulation in finance come from? Whose policies promoted financial markets prone to bubbles and irrational exuberance and bailouts?

It was under President Clinton's watch that warnings were ignored about the riskiness of derivatives. It was under his watch that risky derivatives led to the collapse of the hedge fund Long-Term Capital Management—or LTCM and to an eventual bailout arranged by the Fed. It was under his watch that the Fed left market participants with a belief that should there be significant market turbulence, the Fed would be there to bail them out. It was under his watch that the Gramm-Leach-Bliley Act was signed into law, which many Democrats believe contributed to the crisis by repealing part of the Glass-Steagall Act of 1933. I think that they misunderstand the financial crisis by making that claim, but since they and President Obama appear to believe it, through their promotion of the so-called Volker rule, then the deregulation they decry came under Clinton.

As a basis for strong fundamental growth in the economy, President Clinton's stock bubble was lacking, and numerous companies crashed. A bursting stock bubble, along with corporate accounting scandals, which included the Enron debacle, left a mess for President Bush, who, by the way, did not whine about it for 4 straight years.

It was under President Clinton's watch that significant growth began in risky subprime mortgage lending, which ended up at the heart of the recent financial crisis. And warnings were ignored—even the warning by the Clinton-appointed Federal Reserve official Edward Gramlich. Clinton's presidency pushed financial deregulation, and it showed inattention to the beginnings of speculative excesses in housing and mortgage markets.

The financial crisis was indeed severe. Seeds of the crisis were sown during President Clinton's Presidency and then nurtured by many years of regulatory inattention. Failure of regulators to do their job during the Bush administration has nothing to do with deregulation. There was no deregulation. There were plenty of regulations to go around, but the regulators failed to use their authority as bubbles and irrational exuberance was tolerated by

the unaccountable regulators. To say that Republican deregulation caused the recent crisis is simply false.

We have faced crises before. President Obama is not unique in this respect. What is unique is how poorly he has handled our economic and fiscal crisis.

In February 2009 President Obama said his Presidency would be a ''one-term proposition'' if the economy did not recover within 3 years. Well, it has been over 3 years and the economy has not recovered; therefore, by the President's own metric, his administration should be a one-time proposition. No, he wants 4 more years to do more of the same.

The President has no plan.

The President claims to want to get our deficit under control by raising taxes on the wealthy and keeping the tax burden on middle-class Americans where it is. But the President's tax proposals do not work, as we learned from his Buffett tax, which fell over $800 billion short of his plan to use the tax to pay for a long-term alternative minimum tax patch. The unpleasant fact facing the President is that there simply is not enough revenue from taxing the so-called rich to fill his desires of permanently larger government.

Taxing business owners who the President thinks are undeserving of their success will simply not pay for his redistribution dreams. Of course, contrary to President Obama's disdain for business, Americans who own and operate businesses did build them, and they also paid taxes, which built the roads and bridges they use. And make no mistake, business owners and American workers did build America. They did build it.

Mr. President, let me go back just a little bit here. I made the comment, with regard to all of this media criticism of Governor Romney, that he was inarticulate in a private meeting, where no press was invited, and he is the first to admit that.

He certainly has tried to explain himself. But he is right. He is right. There are at least 47 percent of Americans who do not pay a nickel or a penny of income taxes. The standard answer by my friends on the other side is, well, they pay payroll taxes. Well, everyone does that. But those are unlike income taxes. With payroll taxes, workers pay into Social Security and Disability Insurance and the like. Which is to say, they pay in; but they also receive benefits. To equate the payroll tax system with the income tax system is simply misleading.

But in the income tax system, 23 million or so people get refundable tax credits which are more than they pay in payroll taxes, and a little less than 16 million get refundable tax credits that are more than they and their employers pay in payroll taxes.

Now, do Republicans want to tax the truly poor? Heavens no. This is a great country. We can take care of the truly poor. The question is, Are all of those in the—according to Joint Tax Committee, recently the bottom 51 percent did not pay any income taxes—are all of those in the truly poor category? The answer is no.

Well, what does Governor Romney mean? He means that, as I said at the beginning, there are too many people who are riding in the wagon and not enough pulling. Many people simply have no skin in the game in the income tax system, which means they really don't care much if income taxes on others are raised. And it is not their fault in many cases, except there are millions who will not find a job in the Obama economy, or they just become discouraged given the bleak labor market. I do not blame them, with the economy, but they ought to be looking for jobs anyway. I would do anything if it were me. I would do anything to be able to support my family other than be on Federal largesse. But that is the way it is today.

Governor Romney's goal in this life is to pull us out of this mess, get spending down to no more than 20 percent of the GDP, which would be a remarkable downturn in spending compared to what we have today, and also to get people to work, get them to where they have the self-esteem that comes from working, which we did on welfare reform in 1996. I worked hard on that bill, as did so many others at that time. Give them the self-esteem that comes from supporting themselves. That is what he meant. That is what is meant here. He will create jobs, and a vibrant economy where all workers prosper and can find work.

Frankly, let's just be honest, the mainstream media is not for Governor Romney. We all know that. Anybody with brains knows that. All you have to do is watch it. And that is the way it has been here ever since I have been in the Congress. Frankly, they are not going to treat Governor Romney fairly. But I will tell you this: Mitt Romney will put America to work. He knows how to do it. This man has been successful in everything he has ever undertaken to do. He does not need this job as President, but he is running because he knows this country is in trouble. He knows it is not following good economic practices. He knows this administration is a disaster from a jobs standpoint, among other things. He could have the most lovely life, and he is taking this kind of unmitigated barrage of assaults in trying to do that which he knows is right for this country.

I think we ought to be more fair in these Presidential elections. I wish the media was split 50/50. It is not. Everybody knows it. I care a great deal for my friends in the media, but there is no one with brains who does not understand that especially the mainstream media right here in Washington, DC, New York, Los Angeles, et cetera, is heavily stacked in favor of President Obama.

I like President Obama too. I have known him as a Senator. I have known him as a friend. I have known him as a President. And what I am saying here is that he has not done the job. I do not believe he is going to do the job. I do not think he has the background to do the job, and for us to not put somebody who does in there may be catastrophic for the future of our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. WICKER. Mr. President, I ask unanimous consent that my friend from Alabama and I be allowed to engage in a colloquy.

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

THE BUDGET

Mr. WICKER. Mr. President, let me say from the outset that this Senate and this Nation are profoundly fortunate to have had the services of Senator ORRIN HATCH for decades and decades. The speech he just delivered to this body was profound in so many ways and true in so many ways. It was made at 10 minutes til 6 on a Friday night when perhaps Americans are looking elsewhere, but just so much of what the Senator said is absolutely the truth, and our country needs to hear it. I appreciate him coming and delivering it in such a talented way.

Mr. HATCH. I thank my friend and colleague. I really appreciate it. I enjoy serving with the Senator, as I do with everybody in this body.

Mr. SESSIONS. Senator WICKER just talked for a minute about this. What does the Senator think? Would it be great to have the chairman of the Finance Committee be named Senator ORRIN HATCH?

Mr. WICKER. Well, it would be. I think that with the leadership of people such as Senator HATCH, we would not be ignoring what we have out there facing us in America today, and that is nothing less than a financial crisis. The Senator from Utah is correct. The President of the United States is doing everything he can to change the subject from the central issue of our faltering economy. Yet the mainstream media is out there playing trivial pursuit, talking about everything that is not important, and that is a distraction. But you just can't get around the facts. The facts are these: We have a $16 trillion staggering debt in this country. This government has added $6 trillion in 3½ short years. Just the facts. You can't get around it.

You also can't get around these absolute truths: We have had no appropriations bills come out of this Senate this year. Our Republican friends in the House—it is a different story. They have done their work, and they passed product after product, as they are supposed to do. And my hat is off to the chair, the gentleman from Kentucky, Chairman ROGERS, for getting the appropriations bills done. We have not done that in this Democrat-led Senate. We have not passed a defense bill—first time in half a century that we will

have gone through a whole session and not passed a defense bill, at a time when we have troops at war, troops in harm's way. Our men and women are putting themselves at risk and fighting and dying. We do not have a defense bill.

Mr. SESSIONS. It is amazing. We do not have a defense bill. The Senator serves on the Armed Services Committee, as I do. It came out of committee unanimously, bipartisan vote, and for some reason, the Democratic leadership has failed to bring the bill up to the floor for the first time in 50 years. Is that not amazing?

Mr. WICKER. No question about it. It does not make me comfortable to point fingers, but there is no getting around the fact that there is one person on this planet who can call up a bill before this Senate; that is, the majority leader of the Senate. He has not brought up the defense bill.

We also do not have a budget resolution. Again, our friends in the House, the Republicans in the House, under Speaker BOEHNER, have during the 2 years of their stewardship brought budget resolutions to the floor, passed them, sent them over here, only to be ignored.

The President has submitted budgets—did not get a single vote in the House of Representatives, did not get a single vote when we called it up as sort of a test vote here in the Senate. But this Senate, under the leadership of the Democratic majority, has not followed the statute that says you bring a budget resolution up every year—has not done it. We are into our fourth year now.

Beyond that, they do not have a budget deficit reduction plan. It is one thing to have a resolution that could say anything, but what the American people need, what our future generations are crying out for is a plan to reduce this debt.

I look forward to and hope to see the day when my friend from Alabama is chairman of the Senate Budget Committee. I would ask him to assure everyone within the sound of our voices today that under his leadership as chairman of the Budget Committee, we will see a budget resolution brought to the floor and debated according to statute.

Mr. SESSIONS. Senator WICKER asked a very good question, and every American needs to be thinking about that. I have given a lot of thought to it. We have not had a budget in 3 years—1,241 days. We have not had a budget passed on the floor of this Senate. They did not even report one from committee this year.

If we are blessed by the American people—we the Republican Senators—and have a majority in this body and if I am honored to have the opportunity to lead the Budget Committee, we will have a budget. Failure is not an option. It cannot be that we will not comply with the law. But more than that, Senator WICKER, we have to have a plan to get us off the course to financial disaster, and the budget is the way you lay out that plan.

Does the Senator not agree that the difficulty our Democratic colleagues had is that anything they thought they could agree on and bring forth would not be popular with the American people? And they did not want to subject themselves to having it debated on the floor and having a vote on amendments, as the Budget Act allows, even though you can pass a budget with a simple majority, cannot be filibustered?

I guess what I will ask the Senator, when you do not write a budget because you cannot agree or are unwilling to step forward with a plan, what you are really doing is failing to provide leadership. We were elected to lead, to have a plan that we are willing to announce to try to get us on the right course, a budget. Would the Senator not agree to sort of have a plan to deal with the crisis we are facing? We have not seen one in this body.

Mr. WICKER. Well, it is one of our basic responsibilities. As I said, the discretionary part of it is the appropriations bills. Not one single appropriations bill has cleared this Senate during 2012. And yes, indeed, at a time when we are running a debt of $6 trillion, when we are seeing our friends and allies across the ocean teetering on the brink, we are seeing all the warning signs.

We have time in this Capitol, in this Capital City, the shining city on the hill, to be an example to the world.

I can only answer the Senator's question by saying that the President's budget was so unpopular it did not get a single vote. There is not one single—even the most leftwing, left-leaning Senator would not step forward and embrace that budget. I can only assume that what they would have suggested would have been very much like that.

But when you are in the majority, you have a responsibility to lead. We all have a responsibility to lead, but in particular, when you are the only vehicle for bringing bills to the floor, you have a responsibility to lead in a time of crisis. That is what we have been lacking here in the Senate.

Of course, we do have the Federal Reserve, and the leader of the Federal Reserve announced the other day that he is going to print $40 billion extra each month. Now, that is his solution. I would counsel against that. I think most Members on this side would counsel against that. But at least it is a plan. We have had no indication from the leader of the Senate whether they like that plan.

We do know this. We passed a stimulus bill over here that cost almost $1 trillion. Unemployment has gone up under this bill that was supposed to jump-start the economy. It was supposed to do two things: jump-start the economy and keep the unemployment rate 8 percent or less. Of course, we know that for 42 months now, the unemployment rate has been over 8 percent. And the last thing the stimulus bill did was jump-start the economy. It has been going downhill ever since. It is hard to put a pretty face on this situation. Of course, the result is that a staggering 23 million American citizens either do not have a job, are underemployed, or have stopped looking for work.

In addition, of course, the President promised in 2008—the Senator remembers that promise—that he would cut the deficit in half by the end of his first term. Well, this is the end of his first term. The deficit has mushroomed, not been cut in half. We are in a financial crisis, and everybody on television seems to be trying to paint a rosy picture and avoid the subject. So I am glad to join with my friend, the ranking member on the Budget Committee, to suggest that we will have a plan, as House Republicans had a specific plan, in black and white, to address this unbelievable financial crisis our country faces.

Mr. SESSIONS. Well, it is a challenge we have to face, and it is not easy. It will be a challenge and it will be difficult and it will force us to make difficult choices. But I feel very frustrated. We are from small towns in America. Where we grew up, if you had a tough choice to make, if somebody came up with an idea and defended it, you respected them, even if you didn't agree with it. If you didn't have a better plan, and all you did was criticize their plan, people wouldn't think much of you, would they?

Mr. WICKER. That is right.

Mr. SESSIONS. So what we did in this body, when the budgets were brought up—they brought up the House budget—called the Ryan budget—and we brought up the President's budget, and Senator TOOMEY and others had a budget, and every one of them was brought up—our Democratic colleagues voted against every one of them. And not in one instance did they set out before the people what they believed in, what they would advocate for, what they would fight for, what they believed would fix the American economy and put us on the right track. But they have invested a tremendous amount of effort in attacking Congressman RYAN and the House budget.

Let me say this about that budget. Any budget is going to be subject to some complaint here and there, but it was historic. It would change the debt course of America. It would reduce our deficit by $3.5 trillion and it would create economic growth. It was designed not just to be a budget-cutting, frugal budget, but also to try to create growth and prosperity in this country and get this country moving again and get businesses hiring again.

It was a historic and good budget that would change the debt course of America and put us on the right path, yet all we have heard from our colleagues, without offering anything

themselves, is criticism of him. And I believe the House, as the Senator said, fulfilled their duty.

Mr. WICKER. I tell you what else it would do. It would tell the truth to the American people about what we are facing. I like what our young nominee for Vice President said. We have got time to fix this, but we need to fix it, and we don't have much time.

Speaking of telling the truth, I wish to pivot, if I could, to a question that has been raised on this floor in the last couple of days about this Senate's lack of compliance with the Budget Act. There is not a more learned expert on the federal Budget Act of 1974 than my friend from Alabama, and I would ask him to clarify, if he would, the statements and misstatements and charges and countercharges that have been made about the fact there has not been a budget resolution brought to this floor for consideration and amendment.

Mr. SESSIONS. I thank Senator WICKER for raising this point because we need to discuss this, and the American people need to ask themselves who is telling the truth about this and who is accurate about this.

A group of us spoke—40 or more Republicans—and we expressed frustration with the lack of action in this body, the likes of which we have never seen perhaps in our history, with regard to not passing an appropriations bill. Historic research has been done, and we have not passed a single appropriations bill only two times: 2010 and this year, both under this Democratic leadership. Those are the only times in history that no appropriations bill has passed.

Yesterday, however, Senator REID used this language. It kind of hurt my feelings, because I said we didn't have a budget, and I am the ranking member of the Budget Committee. Maybe 10 or 15 Republicans talked about our not having a budget, and Senator REID said: ''It is a lie to say we don't have a budget.''

I don't know if that violates the rules of the Senate about personal attacks, but I try not to use that word—lie. I try not to say a colleague is lying. Even if I ever would say something like that, I would want to be sure I had absolute proof to back it up. And that is a responsibility.

You know, we like HARRY REID. I consider him a friend, I really do. He has always treated me fairly on the floor. But I have to say, the majority leader shouldn't have said that. First of all, it is not accurate. For example, Senator REID announced unequivocally that he had no intention of passing a budget. This is what he said last year. He said: ''There is no need to have a Democratic budget, in my opinion.''

It is a statutory requirement. Unfortunately, it doesn't say you go to jail if you don't pass one. The people are crying out for a plan to get out of the financial condition we are in, but he said there is no need to have one, in his opinion.

He said at another time, ''It would be foolish for us to do a budget.'' Foolish for us to do a budget. And they did not do one. There is no budget. So for him to say it is a lie when we say we don't have a budget, well, that is inaccurate.

I will point out, as Senator WICKER knows, the Budget Act, the United States Code, defines what a budget is. It lays out some of the things that have to be a part of the budget and the process by which one is produced. It has to be reported by the Budget Committee by April 1. It sets out the date as April 1. Then we have to have a floor vote by April 15. And when it comes to the floor, the rule says we have unlimited amendments, with 50 hours of debate, and it can't be filibustered. So 50 hours would mean about 1 week. It can be done in 6, 7 days at most.

Mr. WICKER. It is the one thing that can't be filibustered.

Mr. SESSIONS. Absolutely. The party with the majority, 53 Senators, ought to be able to pass a budget. We passed a budget with 51 senators one time. A budget allows us to control everything but Social Security. We can't touch Social Security but we can deal with Medicare, Medicaid, food stamps, pensions, as well as the discretionary accounts. So that was all avoided.

My friend has been around here and in the House for a number of years, but it seems to me it would have been a healthy thing indeed for the Democrats to have brought to the floor a budget, even if I didn't agree with it. We then could have had a national public debate about these difficult choices the Nation faces and Senators would have to vote as to whether they believed that balancing the budget was worth cutting some spending here, and how much they believed in taxes we ought to raise, and how much would they be cutting in spending. We could read the fine print and ask how much we are cutting and actually debate and vote on these things. But that is what the majority leader and his colleagues wanted to avoid.

Mr. WICKER. It is what every city council, every State legislature cannot avoid. They do not have a printing press down in Montgomery, AL, or Jackson, MS.

I know the Senator has seen the local delegations of county officials coming in and talking about economic development. They tell me: Senator, we have had to cut back on this, we have had to cut back on that, we have had to do this to our budget. We used to be able to afford these things and now we can't afford them anymore. They have had to make sensible decisions. Councils and legislatures, Republican and Democrat, have faced the hard choices, and it can't be any fun for them. They have to face the voters and say: we paid for this last year, we don't have the money this year. And families have had to do that as well.

Mr. SESSIONS. I couldn't agree more. In my hometown of Mobile, AL, they fell one vote short of raising the sales tax because of the financial challenges they were facing, and they had a big debate about it, but they didn't duck the vote. They had the vote and they decided they didn't need to raise the taxes. But it wasn't a question of the city council being able to avoid a vote.

We in the great United States Senate, we travel the whole of our States over and over and over again and we ask for this tough job. My wife has a good phrase for it when I complain. She says: Don't blame me. You asked for the job. Well, we asked for this job. Nobody said it was going to be easy, and this is not easy because we have never faced a more fundamental financial crisis. Because of demographics and history and trends that are going on in our population, the situation is such that it is going to be difficult to meet these challenges.

Mr. WICKER. But we can meet these challenges.

I have grown children—32, 28, and 25. They may be about to age into the next year, and they wonder if they will even receive Medicare when it comes time to retire. That retirement for them will come sooner than they think, though it seems like forever. But they do not believe—that generation doesn't believe—Medicare will be there for them. If we tackle this problem, Medicare can be there for the next generation. It should be there for the next generation.

Mr. SESSIONS. Exactly.

Mr. WICKER. It won't look exactly like it does for my father, who is 88 years old today and depends on Medicare, but Medicare could be there. But not the way it is going now. We have to tackle these issues.

Mr. SESSIONS. My colleague is so right. We are not going to have to cancel these programs.

Mr. WICKER. No, sir.

Mr. SESSIONS. We can save these programs. It is just going to require us to confront reality and make some changes in how we do business.

I wish to say one more thing about this budget, before I forget. My Democratic colleagues claim the Budget Control Act was a budget, but it only dealt with discretionary spending. It didn't deal with all the other spending. It only set limits on expenditures and it didn't have any debate on the floor. It was a secret agreement. There was a budget limitation placed on spending as a result of Republicans insisting we had to reduce some spending before we would allow the President to raise the debt limit. That went on into the wee hours of the morning and they put together a horrible deal and now we are paying the price for it. It did cut some spending, and it limited how much spending we could do, but it didn't go through the budget process, it didn't cover all the government programs, and it doesn't have anything like the indices of a budget.

An attempt was made—and successfully—to bring up the President's budget for a vote. The motion was believed

to be legitimate because there was no budget, and we were going to have a vote on it. Our Democratic colleagues ran to the Parliamentarian to try to argue that this cap on spending that was agreed to last August was a budget. They picked the Parliamentarian. The majority hires the Parliamentarian. And very courageously and properly the Parliamentarian said: No, it is not a budget. So there was no budget in the Senate, and President Obama's budget was brought up and got zero votes.

I wanted to share that.

Mr. WICKER. Well, I appreciate the Senator's sharing his time with me.

Mr. President, I guess in a moment, Senator SESSIONS will yield the floor and we will go dark, subject to the call of the Chair for a vote at midnight, and then we will sort of slink out of town, with no appropriations bills, no defense bill, and no dealing with sequestration, which means meat axe cuts to defense and other programs.

But we will have gotten away under cover of darkness to face the voters, and in this country they are the ultimate arbiters.

I appreciate this opportunity to stand on the floor with a statesman such as my friend from Alabama and to thank him for his leadership on budget issues and to thank him for coming here and telling the truth to our colleagues and to the American people.

Mr. SESSIONS. Mr. President, Senator OLYMPIA SNOWE, who is not running again, is frustrated with this body and pointed out yesterday on the Senate floor that we voted in this body a few years ago up until November 1. We act like we have to be out by the middle of September. We aren't going to do any work during October, and we will come back maybe after the election in a lameduck circumstance and see how much junk can be shoved through here without real votes.

Isn't it true that we have had plenty of time since September to bring up the Defense authorization bill, to bring up a budget, to bring up some of the appropriations bills, at least some of them?

Mr. WICKER. Day after day, hour after hour in quorum calls. It is very frustrating, and frustrating to the people who sent us here to do a job.

Mr. SESSIONS. We have heard it said that 40 percent of what we spend every day is borrowed. Really, $4 billion a day is what we borrow. People probably think that can't be true, that 40 cents of every dollar we spend and put out the door has to be borrowed from countries around the world and from others who will loan us the money, and we pay interest on it.

In a recent interview in July on CNBC, Mr. Erskine Bowles—President Clinton's Chief of Staff, appointed by President Obama to head the debt commission—said this about the state of our finances:

If you take last year, 100 percent of our revenue that came into the country, every nickel, every single dollar that came into the country last year was spent on our—what's called mandatory spending and interest on the debt. Mandatory spending is principally the entitlement programs, Medicare, Medicaid, and Social Security.

What that means is every single dollar we spent last year on these two wars, national defense, homeland security, education, infrastructure, high-value-added research, every single dollar was borrowed. And half of it was borrowed from foreign countries. That is crazy. Crazy. It's a formula for failure in any organization.

That is the man President Obama chose to head the debt commission, a businessman who understands the threat this Nation faces.

We can get off this path. Congressman RYAN laid out a plan that would get us off this path. We have to get off this path.

As we head out from this Senate to return to our States and visit with our constituents, and as we head into an election, I would just like to ask, Is there one Senator on the other side of the aisle who can defend to the good people of this country the decision of this body to withhold a budget, withhold a financial plan from the country? Can you defend that? Can you defend not even attempting to do the fundamental requirement of Congress, which is to appropriate the money to run the government—not even bring up a single bill—for the second time in the history of the Republic?

What about the Defense authorization bill? It came out of our Armed Services Committee unanimously. The leadership has refused to bring it up on the Senate floor. Can you defend that?

Really, can you defend failing to deal with the fiscal cliff, the deep defense cuts and huge tax increases that will occur January 1? Wouldn't the economy be better if that uncertainty had been removed? We could have already brought up those bills and voted on them.

Instead, you know how they are going to do it: The leadership will meet over here, and it will be December 23. The majority leader said we may be here until December 23. That is when they will bring it all up. That is when the health care bill was passed. Christmas Eve is when the health care bill was passed.

So that is the plan: Bring it up at the end. Everybody will have to vote for it, or the government will shut down and it will be a disaster. That is the kind of thing we should be avoiding.

I believe the complaints that have been made today are not just political rhetoric, not just talk, but represent a legitimate, honest criticism of the leadership of the Senate. I think the American people should weigh that as they go to the polls.

Mr. TOOMEY. Mr. President, today the Senate will vote on H.J. Res. 117, a continuing resolution to fund Federal agencies for the next 6 months. While I appreciate that this measure avoids the need to negotiate a spending bill during the lame duck session, after careful consideration, I believe the promises I made to the people of Pennsylvania in 2010 compel me to oppose this bill.

H.J. Res. 117 establishes discretionary appropriations for fiscal year at $1.047 trillion, an amount equal to the spending cap created by the Budget Control Act of 2011. Unfortunately, this figure is far above what is fiscally responsible, which is one of the reasons I voted against the Budget Control Act last year. Given that the Federal Government has now run deficits in excess of $1 trillion for 4 consecutive years, it would be irresponsible to vote for a bill that increases discretionary spending by about $8 billion.

Furthermore, H.J. Res. 117 employs a tired old accounting gimmick called ''changes in mandatory spending programs'' to make discretionary spending appear nearly $20 billion lower. This gimmick does not eliminate mandatory spending; it only delays it, resulting in no actual budgetary savings.

The continuing resolution fails to restore recently undermined welfare-to-work provisions within the Temporary Assistance for Needy Families—TANF—Program. In 1996, a Republican led Congress and President Clinton enacted the Personal Responsibility and Work Opportunity Reconciliation Act—P.L. 104–193, a key component of which established work requirements, helping individuals provide for themselves and their families. On July 12, 2012, the administration unilaterally weakened reporting requirements for TANF, erroneously stipulating that waiver authority provided under section 1115 of the Social Security Act enabled the agency to modify work participation requirements, a provision explicitly outside the scope of waivable provisions. Welfare-to-work provisions have proven instrumental in transitioning millions off welfare. While TANF's work requirements have contributed towards declining welfare rolls, there remain additional opportunities to strengthen and reform the TANF program. By failing to engage in a dialogue, Congress missed a critical opportunity to restore the welfare-to-work requirements and assist more TANF recipients take steps towards independence.

Though I am unable to support this continuing resolution, I would note my support for one provision in the underlying legislation. I am happy that a technical correction was included that ensures that States that have not remediated all of their abandoned mine lands do not lose any payments from the Abandoned Mine Lands Trust Fund as a result of the recently enacted Moving Ahead for Progress in the 21st Century Act (Map-21). To pay for MAP–21, conferees inserted a provision intending to cap payments to States that have been certified by the EPA as having remediated all of their abandoned mine lands.

After enactment, there was some uncertainty about how this provision

would affect noncertified states like Pennsylvania because of the structure of the funding formula. This was clearly not the intent of Congress. The Congressional Budget Office scored the provision as capping payments to certified States only. Therefore, this technical correction ensures that Pennsylvania, the State with more abandoned mine lands than any other, continues to receive its baseline level of funding.

Mrs. MURRAY. Mr. President, I rise today to discuss an important provision included in the continuing resolution. As parents sent their children off to school this fall, many were uncertain whether their child would be taught by teachers in training who are enrolled in alternative route programs. That is why I am pleased this legislation requires the Department of Education to provide Congress, and the parents of Washington State and the country, information on how frequently this is occurring. The data and report should be made public and available to parents and other interested parties. As a former teacher, a Parent Teacher Association member, a school board president, and most important a mom who actively participated in my two children's journey through the education system, I firmly believe that every parent deserves to know the qualifications of their child's teacher.

Specifically, the provision requires the Secretary of Education to report to Congress no later than December 31, 2013, on the extent to which students with disabilities, English learners, students in rural areas, and students from low-income families are being taught by alternative route teachers in training who are deemed highly qualified according to title 34 section 200.56(a)(2)(ii) of the Code of Federal Regulations. This regulation allows individuals who have not yet obtained regular State teacher certification but are participating in alternative route programs to be labeled ''highly qualified.'' The provision included in this continuing resolution will require the Department of Education to gather and report the extent to which our most vulnerable students and those with the highest needs are being taught by teachers with the least amount of preparation. While we know many students are being taught by these teachers in training, we do not know if these teachers are equitably distributed among high need schools, in which States they are concentrated, or which student subgroups they are teaching. The report will provide this information and will be vital for developing policies to ensure every child in America receives a high-quality education.

The report should include data on the professional qualifications of teachers. In particular the number of teachers who have not met State qualification and licensing criteria for the grade levels and subjects areas in which the teacher provides instruction. Also, the report should include the number teaching under emergency or other provisional status through which State qualification or licensing criteria have been waived, the baccalaureate degree major of the teacher and any other graduate certification or degree held by the teacher, and the field of discipline of the teacher's certification or degree. States and local education agencies are already required to collect this data according to the Parents' Right to Know provisions of the No Child Left Behind Act of 2001.

I look forward to receiving this important report. Throughout my political career, from the school board to the Senate, I have been committed to doing everything I can to ensure every student has an opportunity to learn, and to succeed, to the best of his or her ability. This report will help us craft policy that supports this goal. Parents deserve to know who is teaching their child and it is our responsibility to ensure this information is provided.

FOREIGN AID

Mrs. FEINSTEIN. Mr. President, I would like to speak in opposition to the Paul amendment, and to put this debate over foreign aid in some context.

As chairman of the Intelligence Committee, I see the threats this Nation faces around the world.

We are no longer in a world where we can focus on ballistic missiles from Russia or troops pouring into Europe through the Fulda Gap. Instead, we face asymmetric threats—terrorist attacks, the potential use of chemical weapons, and the thousands of attempted cyber intrusions that hit our networks every day.

In this environment, our partnerships with other nations are more important than ever, as attacks can emanate from anywhere, and the responses to those threats often require bilateral or multilateral support.

I agree with Senator PAUL that there are areas where other nations can and should do more to combat these threats; after all, terrorism and extremist ideologies are not U.S. problems, they are global problems.

On the subject of Pakistan, I strongly agree that Dr. Shakil Afridi should be released from prison.

He helped play an important role in making the intelligence case that Usama bin Laden was at that compound in Abbottabad, and his actions helped this Nation eliminate the world's most wanted target.

I had the opportunity to make this case directly to Pakistan's Foreign Minister Hina Rabbani Khar and Pakistan's Ambassador to the United States Sherry Rehman in a meeting on Wednesday.

But is the appropriate response to cut off all U.S. assistance to Pakistan—including economic and humanitarian assistance—because of Dr. Afridi? No, clearly, it is not.

I joined an effort by Senator GRAHAM on the Foreign Operations Appropriations bill to cut $33 million in Foreign Military Financing for Pakistan in FY 2013—$1 million for every year of Dr. Afridi's prison sentence. It was a targeted effort, and it enabled us to send a public message to Pakistan.

The United States and Pakistan have had a series of confrontations over the past couple of years, and the relationship has been sorely tested. There has been fault on both sides.

And we are now improving our coordination and partnership in key areas, including on counterterrorism. We absolutely need to continue to press Pakistan to do more, and to release Dr. Afridi—and we are.

But eliminating all foreign assistance without a national security waiver is a knee-jerk reaction that will cause the United States more harm than good.

The amendment would also cut off all foreign assistance to the nascent governments in Egypt and Libya because elements of their populace or foreign fighters attacked the U.S. Embassy in Cairo and the consulate in Benghazi.

Both of those governments have denounced the attacks, and both have increased the security they are providing to U.S. missions.

We are still learning who was behind these attacks, whether motivated solely by a stupid video put out by someone with no regard for religious tolerance or the safety of Americans overseas or by terrorist elements who used the protests as a pretext to carry out an agenda of violence against the United States.

But one thing is pretty clear: the anger and violence directed against the United States by the people of Libya, Egypt, and perhaps numerous other Middle Eastern countries will not be lessened by reducing American aid.

The Paul amendment goes even further, though. It would prohibit any direct U.S. assistance to any country in which a U.S. diplomatic facility was attacked, trespassed upon, breached, or attempted to be attacked, trespassed upon, or breached even if the host government provided every possible measure of security and support, and no matter how small the infraction.

I believe in a strategy of engagement. I believe that the United States should work with countries to root out terrorists and denounce extremism of all forms.

And I believe that we should use foreign aid—which, by the way, accounts for only 1 percent of the U.S. government's budget—to bring humanitarian relief, support democratization, and help other governments improve their own security and law enforcement efforts to defeat terrorism and extremism.

Indeed, at this time, we should look to the example set by Ambassador Chris Stevens, a man who dedicated himself to learning the language and the culture of the Middle East and promoting the universal values of democracy, human rights and the rule of law—from his time as a Peace Corps volunteer in Morocco, to tours as a

Foreign Service Officer in Jerusalem, Damascus, Riyadh, and Cairo, and, finally, as our Ambassador to a democratic Libya.

Ambassador Stevens worked tirelessly to help the people of Libya build a new country and new future after years of brutal dictatorship.

He knew that path would not be easy and there would be many challenges. But he also knew that the Libyan people could succeed and that leadership and support from the United States would be crucial.

This amendment will turn America away from the commitment to the Middle East that Ambassador Stevens championed and towards isolation.

It will harm America's interests, will harm our national security, and will promote anti-Americanism in precisely the parts of the world where we need to be more, not less, engaged.

I urge my colleagues to oppose the Paul amendment.

● Mr. RUBIO. Mr. President, in every region of the world, the United States should search for ways to use foreign aid and humanitarian assistance to strengthen our influence, the effectiveness of our leadership, and the service of our national interests and ideals. When done effectively, in partnership with the private sector, with faith-based organizations, and our allies, foreign aid is a cost-effective way not only to export our values and our example but to advance our security and economic goals.

Foreign aid is a foreign policy tool used by the United States to work with other countries. In the case of Libya, Egypt, and Pakistan, each receives significant amounts of foreign aid from the U.S. taxpayers, and U.S. citizens expect these countries to meet the conditions we set upon this aid. In the wake of the uprisings across the Muslim world and the September 11, 2012, terrorist attack on the U.S. consulate in Libya, it is imperative that the United States receive the full cooperation of the host nations in investigating and prosecuting those responsible for the attacks on our diplomatic missions and the deaths of four brave Americans.

Senator RAND PAUL's legislation would affect aid for these countries by effectively eliminating it. The American people deserve to be outraged following these attacks. However, the situations in these three countries are very different.

In Egypt, the government has the security capabilities to protect our Embassy and failed to do so. It was unacceptable that their President didn't immediately condemn the attacks and instead focused on a YouTube video.

In Libya, there was a terrorist attack on our consulate which resulted in the death of four Americans, including the Ambassador. The Libyan people rejected Islamists in their recent election, but their pro-Western Libyan Government does not have the security capabilities of the Egyptians. So far, the Libyans are trying to do the right thing by working with the United States to investigate these attacks and strengthen their own security capabilities. In fact, just yesterday thousands of Libyans fed up with terrorism took matters into their own hands by seizing control of the headquarters of several militias and demanding they be disarmed. Cutting off aid to Libya, which is trying to help us, is not the answer as it would weaken their ability to help us and undermine their efforts to defeat the terrorists in their country. It would also represent America's stunning rejection of what is clearly the Libyan people's will to reject extremists and terrorists trying to lead Libya back to darkness.

With Pakistan, I believe we should condition some if not all of the aid on the release of Dr. Afridi. He has been arrested on false charges. The time has finally come for Pakistan to decide if they are going to be a truthful ally of the United States.

Senator PAUL's legislation lumps in three different countries with three very different situations, and I could not support such a measure as drafted. Prior to the vote on this matter, I urged Senator PAUL to consider, at a minimum, restructuring his amendment to recognize that there are considerable differences between Libya, Egypt, and Pakistan. Since no changes were ultimately made, I opposed this measure.●

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

RECESS

Mr. TESTER. Mr. President, I ask unanimous consent that the Senate recess until 11:30 p.m. today.

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

Thereupon, the Senate, at 6:22 p.m., recessed until 11:30 p.m. and reassembled when called to order by the Presiding Officer (Mr. KERRY).

SPORTSMEN'S ACT OF 2012—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senator from Vermont is recognized.

FOREIGN AID

Mr. LEAHY. Mr. President, seeing the distinguished chairman of the Foreign Relations Committee in the chair, I have a feeling I may be preaching to the converted, but let me say we, all of us, were outraged by the video denigrating the Muslim faith but then by the mob violence—some of it encouraged by al-Qaida or other extremist groups—against our embassies and diplomats in Egypt, Libya, Pakistan, and other countries around the world. Secretary of State Clinton said it well: ''The United States rejects both the content and message of that video . . . and deplores any intentional effort to denigrate the religious beliefs of others.''

The Secretary and President Obama have also said, repeatedly, that there is never any justification for the violent acts that have been perpetrated against our diplomats, and they have called on the governments of those countries to protect our embassies and consulates. And of course, they are right.

As far as I am aware we have received the condolences and support of the governments of these countries, as well as scores of other governments around the world.

The support and sympathy expressed, not only by foreign officials but by countless citizens of these countries who have denounced the attacks on United States personnel, needs to be recognized.

There is no evidence, that I am aware of, that any of these governments were responsible for, or had any involvement in, these violent demonstrations. They neither ordered nor condoned them. To the contrary, they have since taken steps to protect our facilities and personnel.

That is why I am mystified by the legislation offered by the junior Senator from Kentucky, Senator PAUL, which would cut off aid to key U.S. allies like Israel, Indonesia and Jordan where such protests have occurred, even peaceful demonstrations, as well as security partners like Egypt, Libya, and Pakistan.

On the one hand, there are some affirmations of our policy goals in the legislation that I agree with—for example, we all want those responsible for the deaths of Ambassador Stevens and the other Americans in Benghazi, as well as the destruction of property there and in Cairo and elsewhere, to be brought to justice. And already, dozens of people are under arrest in those countries.

But anyone who is inclined to support this legislation should read the fine print, because the way it is drafted is not only unworkable, it would serve to inflame an already dangerous situation, harming America's national security interests.

For example, all aid would be cut off to governments in countries where a demonstration occurred, even a peaceful demonstration, until the government arrests everyone who participated, and until the FBI has identified everyone involved and they are all in the custody of the United States, even if we do not have extradition treaties with those countries.

In other words, we would cut off aid to the governments of Egypt, Israel, Jordan, Libya, Pakistan, Indonesia, Morocco, Nigeria, Turkey, Lebanon,

Iraq, Afghanistan, Tunisia, Yemen, and India, among others, until every one of the thousands of people who participated in demonstrations in those countries has been identified by name, arrested, and brought to the United States and imprisoned.

I have seen unworkable, unwise legislation before, but this may win the prize. Not only would this be a colossal waste of FBI resources, it would be impossible to implement.

How is the FBI going to determine the identity of everyone who joined in these protests? Is that really what we want the FBI doing?

Are we, who believe in freedom of speech, really going to fill up our prisons with thousands of foreigners, including those who have engaged in peaceful demonstrations?

Does the author of this amendment have any idea how much that would cost U.S. taxpayers?

Are we really going to cut off aid to the Government of Egypt, which has reaffirmed its peace agreement with Israel, sent troops against Egyptian extremists in the Sinai, deployed police to protect the U.S. embassy, and is in the process of negotiating an agreement with the IMF—with U.S. and European support—to reform its economy?

Are we going to also cut off aid to Israel—which we would not do, of course?

Do we really want to cut off aid to the Government of Indonesia, the largest Muslim country in the world and a key U.S. ally in South East Asia?

And Libya, which we helped to liberate, and which has just emerged from a bloody revolution to overthrow a tyrant who posed a real threat to regional peace and security?

As I said before, we are all outraged and saddened by the tragic events in Benghazi, Cairo, and elsewhere. There is no justification for it. We expect to see those responsible for the violence to be brought to justice, and we have insisted that these governments fulfill their obligation to protect our embassies, as we protect theirs.

But this is no way to honor the patriotism and sacrifice of Ambassador Stevens and the others who lost their lives.

We are not talking about brutal kleptocracies like the Mobutu Government of the 1980s who the junior Senator from Kentucky spoke of today.

These are fledgling democracies whose people have been ruled and brutalized by corrupt dictators for decades. They are struggling to draft new constitutions, elect parliaments, reform their police, restructure their stagnant economies, and manage competing ethnic, religious and political factions, some of which have been in conflict with each other for centuries.

We can punish them by cutting off our aid, even though these governments had no more to do with organizing the protests than our government had to do with producing the anti-Muslim video that is inciting the protests.

That might score political points for some back home.

Or we can support them in making decisions that will improve our relations and strengthen our security.

Withdrawal is not an option for the United States. Isolationism is not an option. Overreacting in ways that embolden violent extremists is not an option.

This amendment is poorly conceived, poorly drafted, and would have all sorts of unintended and dangerous consequences. The best message the United States Congress could send to the forces of democracy in these countries is to defeat it overwhelmingly.

I believe, like so many both Democrats and Republicans who have spoken against this, it makes no sense.

I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time? The Senator from South Carolina.

Mr. DEMINT. Mr. President, Americans are crying out for us to stop giving away hard-earned tax dollars to countries that are not our friends. I agree. We need to review all our foreign aid and make any aid conditional on the protection of Americans and of our interests. But when it comes to the bill offered by Senator PAUL, I have to say I do not like how some parts of it are worded. It has some flaws and Members on both sides of the aisle have some legitimate concerns. I have been working all day with Senator PAUL to improve the language to address concerns on our side.

Senator PAUL has been more than accommodating on this. He was willing to limit the scope of the bill to Libya, Pakistan, and Egypt. With respect to Libya and Egypt, he agreed to loosen restrictions so the funds would not turn off for 60 days, and only turn off if it was clear their governments were not cooperating with the investigation into the attacks and efforts to find the perpetrators. In short, he was willing to accept the legitimate concerns that have been raised by colleagues with respect to the potential unintended consequences of the bill.

Then Senator PAUL asked the majority leader if he could modify the bill. Senators do this all the time—or at least we used to. We work together, we have managers' amendments, we allow Senators to modify their legislation to fix issues raised by other Senators. So after all this work and this good faith accommodation by Senator PAUL who, to address the concerns of colleagues on both sides of the aisle, was agreeing to changes that narrowed the scope of the legislation far beyond what he personally wanted—after all this, the other side of the aisle decided to play gotcha. They would not let him modify his own amendment. His request was made 8 to 10 hours before the vote—plenty of time for Members to review the changes—but the normal rules of comity apparently do not apply anymore in the Senate.

This Senator is ashamed of the way the Senate is being run. We have had an entire Congress of gag rules, limited debate, limited votes, limited amendments, and the result has been no accomplishments. Over the last 2 years, the Senate has become a laughingstock. I may not like the way Senator PAUL's bill is worded, his unmodified bill. I do not agree with the scope of the conditions in some cases, but I support the goals of providing accountability in our foreign aid, of freeing Dr. Afridi, and of ensuring that those we support with our precious dollars are defending our interests and our diplomats overseas.

I will vote yes on this bill in support of these principles. The bill will not pass, but the other side cannot hide from this issue forever. Senator PAUL will be back and I will be back with him. We will get the votes the American people are demanding.

Mr. KERRY. Will the Senator yield for a question?

Mr. DEMINT. Certainly.

Mr. KERRY. I ask the Senator this question. We all understand the normal rules of the Senate. This is a big policy, cutting off four countries' aid with a set of circumstances that is so rigid it may encompass countries such as Israel and others. The normal rules of comity are that something such as this would go through the appropriate committee. That is why we have committees.

The Senator from South Carolina is a member of the Foreign Relations Committee. This has never been to the Foreign Relations Committee. Does the Senator believe some policy as important as this doesn't deserve a hearing, doesn't deserve a process? I think the Senator knows that as the chairman I have never slowed down a process of our committee. The normal rules of comity ought to require this to go through the committee.

Mr. DEMINT. I say to the Senator, if that were true, I think he has to admit Senator TESTER has one that his side pushed this night that has not been through committee, violates the budget, and a number of other things.

The point is this. Senator PAUL has been working on this legislation for several months and has been working to try to get a vote on this floor for several months and he could not get it. He was turned down time and time again. This legislation has been out there. The issue of foreign aid has been out there. We have not taken it up as a committee as we should have. The fact that he is not given the opportunity to get a vote on the amendment of his choice, to modify his own amendment, does break the precedent of the Senate and does break the comity we should enjoy here. When a Member offers an amendment, they should be able to modify it.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. LEE. Mr. President, I stand tonight in support of the amendment of

Senator PAUL to provide limitations on the amount and scope of foreign aid the United States sends abroad. This is not a decision I have reached quickly, nor is it an issue I take lightly.

I appreciate that, as some of my colleagues have pointed out, conditions already exist on some of the foreign aid we send to Pakistan, Egypt, Libya, and Yemen. I respectfully submit, however, that these conditions are not producing the desired result nor are they yet fully enforced.

For example, is Pakistan cooperating with the United States on countering terrorism efforts and preventing terrorists from basing or operating in Pakistan, as is already required in section 7046 of Public Law 112–74? Are the programs and activities we support in Afghanistan sustainable, as is also required by section 7046? If the answer to these and to other questions regarding this aid could possibly be no, then we have an obligation to the American people to at least review this aid and inspect every single dollar we send abroad to ensure that the billions of dollars we send to Pakistan, to Egypt, and to Libya are well spent.

I support this amendment, if for no other reason than to begin the debate on the merit of sending billions of American dollars abroad each and every year. When will we stop sending this kind of money to nations that harbor terrorists and imprison those who, like Dr. Afridi, would defend our interests?

To be clear, I don't think the amendment of Senator PAUL is perfect. Many of my colleagues have legitimate concerns about this amendment's potential effect on some of our allies outside the Middle East. That is why I and several other Senators have asked our staffs to work with Senator PAUL and his office to narrow the scope of this amendment. Senator PAUL was responsive to our concerns and was willing to make the requested changes.

Unfortunately, the majority leader refused to allow Senator PAUL to modify his own amendment. I don't yet have 2 full years under my belt as a Member of this body, but I have been around just long enough to see that managers' amendments and modifications are routinely applied to their own legislation, and I am very sorry Senator PAUL was not given the courtesy that apparently is reserved only for other Members of this distinguished body.

In a Senate where the majority leader has recently announced ''the amendment days are over,'' I guess I should not be surprised.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KERRY. I will just take 1 minute before I yield back. With respect to the question, first of all—I obviously do not run the Senate so I cannot speak about what happened with respect to these other pieces of legislation, but I am responsible for the Foreign Relations Committee. This particular amendment was filed at the desk on September 19. We are here under rule XIV. That is not months of work. The first time I heard of it was when it came to the desk. So this could well have been a policy we amended in the committee, that we worked on appropriately, came up with some appropriate way of dealing with legitimate issues.

I am not denigrating the legitimacy of some of the issues the Senator from Kentucky raises. We had a very profound conversation with the Foreign Minister of Pakistan the other day. The Foreign Relations Committee met with her. We went into Dr. Afridi's situation in some detail, and there are other issues raised here. But just to come in out of the whole blue and file it at the desk and say let's change years of policy with a country that we, in the case of Egypt, desperately rely on with respect to the peace process in the Middle East, sustaining the peace agreement with Israel—it just defies rationale about how you make good foreign policy.

I will have more to say about it in a moment, but I just want to make it clear this did not come to the floor until September 19 at the desk and it is here under rule XIV.

Mr. MCCAIN. Will the Senator yield for a question?

Mr. KERRY. I don't know how much time we have.

The ACTING PRESIDENT pro tempore. Nine minutes.

Mr. KERRY. We will hold off and come back.

Mr. LEE. Will the Senator yield?

Mr. KERRY. Not on my time, no. I will do it on the Senator's time.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. MCCAIN. Mr. President, parliamentary inquiry: Whose time is being——

The ACTING PRESIDENT pro tempore. If no one yields time, time will be charged equally to both sides.

The Senator from Utah.

Mr. LEE. Mr. President, I rise to respond to my friend and distinguished colleague, the Senator from Massachusetts.

In the first place, it is significant. Dr. Afridi has been in prison for more than a year. It is significant that this amount of time has elapsed. It is appropriate that we respond in some fashion. I don't know why exactly legislation has not emerged from the Foreign Relations Committee, on which I sit. The fact is it has not.

I respect the junior Senator from Kentucky for having the courage to bring forward this legislation. Regardless, the fact is that this legislation is now before us. We can argue about how it got here and about whether it should have gone through committee, but it is before us. The fact that it is now before us means the Senator from Kentucky who introduced it ought to have certain prerogatives—prerogatives to change it or modify it before it gets to the floor. That is the point I was making, and that is the point I think bears some mention here. I think that is a point which was somehow lost in this discussion today, and that is most unfortunate.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky.

UNANIMOUS CONSENT REQUEST—S. 3576

Mr. PAUL. Mr. President, I ask unanimous consent that the pending business be set side and that S. 3576 be made pending; that the Paul substitute amendment No. 2849 to S. 3576 be adopted; and that at the appropriate time the Senate consider S. 3576 as amended under the terms of the earlier order.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. KERRY. Yes, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Who yields time?

The Senator from Kentucky.

Mr. PAUL. It boggles the mind to think that Hillary Clinton was on Capitol Hill this week to ask for increasing aid to Egypt. It boggles the mind that last month President Obama found an extra $1 billion to give to Pakistan.

Meanwhile, Dr. Shakil Afridi has been in prison for a year. He said directly in interviews that he has been tortured by the Pakistani Government. Now he has been imprisoned for life. The Foreign Relations Committee has had a year to act on this and has not been forthcoming in doing anything to address Dr. Afridi or get him freed or to attach any restrictions or limitations to foreign aid. The restrictions currently in place are for the administration, and they have been waived.

I say we don't give up the power of the purse. I say we keep the power of the purse and the restrictions with the legislature. This bill places restrictions on foreign aid to three countries. This bill does not end foreign aid, it adds restrictions. Some have argued that interrupting foreign aid now could inflame the Arab world. Does anyone think they are not already inflamed? They are inflamed because our foreign aid has incensed them. Our foreign aid bought Mubarak tear gas and police truncheons. We need to understand why the Arabs are angry.

Some have argued that aid to Israel could be ended by this bill. That is ridiculous. The bill requires the Secretary of State to allege that a country did not attempt to protect an embassy that was attacked. To imply that a Secretary of State, Republican or Democrat, is going to allege that Israel is not protecting our embassy is absurd. It boggles the mind to think that any Senator wants to send foreign aid without conditions to countries that are burning our flag. I, for one, will not vote for one more penny to be sent to the people who riot and burn the American flag. Enough is enough. We are running a trillion-dollar deficit, and Americans are tired of their tax dollars being sent to countries that are burning the American flag.

I urge a ''yes'' vote on placing restrictions on foreign aid.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts. I yield the time to the Senator from Arizona.

Mr. KERRY. Mr. President, let me say quickly to the Senator from Kentucky, whom I asked the other day whether he has ever been to Pakistan or Egypt—I think if he had, he would know something more about the millions of people in those countries who aspire to democracy and who have invested in our values and are trying to have a different future.

I particularly—''resent'' is not a particularly attractive word, but to hear him say that the Foreign Relations Committee has done nothing on Dr. Afridi does a disservice to the efforts we have been making in what is called a quiet and thoughtful diplomacy. Not all diplomacy is conducted by passing a fly-by-night amendment on the floor of the Senate, pretending that is going to improve relations or change the world. When we sit down with people and talk through problems, we can work out a resolution.

We had a long conversation just a day ago with the Foreign Minister of Pakistan about Dr. Afridi. That was not the first conversation. For months some of us have been talking with Pakistan about how we resolve this issue, which does, incidentally, have something to do with the law of another country, the politics of another country, and the political demands and needs of another country. It is not always the best way to resolve those things simply by racing to the floor of the Senate and saying: Here, do what we tell you. I am afraid that is not always how it works.

So I think the Senator from Kentucky has a lot to learn about how we get things done within the international community.

I yield 3 minutes to the Senator from Arizona.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I hope all of my colleagues will take note that AIPAC disagrees with the view of the Senator from Kentucky about the effect this legislation may have on aid to Israel.

Every Member of Congress and all Americans should know what happened today in Benghazi, Libya. The reports are that as many as 30,000 Libyans took to the streets in Benghazi, the city in which Ambassador Chris Stevens and three of his colleagues were tragically murdered 10 days ago. These demonstrators marched peacefully to the gates of the compound of Ansar al-Sharia, the militia that was responsible for the attack that killed Ambassador Stevens and his colleagues. The demonstrators conducted themselves peacefully. According to media reports, they carried signs that read ''The Ambassador was Libya's friend'' and ''No, no to militias.'' When these brave Libyans arrived at the gates of the compound, they told the militia that they and their violent, extremist agenda are not welcome in the new Libya. Do we want to send a message tonight, after the people of Libya told the militants no, that we don't want to have anything to do with them, we won't assist them, we won't give them what they need to establish a democratic and free society?

Because of what happened in Benghazi today, somewhere Chris Stevens is smiling. He is smiling because this is the real Libya, the Libya he knew and loved so well. This is the Libya he wanted America to support and remain engaged with, the Libya of which he ultimately gave his life. These brave people in Libya are friends of America's. They want our help, and they need our help. We must continue to provide it to them, which is exactly what Chris Stevens would have wanted.

If the Senate were to cut off all U.S. assistance to Libya now, as this amendment before us would do, it would abandon our friends to our terrorist enemies and destroy America's moral standing in the world and do egregious harm to our national interests.

Mr. KERRY. Mr. President, how much time do we have remaining?

The ACTING PRESIDENT pro tempore. Four minutes.

Who yields time?

Mr. KERRY. How much time is remaining altogether?

The ACTING PRESIDENT pro tempore. Two minutes 20 seconds on Senator PAUL's time; 4 minutes left to the Senator from Massachusetts.

Mr. KERRY. Does the Senator plan to use his time?

Mr. PAUL. I will reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. If no one yields time, time will be charged equally to both sides.

Mr. KERRY. Mr. President, I yield such time as I may use. I will be happy to have the Senator speak last if that is what he wants to do.

We have heard today from 110 retired generals and admirals that the suspension of U.S. aid is not in America's interest and that assistance is a critical component of America's national security strategy.

We have heard from Jewish Americans about the impacts this bill would have on our relationship with Israel at what they have called ''a time of turmoil and uncertainty,'' and ''the U.S. government needs to be able to use all available tools to influence events in the region.''

It would affect Israel's security if the United States were to suddenly pull out its assistance and change its relationship with Yemen and particularly change its relationship with Egypt.

I have heard from the State Department, which said this legislation ''will weaken democracies'' and ''play into the hands of extremists.''

With respect to Libya, Senator MCCAIN has just spoken eloquently about Chris Stevens. He knew Chris Stevens. We knew him on our committee. He worked for Senator LUGAR, and we knew him as a Pearson fellow. There was no more dedicated person. We just confirmed him and sent him over this May. I guarantee that the last thing he would want is his death being used as an excuse for the United States to cut off Libya and to disengage.

The 30,000 people who marched today marched for America. They marched for themselves. They marched for democracy. They marched for what Chris Stevens was investing in. I don't think we want to punish those people and that government because of what happened.

With respect to Egypt, the United States derives extraordinarily important security benefits from that relationship. Shutting down American military assistance to Egypt would jeopardize our nonproliferation initiatives. It would undermine efforts to stop the smuggling of weapons and interdicting of arms into Gaza, which affects the security of Israel. It would undermine the 1979 peace treaty between Israel and Egypt. Those of us who have traveled to Israel in recent months have heard concern from Israeli officials about the prospects of suspension of American military assistance to Egypt. They have already talked about it. They are nervous about it, and they think it would have a profound negative impact on their security and Israel.

These are the connections the Paul legislation just doesn't face up to. Senator PAUL's legislation would essentially shut down our ability to work with the new civilian government. And while we are working to build the same kind of alliance with them we have had previously, it would really interrupt that and say to them that the United States of America is not interested in having that kind of an alliance.

With respect to Pakistan, the reality is the United States has vital national security interests in Pakistan, all of which are at stake. They have a population of 190 million people, a troubled economy, pockets of extremism, and a robust nuclear arsenal. We can't turn our backs on any of that, and I think we need to remember that our aid plays a critical role in supporting our interests and our values.

The Paul amendment would make us less secure, and it is in no one's interest.

Whatever time we have, I reserve the remainder.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from Kentucky.

Mr. PAUL. Mr. President, nothing in this bill refers to Israel, and nothing would apply to Israel. To imagine that any money could be removed from Israel, we would have to imagine that Secretary of State Hillary Clinton accuses Israel of not protecting the Embassy. It is a canard, and it is a typical one that has been used many times.

Nothing in the bill says we would have no aid to these countries. It simply says to these countries that if they protect our Embassy—Libya, if you continue to cooperate and send back terrorists and catch the assassins, you will continue to get our aid.

It conditions aid on behavior. Right now, aid is not being conditioned on behavior.

We have Pakistan, which has actually tortured a friend of America's. Dr. Shakil Afridi has been tortured for a year by the Pakistani Government.

The Foreign Relations Committee has done nothing to address that, and so we have Dr. Shakil Afridi now in prison for years—for the rest of his life, essentially. I don't see any action forthcoming from the Foreign Affairs Committee.

What I would say to my colleagues is this is a bill that places restrictions on foreign aid, it does not end foreign aid. It doesn't breach the Israel-Egypt treaty or the Camp David Accords. It is a canard. It is brought up routinely to try to prevent any changes or reform in foreign aid. We always hear it is going to end aid to Israel. It is a canard.

What I would say to my colleagues is this bill does not end foreign aid. It places restrictions on foreign aid. Ask the American people: Do you think these restrictions are appropriate? Do you think a host country should protect our Embassy? Do you think a host country such as Libya should be asked to continue to cooperate? Do you think a host country such as Pakistan should turn over a friend of America and not imprison and torture a friend of America?

I think these are very reasonable restrictions. I think these are restrictions we should have. I think these are restrictions anyone in America would say are very reasonable, and I urge adoption of the resolution.

The PRESIDING OFFICER. All time has expired.

Mr. KERRY. Mr. President, could we have order in the Senate.

The PRESIDING OFFICER. There is order in the Senate.

The Senator's time has expired.

Mr. KERRY. Mr. President, for such time as I have left, let me make it clear: The Paul legislation requires all identifiable persons associated with organizing, planning, participating in the attacks, trespass, breach, or attempted attack, have been identified by the Federal Bureau of Investigation, Bureau of Diplomatic Security, or other United States law enforcement entity, and are in United States custody. We are talking about other countries. That is an absolutely impossible-to-fulfill requirement and that is why it would result in the cutoff of aid automatically, and that is why it is dangerous.

The PRESIDING OFFICER. All time has expired.

PROVIDING LIMITATIONS ON UNITED STATES ASSISTANCE

The PRESIDING OFFICER. Under the previous order, the clerk will report S. 3576.

The legislative clerk read as follows:

A bill (S. 3576) to provide limitations on United States assistance, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the clerk will read the bill for the third time.

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?

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER) and the Senator from Washington (Mrs. MURRAY) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Arkansas (Mr. BOOZMAN), the Senator from North Carolina (Mr. BURR), the Senator from Nevada (Mr. HELLER), the Senator from Oklahoma (Mr. INHOFE), the Senator from Illinois (Mr. KIRK), the Senator from Florida (Mr. RUBIO), and the Senator from Louisiana (Mr. VITTER).

Further, if present and voting, the Senator from Nevada (Mr. HELLER) would have voted: ''yea.''

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

The result was announced—yeas 10, nays 81, as follows:

[Rollcall Vote No. 196 Leg.]

YEAS—10

Crapo	Moran	Shelby
DeMint	Paul	Toomey
Grassley	Risch	
Lee	Roberts	

NAYS—81

Akaka	Durbin	Lugar
Alexander	Enzi	Manchin
Ayotte	Feinstein	McCain
Barrasso	Franken	McCaskill
Baucus	Gillibrand	McConnell
Begich	Graham	Menendez
Bennet	Hagan	Merkley
Bingaman	Harkin	Mikulski
Blumenthal	Hatch	Murkowski
Blunt	Hoeven	Nelson (NE)
Brown (MA)	Hutchison	Nelson (FL)
Brown (OH)	Inouye	Portman
Cantwell	Isakson	Pryor
Cardin	Johanns	Reed
Carper	Johnson (SD)	Reid
Casey	Johnson (WI)	Rockefeller
Chambliss	Kerry	Sanders
Coats	Klobuchar	Schumer
Coburn	Kohl	Sessions
Cochran	Kyl	Shaheen
Collins	Landrieu	Snowe
Conrad	Lautenberg	Stabenow
Coons	Leahy	Tester
Corker	Levin	Thune
Cornyn	Lieberman	Udall (CO)
Udall (NM)	Webb	Wicker
Warner	Whitehouse	Wyden

NOT VOTING—9

Boozman	Heller	Murray
Boxer	Inhofe	Rubio
Burr	Kirk	Vitter

The PRESIDING OFFICER. The 60-vote threshold not having been achieved, the bill is rejected.

EXPRESSING THE SENSE OF CONGRESS REGARDING THE NUCLEAR PROGRAM OF THE GOVERNMENT OF THE ISLAMIC REPUBLIC OF IRAN

The PRESIDING OFFICER. Under the previous order, the clerk will report S.J. Res. 41 by title.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 41) expressing the sense of Congress regarding the nuclear program of the Government of the Islamic Republic of Iran.

The Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER. Under the previous order, there is now 2 minutes equally divided.

The Senator from South Carolina.

Mr. GRAHAM. Mr. President, this resolution has 83 cosponsors. Even I cannot lose this vote.

This resolution says it will not be the policy of the United States to allow the Iranian regime to get a nuclear weapon and try to contain them. President Obama has rejected containment. Governor Romney, 83 Senators have said that is a bad idea.

Very quickly, why will containment not work? If the Iranians get a nuclear weapon, every Sunni Arab state will want one themselves. Israel will never know a minute's peace. And my biggest fear: If we allow these people to get a nuclear weapon, they will share the technology with terrorists. The reason thousands have died in the war on terror—not millions—is because the terrorists cannot get the weapons to kill millions.

Senator CASEY has been terrific. My Democratic colleagues, thank you for working in a bipartisan fashion.

I yield now to Senator CASEY.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I want to, first of all, thank all the Members who are cosponsors, led by Senator GRAHAM, Senator LIEBERMAN, and our team doing this.

This is bipartisan on a very important issue. I think it does three things. It adds a sense of urgency because of the threat posed by an Iranian nuclear program, it adds clarity, and also the resolve of the American people to stop them.

I thank the Chair.

Mr. FRANKEN. Mr. President, today I vote to support S.J. Res. 41, reinforcing President Obama's policy of preventing Iran from possessing a nuclear weapon rather than containing a nuclear Iran. I support this resolution, which explicitly states that nothing in

it should be construed as an authorization to use force, because its intention and its purpose is to echo and reinforce President Obama's policy toward Iran. It is particularly important to make that clear because there has been a lot of debate about the meaning of the term ''nuclear weapons capability'' in the resolution. But a brief examination of the issue shows that the resolution and its language support the President's policy of preventing Iran from developing or acquiring a nuclear weapon.

An authoritative definition of a nuclear weapons capability was offered in testimony by the Director of National Intelligence in 2009. He stated that there are three parts of an effective nuclear weapons capability: production of fissile material; effective means for weapon delivery; and design, weaponization, and testing of the warhead itself. According to this definition, the Senate and the President are articulating the same position: we are committed to preventing Iran from achieving all of those components of a nuclear weapons capability, which amounts to saying that Iran must not develop or acquire nuclear weapons.

That we are reinforcing the President's policy was one of the main themes in the debate on the resolution on the floor of the Senate. When this was debated in May, that is what both the sponsor, Senator GRAHAM, and the lead cosponsor, Senator LIEBERMAN, emphasized repeatedly. Senator LIEBERMAN stated, ''This resolution's main focus is to essentially back up with a congressional statement the position President Obama has articulated: that no matter what happens, containment of a nuclear Iran is not an acceptable policy from the point of view of the security of the United States; that our policy is to prevent the government of the Islamic Republic of Iran from acquiring a nuclear weapons capability.'' And Senator GRAHAM stated, ''We are intending to echo a policy statement made by President Obama that the policy of the United States will be—if you are listening in Tehran—not to contain Iran if they obtain a nuclear capability.'' Again, Senator GRAHAM stated, ''We are not coming up with a new idea: we are just reinforcing an idea put on the table by our own President—we are not going to contain a nuclear-capable Iran as a policy.''

Other leading voices on this issue in the Senate made the same point at the time. Senator MCCAIN stated, ''So this resolution we are considering is no different in any way—in fact, it is less specific than what the President of the United States has said and what I believe most every Member of the U.S. Senate is on record one way or the other saying: that the development of a nuclear weapon by Iran would be an unacceptable situation.'' Senator MENENDEZ similarly characterized the resolution as ''making the intentions or amplifying the intentions of the President crystal clear.''

Those intentions are to prevent Iran from developing or acquiring a nuclear weapon. I share those intentions, and that is why I support the resolution today.

Mr. LEAHY. Mr. President, I will vote for this resolution which reaffirms current U.S. policy towards Iran.

In doing so, I want to emphasize that it is my understanding that this Resolution, which is non-binding, is in no way intended by its sponsors to endorse, authorize, or otherwise encourage the use of military force against Iran.

Secretary of Defense Panetta, Secretary of State Clinton, former Secretary of Defense Gates, and other top Pentagon officials have strongly advised against the use of pre-emptive military force. They said it would, at best, only temporarily halt Iran's nuclear program, it would drive their program further underground, and it could ignite a wider war in the Middle East that could spin out of control.

I am as concerned as anyone about Iran. But while this Resolution reaffirms that concern, that is the extent of what it does. The policy of the Administration, and of our allies is to support sanctions, to use diplomacy, to resort to military force only if all other options fail. This Resolution does not change that.

The PRESIDING OFFICER. All time in favor has expired.

Who yields time in opposition?

The Senator from Kentucky.

Mr. PAUL. Mr. President, a vote for this resolution is a vote for the concept of preemptive war. I know of no other way to interpret this resolution.

The resolution states that containment will never be our policy toward Iran. While I think it is unwise to say we will contain Iran, I think it is equally unwise to say we will never contain Iran.

We woke up one day and Pakistan was a nuclear power. We woke up one day and North Korea was a nuclear power—India, Russia, China. But if we would have announced preemptively that we were not going to contain anyone, then we would be at odds with these countries, and what would the solution be? Preemptive war.

Announcing to the world, as this resolution does, that containment will never be our policy is unwise. A country that vows to never contain an enemy is a country that vows always to preemptively strike.

I urge a ''no'' vote on this resolution.

The PRESIDING OFFICER. All time is expired.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall the joint resolution pass?

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 legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER) and the Senator from Washington (Mrs. MURRAY) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Arkansas (Mr. BOOZMAN), the Senator from North Carolina (Mr. BURR), the Senator from Nevada (Mr. HELLER), the Senator from Oklahoma (Mr. INHOFE), the Senator from Illinois (Mr. KIRK), the Senator from Florida (Mr. RUBIO), and the Senator from Louisiana (Mr. VITTER).

Further, if present and voting, the Senator from Nevada (Mr. HELLER) would have voted: ''aye.''

The PRESIDING OFFICER (Mr. NELSON of Florida). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 90, nays 1, as follows:

[Rollcall Vote No. 197 Leg.]

YEAS—90

Akaka	Franken	Merkley
Alexander	Gillibrand	Mikulski
Ayotte	Graham	Moran
Barrasso	Grassley	Murkowski
Baucus	Hagan	Nelson (NE)
Begich	Harkin	Nelson (FL)
Bennet	Hatch	Portman
Bingaman	Hoeven	Pryor
Blumenthal	Hutchison	Reed
Blunt	Inouye	Reid
Brown (MA)	Isakson	Risch
Brown (OH)	Johanns	Roberts
Cantwell	Johnson (SD)	Rockefeller
Cardin	Johnson (WI)	Sanders
Carper	Kerry	Schumer
Casey	Klobuchar	Sessions
Chambliss	Kohl	Shaheen
Coats	Kyl	Shelby
Coburn	Landrieu	Snowe
Cochran	Lautenberg	Stabenow
Collins	Leahy	Tester
Conrad	Lee	Thune
Coons	Levin	Toomey
Corker	Lieberman	Udall (CO)
Cornyn	Lugar	Udall (NM)
Crapo	Manchin	Warner
DeMint	McCain	Webb
Durbin	McCaskill	Whitehouse
Enzi	McConnell	Wicker
Feinstein	Menendez	Wyden

NAYS—1

Paul

NOT VOTING—9

Boozman	Heller	Murray
Boxer	Inhofe	Rubio
Burr	Kirk	Vitter

The joint resolution (S.J. Res. 41) was passed, as follows:

S.J. RES. 41

Whereas, since at least the late 1980s, the Government of the Islamic Republic of Iran has engaged in a sustained and well-documented pattern of illicit and deceptive activities to acquire nuclear capability;

Whereas the United Nations Security Council has adopted multiple resolutions since 2006 demanding the full and sustained suspension of all uranium enrichment-related and reprocessing activities by the Government of the Islamic Republic of Iran and its full cooperation with the International Atomic Energy Agency (IAEA) on all outstanding issues related to its nuclear activities, particularly those concerning the possible military dimensions of its nuclear program;

Whereas, on November 8, 2011, the IAEA issued an extensive report that—

(1) documents ''serious concerns regarding possible military dimensions to Iran's nuclear programme'';

(2) states that ''Iran has carried out activities relevant to the development of a nuclear device''; and

(3) states that the efforts described in paragraphs (1) and (2) may be ongoing;

Whereas, as of November 2008, Iran had produced, according to the IAEA—

(1) approximately 630 kilograms of uranium hexaflouride enriched up to 3.5 percent uranium-235; and

(2) no uranium hexaflouride enriched up to 20 percent uranium-235;

Whereas, as of November 2011, Iran had produced, according to the IAEA—

(1) nearly 5,000 kilograms of uranium hexaflouride enriched up to 3.5 percent uranium-235; and

(2) 79.7 kilograms of uranium hexaflouride enriched up to 20 percent uranium-235;

Whereas, on January 9, 2012, IAEA inspectors confirmed that the Government of the Islamic Republic of Iran had begun enrichment activities at the Fordow site, including possibly enrichment of uranium hexaflouride up to 20 percent uranium-235;

Whereas section 2(2) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (Public Law 111–195) states, ''The United States and other responsible countries have a vital interest in working together to prevent the Government of Iran from acquiring a nuclear weapons capability.'';

Whereas, if the Government of the Islamic Republic of Iran were successful in acquiring a nuclear weapon capability, it would likely spur other countries in the region to consider developing their own nuclear weapons capabilities;

Whereas, on December 6, 2011, Prince Turki al-Faisal of Saudi Arabia stated that if international efforts to prevent Iran from obtaining nuclear weapons fail, ''we must, as a duty to our country and people, look into all options we are given, including obtaining these weapons ourselves'';

Whereas top leaders of the Government of the Islamic Republic of Iran have repeatedly threatened the existence of the State of Israel, pledging to ''wipe Israel off the map'';

Whereas the Department of State has designated Iran as a state sponsor of terrorism since 1984 and characterized Iran as the ''most active state sponsor of terrorism'';

Whereas the Government of the Islamic Republic of Iran has provided weapons, training, funding, and direction to terrorist groups, including Hamas, Hezbollah, and Shiite militias in Iraq that are responsible for the murders of hundreds of United States forces and innocent civilians;

Whereas, on July 28, 2011, the Department of the Treasury charged that the Government of Iran had forged a ''secret deal'' with al Qaeda to facilitate the movement of al Qaeda fighters and funding through Iranian territory;

Whereas, in October 2011, senior leaders of Iran's Islamic Revolutionary Guard Corps (IRGC) Quds Force were implicated in a terrorist plot to assassinate Saudi Arabia's Ambassador to the United States on United States soil;

Whereas, on December 26, 2011, the United Nations General Assembly passed a resolution denouncing the serious human rights abuses occurring in the Islamic Republic of Iran, including torture, cruel and degrading treatment in detention, the targeting of human rights defenders, violence against women, and ''the systematic and serious restrictions on freedom of peaceful assembly'' as well as severe restrictions on the rights to ''freedom of thought, conscience, religion or belief'';

Whereas President Barack Obama, through the P5+1 process, has made repeated efforts to engage the Government of the Islamic Republic of Iran in dialogue about Iran's nuclear program and its international commitments under the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (commonly known as the ''Nuclear Non-Proliferation Treaty'');

Whereas representatives of the P5+1 countries (the United States, France, Germany, the People's Republic of China, the Russian Federation, and the United Kingdom) and representatives of the Islamic Republic of Iran held negotiations on Iran's nuclear program in Istanbul, Turkey on April 14, 2012, and these discussions are set to resume in Baghdad, Iraq on May 23, 2012;

Whereas, on March 31, 2010, President Obama stated that the ''consequences of a nuclear-armed Iran are unacceptable'';

Whereas in his State of the Union Address on January 24, 2012, President Obama stated, ''Let there be no doubt: America is determined to prevent Iran from getting a nuclear weapon, and I will take no options off the table to achieve that goal.'';

Whereas, on March 4, 2012, President Obama stated ''Iran's leaders should understand that I do not have a policy of containment; I have a policy to prevent Iran from obtaining a nuclear weapon'';

Whereas Secretary of Defense Leon Panetta stated, in December 2011, that it was unacceptable for Iran to acquire nuclear weapons, reaffirmed that all options were on the table to thwart Iran's nuclear weapons efforts, and vowed that if the United States gets ''intelligence that they are proceeding with developing a nuclear weapon then we will take whatever steps necessary to stop it'';

Whereas the Department of Defense's January 2012 Strategic Guidance stated that United States defense efforts in the Middle East would be aimed ''to prevent Iran's development of a nuclear weapons capability and counter its destabilizing policies''; and

Whereas, on April 2, 2012, President Obama stated, ''All the evidence indicates that the Iranians are trying to develop the capacity to develop nuclear weapons. They might decide that, once they have that capacity that they'd hold off right at the edge in order not to incur more sanctions. But, if they've got nuclear weapons-building capacity and they are flouting international resolutions, that creates huge destabilizing effects in the region and will trigger an arms race in the Middle East that is bad for U.S. national security but is also bad for the entire world.'': Now, therefore, be it

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

SECTION 1. SENSE OF CONGRESS.

That Congress—

(1) reaffirms that the United States Government and the governments of other responsible countries have a vital interest in working together to prevent the Government of Iran from acquiring a nuclear weapons capability;

(2) warns that time is limited to prevent the Government of the Islamic Republic of Iran from acquiring a nuclear weapons capability;

(3) urges continued and increasing economic and diplomatic pressure on the Islamic Republic of Iran until the Government of the Islamic Republic of Iran agrees to and implements—

(A) the full and sustained suspension of all uranium enrichment-related and reprocessing activities and compliance with United Nations Security Council resolutions;

(B) complete cooperation with the IAEA on all outstanding questions related to the nuclear activities of the Government of the Islamic Republic of Iran, including the implementation of the additional protocol to Iran's Safeguards Agreement with the IAEA; and

(C) a permanent agreement that verifiably assures that Iran's nuclear program is entirely peaceful;

(4) expresses the desire that the P5+1 process successfully and swiftly leads to the objectives identified in paragraph (3), but warns that, as President Obama has said, the window for diplomacy is closing;

(5) expresses support for the universal rights and democratic aspirations of the people of Iran;

(6) strongly supports United States policy to prevent the Government of the Islamic Republic of Iran from acquiring a nuclear weapons capability;

(7) rejects any United States policy that would rely on efforts to contain a nuclear weapons-capable Iran; and

(8) joins the President in ruling out any policy that would rely on containment as an option in response to the Iranian nuclear threat.

SEC. 2. RULE OF CONSTRUCTION.

Nothing in this resolution shall be construed as an authorization for the use of force or a declaration of war.

MAKING CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2012—Continued

CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows.

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on H.J. Res. 117, a joint resolution making continuing appropriations for fiscal year 2013, and for other purposes.

Harry Reid, Daniel K. Inouye, Patty Murray, Bernard Sanders, Jeanne Shaheen, Richard J. Durbin, Sheldon Whitehouse, Debbie Stabenow, Max Baucus, Mark Pryor, Christopher A. Coons, Jon Tester, Michael F. Bennet, Kay R. Hagan, Robert P. Casey, Jr., Richard Blumenthal, Ron Wyden, Barbara Boxer.

The PRESIDING OFFICER. There is now 2 minutes equally divided prior to a vote on the motion.

The Senator from Hawaii.

Mr. INOUYE. Mr. President, this CR funds the government for the next 6 months at a level agreed to by the Budget Control Act. It contains a minimum of anomalies and allows adequate funding for disaster relief. This is an inefficient way to fund our Federal Government, but it is better than shutting it down next week.

I urge a ''yes'' vote.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on H.J. Res. 117, a joint resolution making continuing appropriations for fiscal year 2013, and for

other purposes shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER) and the Senator from Washington (Mrs. MURRAY) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Arkansas (Mr. BOOZMAN), the Senator from North Carolina (Mr. BURR), the Senator from Nevada (Mr. HELLER), the Senator from Oklahoma (Mr. INHOFE), the Senator from Illinois (Mr. KIRK), and the Senator from Louisiana (Mr. VITTER).

Further, if present and voting, the Senator from Nevada (Mr. HELLER) would have voted: ''yea.''

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

The yeas and nays resulted—yeas 62, nays 30, as follows:

[Rollcall Vote No. 198 Leg.]

YEAS—62

Akaka	Hagan	Mikulski
Alexander	Harkin	Murkowski
Baucus	Hoeven	Nelson (NE)
Begich	Hutchison	Nelson (FL)
Bennet	Inouye	Pryor
Bingaman	Johanns	Reed
Blumenthal	Johnson (SD)	Reid
Blunt	Kerry	Rockefeller
Brown (MA)	Klobuchar	Sanders
Brown (OH)	Kohl	Schumer
Cantwell	Kyl	Shaheen
Cardin	Landrieu	Stabenow
Carper	Lautenberg	Tester
Casey	Leahy	Udall (CO)
Cochran	Levin	Udall (NM)
Conrad	Lieberman	Warner
Coons	Lugar	Webb
Durbin	McCaskill	Whitehouse
Feinstein	McConnell	Wicker
Franken	Menendez	Wyden
Gillibrand	Merkley	

NAYS—30

Ayotte	Enzi	Paul
Barrasso	Graham	Portman
Chambliss	Grassley	Risch
Coats	Hatch	Roberts
Coburn	Isakson	Rubio
Collins	Johnson (WI)	Sessions
Corker	Lee	Shelby
Cornyn	Manchin	Snowe
Crapo	McCain	Thune
DeMint	Moran	Toomey

NOT VOTING—8

Boozman	Heller	Murray
Boxer	Inhofe	Vitter
Burr	Kirk	

The PRESIDING OFFICER. On this vote, the yeas are 62, the nays are 30. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Under the previous order, the pending amendments are withdrawn.

The clerk will read the joint resolution for the third time.

The joint resolution (H.J. Res. 117) was read the third time.

The PRESIDING OFFICER. The question is on passage of the joint resolution.

Mr. REID. 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 legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER) and the Senator from Washington (Mrs. MURRAY) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Arkansas (Mr. BOOZMAN), the Senator from North Carolina (Mr. BURR), the Senator from Nevada (Mr. HELLER), the Senator from Oklahoma (Mr. INHOFE), the Senator from Illinois (Mr. KIRK), and the Senator from Louisiana (Mr. VITTER).

Further, if present and voting, the Senator from Nevada (Mr. HELLER) would have voted: ''yea.''

The PRESIDING OFFICER (Mr. BROWN of Ohio). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 62, nays 30, as follows:

[Rollcall Vote No. 199 Leg.]

YEAS—62

Akaka	Hagan	Mikulski
Alexander	Harkin	Murkowski
Baucus	Hoeven	Nelson (NE)
Begich	Hutchison	Nelson (FL)
Bennet	Inouye	Pryor
Bingaman	Johanns	Reed
Blumenthal	Johnson (SD)	Reid
Blunt	Kerry	Rockefeller
Brown (MA)	Klobuchar	Sanders
Brown (OH)	Kohl	Schumer
Cantwell	Kyl	Shaheen
Cardin	Landrieu	Stabenow
Carper	Lautenberg	Tester
Casey	Leahy	Udall (CO)
Cochran	Levin	Udall (NM)
Conrad	Lieberman	Warner
Coons	Lugar	Webb
Durbin	McCaskill	Whitehouse
Feinstein	McConnell	Wicker
Franken	Menendez	Wyden
Gillibrand	Merkley	

NAYS—30

Ayotte	Enzi	Paul
Barrasso	Graham	Portman
Chambliss	Grassley	Risch
Coats	Hatch	Roberts
Coburn	Isakson	Rubio
Collins	Johnson (WI)	Sessions
Corker	Lee	Shelby
Cornyn	Manchin	Snowe
Crapo	McCain	Thune
DeMint	Moran	Toomey

NOT VOTING—8

Boozman	Heller	Murray
Boxer	Inhofe	Vitter
Burr	Kirk	

The joint resolution (H.J. Res. 117) was passed.

VOTE EXPLANATION

• Mrs. BOXER. Mr. President, I was unable to attend the roll call votes that occurred at midnight, September 22. Had I been present, I would have voted against S. 3576, related to foreign aid and voted in favor of S.J. Res. 41, the Iran Resolution. I would have also voted to support passage of H.J. Res. 117, the Continuing Appropriations resolution and would have voted against the motion to invoke cloture on the motion to proceed to S. 3525, the Sportsmen's Act.•

SPORTSMEN'S ACT OF 2012—MOTION TO PROCEED

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 504, S. 3525, a bill to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes.

Harry Reid, Jon Tester, Joe Manchin III, Jeanne Shaheen, Sheldon Whitehouse, Debbie Stabenow, Ron Wyden, Max Baucus, Daniel K. Inouye, Kent Conrad, Mark Pryor, Christopher A. Coons, Michael F. Bennet, Kay R. Hagan, Robert P. Casey, Jr., Richard Blumenthal, Ben Nelson.

The PRESIDING OFFICER. There are now 2 minutes equally divided.

The Republican leader is recognized.

Mr. MCCONNELL. I am going to proceed very briefly on my leader time. I ask consent that the next vote on cloture on the motion to proceed to S. 2535 be vitiated and the Senate proceed to the immediate consideration of H.R. 4089, which is at the desk and is the House-passed Sportsmen's Heritage Act, the bill be read a third time and passed with the motion to reconsider laid upon the table.

For the record, again, this will allow a bill to get to the President's desk immediately.

The PRESIDING OFFICER. Is there objection? The majority leader.

Mr. REID. Reserving the right to object, Mr. President, the House bill is this big. It has three provisions. The bill we are going to vote on has 20, supported by over 50 groups—NRA, Ducks Unlimited, and more than 50 others, a wonderful piece of legislation that is robust, it is conclusive, and it is not partisan. It is a very good piece of legislation. It should be widely accepted. It is a fine piece of legislation supported by conservation groups, sportsmen's groups all over America.

I object.

The PRESIDING OFFICER. Objection is heard. The Republican leader.

Mr. MCCONNELL. Mr. President, very briefly, we could have tonight passed the House-passed Sportsmen's bill. It would have gone straight to the President for signature. That having been thwarted by our friends on the other side, I certainly think it is appropriate to vote to proceed to the measure before us and I intend to vote aye.

I yield the floor.

The PRESIDING OFFICER. There is now 2 minutes equally divided. The Senator from Montana is recognized.

Mr. TESTER. Mr. President, as the majority leader pointed out, this Sportsmen's Act is a compilation of 19 bills. Hunting season has already started. This bill benefits 90 million Americans who hunt, fish, and watch wildlife,

supported by 56 groups from the Nature Conservancy to the NRA. It reduces our deficit by some $7 million due to net gain over 10 years. This is an economic driver of outdoor industry, some $646 billion in direct spending to our economy. I urge a ''yes'' vote on the motion to proceed and since it is 20 after 1, I would like to have a voice vote on it.

Mr. DURBIN. Mr. President, I want to explain my vote in support of cloture on the motion to proceed to S. 3525, the Sportsmen's Act of 2012. I am supporting cloture in an effort to move this important bill forward. It is a compilation of almost 20 different pieces of legislation that are important to the sportsmen's community. The Sportsmen's Act will increase habitat conservation while improving access to recreational fishing and hunting lands. The Senate deserves the chance to debate this bill, and I support invoking cloture on the motion to proceed in an effort to make it the pending business before the Senate.

However, I want to voice my opposition to a provision in this bill dealing with polar bears. The provision would allow hunters who killed polar bears in Canada before a ban was put in place to bring their remains into the United States. I believe this provision could encourage further hunting of polar bears, increase demand for polar bear trophies, and lead to a rise in poaching or illegal trade of polar bear parts. It could also stimulate demand for other exotic and endangered animal parts from around the globe.

Polar bears are currently listed as threatened under the Endangered Species Act. Their habitat is being threatened by global warming. We need to do everything we can to curb the hunting of these creatures for sport and avoid the unintended consequence of putting polar bears and other endangered species at risk.

The PRESIDING OFFICER. Who yields time?

Mr. REID. I yield back all time.

The PRESIDING OFFICER. By unanimous consent the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 3525, a bill to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes be brought to a close?

The yeas are mandatory under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER) and the Senator from Washington (Mrs. MURRAY) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Arkansas (Mr. BOOZMAN), the Senator from North Carolina (Mr. BURR), the Senator from Nevada (Mr. HELLER), the Senator from Oklahoma (Mr. INHOFE), the Senator from Oklahoma (Mr. COBURN), the Senator from Illinois (Mr. KIRK), and the Senator from Louisiana (Mr. VITTER).

Further, if present and voting, the Senator from Nevada (Mr. HELLER) would have voted: ''yea.''

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

The yeas and nays resulted—yeas 84, nays 7, as follows:

[Rollcall Vote No. 200 Leg.]

YEAS—84

Akaka	Gillibrand	Moran
Alexander	Graham	Murkowski
Ayotte	Grassley	Nelson (NE)
Barrasso	Hagan	Nelson (FL)
Baucus	Harkin	Portman
Begich	Hatch	Pryor
Bennet	Hoeven	Reid
Bingaman	Hutchison	Risch
Blunt	Inouye	Roberts
Brown (MA)	Isakson	Rockefeller
Brown (OH)	Johanns	Rubio
Cantwell	Johnson (SD)	Sanders
Cardin	Johnson (WI)	Schumer
Carper	Kerry	Sessions
Casey	Klobuchar	Shaheen
Chambliss	Kohl	Shelby
Coats	Landrieu	Snowe
Cochran	Lautenberg	Stabenow
Collins	Leahy	Tester
Conrad	Lee	Thune
Coons	Levin	Toomey
Corker	Lieberman	Udall (CO)
Cornyn	Lugar	Udall (NM)
Crapo	Manchin	Warner
Durbin	McCaskill	Webb
Enzi	McConnell	Whitehouse
Feinstein	Merkley	Wicker
Franken	Mikulski	Wyden

NAYS—7

Blumenthal	McCain	Reed
DeMint	Menendez	
Kyl	Paul	

NOT VOTING—9

Boozman	Coburn	Kirk
Boxer	Heller	Murray
Burr	Inhofe	Vitter

The PRESIDING OFFICER (Mr. WHITEHOUSE). On this vote, the yeas are 84, the nays are 7. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The majority leader.

UNANIMOUS CONSENT REQUEST—S. 3254

Mr. REID. Mr. President, I have been asked on a number of occasions by Senator LEVIN and Senator MCCAIN what we are going to do on the Defense authorization bill.

I now ask unanimous consent that at a time to be determined by me after consultation with the Republican leader, the Senate proceed to Calendar No. 419, S. 3254, the Defense authorization bill; and that only relevant amendments be in order on the bill.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Mr. President, reserving the right to object, I am very disappointed in this request. Senator MCCAIN has been asking that the leader take up the Defense authorization bill for weeks. This evening he tried very hard to get agreement from the Senator from Michigan, the chairman of the committee, and others to try to work out a way that we could take up this bill right after we come back or at some point after we come back after the election.

After he leaves the Chamber, and after virtually everybody is gone, at 1:40 in the morning the majority leader asks unanimous consent to take up the bill limited to relevant amendments. Now that would be fine with me, and I am sure it is fine with Senator MCCAIN, but everybody knows you can't get unanimous consent of your colleagues when they are all gone at 1:40 a.m. in the morning without any advanced notice that the request was going to be made.

As a result—though I would be happy personally to agree to the request—we don't know what our Members would agree to and whether they would agree to limiting this to relevant amendments. To me that is the only thing that seems to be out of order, but obviously we can't agree to it because we can't hotline this at this time of the evening and get consent from our Members.

What mostly bothers me is the implication, therefore, that the leader is all for taking it up and it is the Republicans who are objecting. I hope anyone who is aware of what has been going on here appreciates the fact that no one wants to go to the Defense authorization bill more than my colleague from Arizona, JOHN MCCAIN, and our leader, MITCH MCCONNELL.

With great regret and only because at this time of morning there is no way to survey our Members to see whether they would agree to the request, we have no option but to object.

I would certainly hope the leader would contact Senator MCCAIN. He left the Chamber now, but perhaps he could contact him tomorrow or the next day and ask if we can begin to work this out and allow us to talk to our Members so when we come back we can take up the Defense authorization bill. We should.

The Republican Members of this body want to do so, and I would hope we could work that out so it could be dealt with in the very early days after the election.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Mr. President, I said I object.

The PRESIDING OFFICER. Objection is heard.

The majority leader.

Mr. REID. Mr. President, Senator LEVIN has consulted with JOHN MCCAIN in regard to this matter. Senator MCCAIN knew this was going to happen. That is what the chairman of the committee told me, and Senator LEVIN has never misled me ever. Again, it is obvious the bill is being held up. So I am not surprised. This has been going on for 6 months.

Mr. KYL. Mr. President, would the majority leader yield for one question from me?

Mr. REID. Of course.

Mr. KYL. Mr. President, my question is, Is the Senator saying that Senator

MCCAIN was aware the Senator was going to make this request tonight in the form it was made?

Mr. REID. Senator LEVIN gave this to me and said he already talked to Senator MCCAIN about this.

Mr. KYL. I know they talked all evening long, but I am not sure that Senator MCCAIN was made aware that the Senator would propose this tonight.

Mr. REID. Mr. President, I first learned about this several hours ago from Senator LEVIN, so I take him at his word.

Mr. KYL. Thank you, Mr. President.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT AGREEMENT—S.J. RES. 41

Mr. REID. I ask unanimous consent that the preamble to S.J. Res. 41 be agreed to.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 456, 714, 880 through 908, and 910, and all nominations placed on the Secretary's desk in the Air Force, Army, Foreign Service, Navy, and Public Health Service; that the nominations be confirmed en bloc; the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to any of the nominations; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

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

The nominations considered and confirmed en bloc are as follows:

AMTRAK BOARD OF DIRECTORS

Albert DiClemente, of Delaware, to be a Director of the Amtrak Board of Directors for a term of five years.

DEPARTMENT OF DEFENSE

Heidi Shyu, of California, to be an Assistant Secretary of the Army.

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Christopher C. Bogdan

The following named officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Jon A. Weeks

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Andrew M. Mueller

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., sections 12203 and 12212:

To be major general

Brig. Gen. Donald P. Dunbar

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., sections 12203 and 12212:

To be brigadier general

Col. Gerard F. Bolduc, Jr.

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., sections 12203 and 12212:

To be brigadier general

Col. Matthew P. Jamison

IN THE ARMY

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grades indicated under title 10, U.S.C., sections 12203 and 12211:

To be brigadier general

Colonel David O. Smith

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Michaelene A. Kloster

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Garrett S. Yee

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., sections 12203 and 12211:

To be major general

Brig. Gen. Deborah A. Ashenhurst

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., sections 12203 and 12211:

To be major general

Brig. Gen. Judd H. Lyons
Brig. Gen. Lee E. Tafanelli

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grades indicated under title 10, U.S.C., sections 12203 and 12211:

To be major general

Brig. Gen. Kendall W. Penn

To be brigadier general

Col. Keith A. Klemmer

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Michael R. Smith

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. David J. Conboy

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Frederick B. Hodges

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Mark S. Bowman

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Ural D. Glanville

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. (lh) James D. Syring

DEPARTMENT OF STATE

Sharon English Woods Villarosa, of Texas, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Mauritius, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Seychelles.

Dawn M. Liberi, of Florida, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Burundi.

Stephen D. Mull, of Virginia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Poland.

Walter North, of Washington, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Papua New Guinea, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the

United States of America to the Solomon Islands and Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Vanuatu.

Richard G. Olson, of New Mexico, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Islamic Republic of Pakistan.

Joseph E. Macmanus, of New York, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Representative of the United States of America to the Vienna Office of the United Nations, with the rank of Ambassador.

Joseph E. Macmanus, of New York, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Representative of the United States of America to the International Atomic Energy Agency, with the rank of Ambassador.

UNITED NATIONS

John Hardy Isakson, of Georgia, to be a Representative of the United States of America to the Sixty-seventh Session of the General Assembly of the United Nations.

Patrick J. Leahy, of Vermont, to be a Representative of the United States of America to the Sixty-seventh Session of the General Assembly of the United Nations.

DEPARTMENT OF STATE

The following-named Career Members of the Senior Foreign Service, Class of Career Minister, for the personal rank of Career Ambassador in recognition of especially distinguished service over a sustained period:

William R. Brownfield
Kristie Anne Kenney
Thomas Alfred Shannon, Jr.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Emil J. Kang, of North Carolina, to be a Member of the National Council on the Arts for a term expiring September 3, 2018.

DEPARTMENT OF THE INTERIOR

Kevin K. Washburn, of New Mexico, to be an Assistant Secretary of the Interior.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN1546 AIR FORCE nominations (2350) beginning ADAM D. AASEN, and ending MARK C. ZWYGHUIZEN, which nominations were received by the Senate and appeared in the Congressional Record of April 23, 2012.

PN1783 AIR FORCE nominations (33) beginning LANCE A. AIUMOPAS, and ending ROBERT S. ZAUNER, which nominations were received by the Senate and appeared in the Congressional Record of June 25, 2012.

PN1784 AIR FORCE nominations (1236) beginning JAMES H. ABBOTT, and ending MARIO F. ZUNIGA, which nominations were received by the Senate and appeared in the Congressional Record of June 25, 2012.

PN1848 AIR FORCE nomination of Michael F. Wendelken, which was received by the Senate and appeared in the Congressional Record of August 2, 2012.

PN1849 AIR FORCE nominations (2) beginning MICHAEL M. HOWARD, and ending PATRICK E. KNOESTER, which nominations were received by the Senate and appeared in the Congressional Record of August 2, 2012.

PN1850 AIR FORCE nominations (3) beginning KARYN J. AYERS, and ending JOHN M. TUDELA, which nominations were received by the Senate and appeared in the Congressional Record of August 2, 2012.

PN1851 AIR FORCE nominations (4) beginning KIMBERLY A. DALE, and ending CHRISTOPHER B. VOGLER, which nominations were received by the Senate and appeared in the Congressional Record of August 2, 2012.

PN1891 AIR FORCE nomination of Stephen P. Roberts, which was received by the Senate and appeared in the Congressional Record of September 10, 2012.

PN1898 AIR FORCE nominations (3) beginning JEFFREY R. ALTHOFF, and ending GREGORY T. MCCAIN, which nominations were received by the Senate and appeared in the Congressional Record of September 10, 2012.

IN THE ARMY

PN1852 ARMY nomination of Gregory S. Ulma, which was received by the Senate and appeared in the Congressional Record of August 2, 2012.

PN1853 ARMY nomination of Patrick P. Metke, which was received by the Senate and appeared in the Congressional Record of August 2, 2012.

PN1854 ARMY nomination of Drew D. Dukett, which was received by the Senate and appeared in the Congressional Record of August 2, 2012.

PN1855 ARMY nomination of David A. Cortese, which was received by the Senate and appeared in the Congressional Record of August 2, 2012.

PN1856 ARMY nomination of Jeffrey T. Whorton, which was received by the Senate and appeared in the Congressional Record of August 2, 2012.

PN1857 ARMY nomination of Charles J. Romero, which was received by the Senate and appeared in the Congressional Record of August 2, 2012.

PN1858 ARMY nominations (2) beginning TANASHA N. BENNETT, and ending REIES M. FLORES, which nominations were received by the Senate and appeared in the Congressional Record of August 2, 2012.

PN1859 ARMY nominations (9) beginning BRAD D. BEKKEDAHL, and ending WILLIAM L. ZANA, which nominations were received by the Senate and appeared in the Congressional Record of August 2, 2012.

PN1893 ARMY nomination of George C. Sturges, which was received by the Senate and appeared in the Congressional Record of September 10, 2012.

PN1894–1 ARMY nominations (615) beginning DAVID W. ACKER, and ending D003093, which nominations were received by the Senate and appeared in the Congressional Record of September 10, 2012.

PN1895 ARMY nomination of Joseph R. Newcomb, which was received by the Senate and appeared in the Congressional Record of September 10, 2012.

PN1896 ARMY nomination of Morohunranti O. Oguntoye, which was received by the Senate and appeared in the Congressional Record of September 10, 2012.

PN1897 ARMY nomination of August Seeber, which was received by the Senate and appeared in the Congressional Record of September 10, 2012.

PN1899 ARMY nominations (15) beginning ERIC J. ALBERTSON, and ending D011234, which nominations were received by the Senate and appeared in the Congressional Record of September 10, 2012.

PN1900 ARMY nominations (7) beginning STUART N. BURRUSS, and ending ROBERT J. QUINKER, III, which nominations were received by the Senate and appeared in the Congressional Record of September 10, 2012.

PN1901 ARMY nominations (389) beginning ANDRE B. ABADIE, and ending G001060, which nominations were received by the Senate and appeared in the Congressional Record of September 10, 2012.

PN1902 ARMY nominations (329) beginning JOHN J. ACEVEDO, and ending D010397, which nominations were received by the Senate and appeared in the Congressional Record of September 10, 2012.

PN1903 ARMY nominations (7) beginning JEFFREY S. BELL, and ending MARK R. THORNTON, which nominations were received by the Senate and appeared in the Congressional Record of September 10, 2012.

PN1904 ARMY nominations (7) beginning STEVEN E. BATTLE, and ending LUZMIRA A. TORRES, which nominations were received by the Senate and appeared in the Congressional Record of September 10, 2012.

PN1905 ARMY nominations (14) beginning ANTHONY H. ADRIAN, and ending JOHN F. WOYTE, which nominations were received by the Senate and appeared in the Congressional Record of September 10, 2012.

PN1906 ARMY nominations (67) beginning FREDRIC N. AMIDON, and ending ANNE E. YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of September 10, 2012.

PN1907 ARMY nominations (8) beginning ELIZABETH A. BAKER, and ending IAN J. TOLMAN, which nominations were received by the Senate and appeared in the Congressional Record of September 10, 2012.

PN1908 ARMY nominations (139) beginning PATRICK M. ARIDA, and ending ALI S. ZAZA, which nominations were received by the Senate and appeared in the Congressional Record of September 10, 2012.

FOREIGN SERVICE

PN1819 FOREIGN SERVICE nominations (328) beginning Joelle-Elizabeth Beatrice Bastien, and ending Kenneth R. Propp, which nominations were received by the Senate and appeared in the Congressional Record of July 12, 2012.

NAVY

PN1860 NAVY nomination of Alan T. Wakefield, which was received by the Senate and appeared in the Congressional Record of August 2, 2012.

PN1861 NAVY nomination of Tassos J. Sfondouris, which was received by the Senate and appeared in the Congressional Record of August 2, 2012.

PN1862 NAVY nominations (3) beginning GLEN CABARCAS, and ending RICARDO A. FERRA, which nominations were received by the Senate and appeared in the Congressional Record of August 2, 2012.

PN1863 NAVY nominations (9) beginning CHUCK J. BROWDER, and ending CHRISTOPHER K. TUGGLE, which nominations were received by the Senate and appeared in the Congressional Record of August 2, 2012.

PN1864 NAVY nominations (10) beginning DANIEL ARANDA, and ending CHAD J. STUEWE, which nominations were received by the Senate and appeared in the Congressional Record of August 2, 2012.

PN1865 NAVY nominations (12) beginning MATTHEW R. ALLEN, and ending BRIAN T. WIERZBICKI, which nominations were received by the Senate and appeared in the Congressional Record of August 2, 2012.

PN1866 NAVY nominations (14) beginning WILLIAM E. BLANKS, and ending JEREMY J. WAGNER, which nominations were received by the Senate and appeared in the Congressional Record of August 2, 2012.

PN1867 NAVY nominations (21) beginning BRADLEY H. ABRAMOWITZ, and ending ERIC A. WEISS, which nominations were received by the Senate and appeared in the Congressional Record of August 2, 2012.

PN1868 NAVY nominations (22) beginning CHARITY A. BREIDENBACH, and ending PHILLIP A. ZAMARRIPA, which nominations were received by the Senate and appeared in the Congressional Record of August 2, 2012.

PN1869 NAVY nominations (25) beginning HENRY L. BUSH, and ending STANLEY C. WARE, which nominations were received by the Senate and appeared in the Congressional Record of August 2, 2012.

PN1870 NAVY nominations (29) beginning KYLE R. ALCOCK, and ending SHEREE T. WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of August 2, 2012.

PN1871 NAVY nominations (47) beginning JEREMIAH P. ANDERSON, and ending AARON L. WOOLSEY, which nominations were received by the Senate and appeared in the Congressional Record of August 2, 2012.

PN1872 NAVY nominations (265) beginning MARK J. AID, JR., and ending BRIAN L. ZIMMERMAN, which nominations were received by the Senate and appeared in the Congressional Record of August 2, 2012.

PN1873 NAVY nominations (769) beginning BRYCE D. ABBOTT, and ending MAXWELL V. ZUJEWSKI, which nominations were received by the Senate and appeared in the Congressional Record of August 2, 2012.

PN1909 NAVY nominations (316) beginning DEMETRIA L. AARON, and ending AMY J. ZWETTLER, which nominations were received by the Senate and appeared in the Congressional Record of September 10, 2012.

PN1910 NAVY nominations (3) beginning TIMOTHY M. FRENCH, and ending BRYAN E. WOOLDRIDGE, which nominations were received by the Senate and appeared in the Congressional Record of September 10, 2012.

PN1911 NAVY nominations (109) beginning CEDRIC J. ABRON, and ending CHADWICK Y. YASUDA, which nominations were received by the Senate and appeared in the Congressional Record of September 10, 2012.

PN1912 NAVY nominations (65) beginning AMY H. ADAIR, and ending DONAVON A. YAPSHING, which nominations were received by the Senate and appeared in the Congressional Record of September 10, 2012.

PN1913 NAVY nominations (10) beginning VINCENT M. J. AMBROSINO, and ending MARK VERHOVSHEK, which nominations were received by the Senate and appeared in the Congressional Record of September 10, 2012.

PN1914 NAVY nominations (35) beginning KORY A. ANGLESEY, and ending ADAM G. ZAJAC, which nominations were received by the Senate and appeared in the Congressional Record of September 10, 2012.

PN1915 NAVY nominations (34) beginning EVAN D. ADAMS, and ending HAROLD B. WOODRUFF, which nominations were received by the Senate and appeared in the Congressional Record of September 10, 2012.

PN1916 NAVY nominations (22) beginning WALTER B. BLACKWELL, and ending JAMES P. ZAKAR, which nominations were received by the Senate and appeared in the Congressional Record of September 10, 2012.

PN1917 NAVY nominations (151) beginning ELIZABETH A. ABAN, and ending ELIZABETH M. ZULOAGA, which nominations were received by the Senate and appeared in the Congressional Record of September 10, 2012.

PN1918 NAVY nominations (32) beginning THOMAS M. BROWN, and ending RALPH G. S. YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of September 10, 2012.

PUBLIC HEALTH SERVICE

PN1790 PUBLIC HEALTH SERVICE nominations (600) beginning Melinda Astran, and ending Chelsea True, which nominations were received by the Senate and appeared in the Congressional Record of June 25, 2012.

PN1829 PUBLIC HEALTH SERVICE nominations (1628) beginning Donald S. Ahrens, and ending Diamond E. Zuchlinski, which nominations were received by the Senate and appeared in the Congressional Record of July 25, 2012.

NOMINATIONS DISCHARGED

Mr. REID. I ask unanimous consent that the Commerce Committee be discharged from further consideration of Presidential Nomination 1958, Kenneth T. Boyt to be Lieutenant Commander in the U.S. Coast Guard; and the Foreign Relations Committee be discharged from further consideration of Presidential Nomination 1879, Foreign Service nominations beginning with Michael Lewis and ending with Carolyn Shuckerow; Presidential Nomination 1880, Foreign Service nominations beginning with Bridget C. Riffle and ending with David J. Zanni; and Presidential Nomination 1923, Robert Stephen Beecroft, of California, to be Ambassador to the Republic of Iraq; that the Senate proceed to the nominations en bloc, that the nominations be confirmed; the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order to the nominations; that any related statements be printed in the RECORD; and that the President be immediately notified of the Senate's action.

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

The nominations considered and confirmed en bloc are as follows:

COAST GUARD

To be lieutenant commander

Kenneth T. Boyt, 9174

FOREIGN SERVICE

The following-named Members of the Foreign Service to be Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

Michael Lewis, of Virginia
George Lin, of Virginia
Scott Lindsay, of Michigan
Jared Ragland, of Maryland
Carolyn Shuckerow, of Virginia

For appointment as Foreign Service Officer of Class Four, Consular Officer and Secretary in the Diplomatic Service of the United States of America:

Bridget C. Riffle, of New York
Christopher Canellakis, of Massachusetts
Daniel Michael Pattarini, of Virginia
David A. Brock, of California
Donald Burton Cordell, of Virginia
Edward Howard Winant, of West Virginia
Holly D. Wilkerson, of Tennessee
Jennifer G. Handog, of Nevada
Kristina R. Hayden, of Virginia
Rebecca Catherine Alper, of Florida
Skye Spencer Justice, of West Virginia

The following-named Members of the Foreign Service to be Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

Katie Marie Adamson, of Colorado
Ani A. Akinbiyi, of Maryland
Carlton B. Ammons, of Virginia
Laura Anikow, of Virginia
Benjamin D. Arterburn, of Kentucky
Oscar Alejandro Baez Mejia, of Massachusetts
Grover R. Battle, of North Carolina
Drew David Bazil, of Colorado
Daniel Alexander Boehmer, of Massachusetts
Evelina Bozek, of California
Diana Braunschweig, of California
Shannon S. Brown, of Florida
Elise Brumbach, of Pennsylvania
Sean Thomas Buckley, of the District of Columbia
Natalie Calvano, of Kentucky
Barrak Jeffrey Chaaban, of Virginia
Scott I. Cohen, of Virginia
James Trenton Core, of Utah
Sydney Alexis Cross, of Missouri
Thomas Louis Czerwinski, of Texas
Ranya Daher, of Virginia
Aleksander Daigle, of Virginia
Elon Michael Dando, of Minnesota
Quazi Rumman Dastgir, of the District of Columbia
James Davis II, of the District of Columbia
Paul W. Degennaro, of Virginia
Merrica Dominick, of Illinois
Alexander Fairbanks Douglas, of Virginia
Daniel A. Durazo, of California
Brian B. Duty, of California
Patrick R. Elliot, of Virginia
Christopher Frank Estoch, of Florida
Cavan Fabris, of California
Rebecca E. Fox, of Arizona
Destiny L. Freeman, of Virginia
Joseph Freeman, of Virginia
Katherine Diane Garry, of the District of Columbia
Jonas B. Gil, of Nevada
Brian Gilligan, of Virginia
Gayshiel Fayandy Grandison, of New York
Julia Groeblacher, of Kansas
Joshua J. Hack, of Virginia
Matthew J. Harrier, of Missouri
Caitlin B. Hartford, of Washington
Thomas M. Hartman, of Virginia
Jeffrey W. Henry, of Virginia
Mark James Hitchcock, of California
Gregory Earl Holliday, of Virginia
Nina Elizabeth Horowitz, of Virginia
Phillip Christopher Hughey, of Virginia
Irina Itkin, of Indiana
Shayma Jannat, of Connecticut
Anton Philip Jongeneel, of California
Jehan Khaleeli, of the District of Columbia
Traci Thiessen Kidwell, of the District of Columbia
Daniel Edward Kight, of Ohio
Joseph Kim, of Michigan
Erin Leigh Kimsey, of North Carolina
Erica Samona King, of Texas
Kristine M. Knapp, of South Dakota
Leanne N. Koontz, of Virginia
Sheela E. Krishnan, of Virginia
Jon R. Larson, of the District of Columbia
James E. Laster, of Virginia
Kristin R. Laster, of Virginia
Joseph N. Leavitt, of Oregon
James S. Manlowe, of New Mexico
Michael John Marble, of Virginia
Michael Marcous, of Florida
Bria Mathews, of Missouri
Dwayne T. McDavid, of Nevada
Shaun M. McGuire, of Nevada
Sean P. McKeating, of Texas
Michael James Method II, of Alaska
Shay Suzanne Miller, of the District of Columbia
M D Mitchell, of Maine
Angela C. Mizeur, of the District of Columbia
Joseph M. Morbach, of Virginia
Khanh P. Nguyen, of Massachusetts
Kevin J. O'Connor, of California
Matthew D. Parry, of Alaska
Drew Nathaniel Peterson, of Vermont
Stephanie W. Peterson, of Minnesota
Richard T. Phillips, of South Dakota
Marissa Joy Polnerow, of New Jersey
Daniel Charles Rhodes, of the District of Columbia
Lois L. Ribich, of Virginia
Mirna S. Rivas, of Virginia
Amanda Roberson, of Arizona
William L. Romine, of Florida
Stephen V. Sass, of New Jersey
Bryan Scott Schiller, of Florida
Shiloh Anne Schlung, of Alaska
Jillian Schmitt, of Montana
Lynn Marie Segas, of California
Shan Shi, of Wisconsin
Colleen Smith, of Washington
Eric L. Smith, of Virginia
Marco Sherwood Sotelino, of Massachusetts
Hannah Taber, of Michigan

Jett Thomason, of Tennessee
Michelle B. Thornburgh, of Virginia
Kharmika K. Tillery, of North Carolina
Thao Ahn Nguyen Tran, of the District of Columbia
Holly D. Turner, of the District of Columbia
Melissa P. Tyborowski, of Connecticut
Stephen E. Watson, of Virginia
David Karl Wessel, of North Carolina
James L. West, of Virginia
Brad Michael Wilkinson, of Virginia
Lisa Marie Wilkinson, of Virginia
Anton Lee Wishik II, of Washington
Angela Jean Wyse, of Michigan
Duden Yegenoglu, of Georgia
Matthew June Yi, of California
Steven D. Zack, of Virginia
David J. Zanni, of Virginia

Robert Stephen Beecroft, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Iraq.

NOMINATION OF GONZALO P. CURIEL TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF CALIFORNIA

NOMINATION OF ROBERT J. SHELBY TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF UTAH

Mr. REID. I now ask unanimous consent that the Senate consider the following nominations en bloc: Calendar Nos. 674, 675; that the Senate proceed to vote on the nominations in the order listed, without intervening action or debate; the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order to the nominations; that any statements related to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. The clerk will report the nominations.

The legislative clerk read the nominations of Gonzalo P. Curiel, of California, to be United States District Judge for the Southern District of California, and Robert J. Shelby, of Utah, to be United States District Judge for the District of Utah.

The PRESIDING OFFICER. Is there any further debate?

The question is, Will the Senate advise and consent to the nominations of Gonzalo P. Curiel, of California, to be United States District Judge for the Southern District of California; and Robert J. Shelby, of Utah, to be United States District Judge for the District of Utah?

The nominations were confirmed.

Mr. LEAHY. Mr. President, Senate Republicans' partisan obstructionism has reached a new low. There are 17 district court nominees pending before the Senate, and 12 of them would fill judicial emergency vacancies on our Federal trial courts. In an unprecedented breaking from our tradition, Senate Republicans have decided that they will recess for the election and deny almost all of these consensus nominees confirmation. Worse, they have decided to extend the delays that Americans face in our overburdened Federal courts by denying new judges to those courts. We all know that justice delayed is justice denied. By denying confirmation votes to 15 of these 17 nominations, Senate Republicans are denying justice to the American people. By refusing to vote on these 15 nominations, Senate Republicans have declared that they are unconcerned about the millions of Americans who will continue to lack adequate access to our Federal courts and speedy justice.

Sadly this is just one more example of Senate Republicans putting partisanship ahead of the interests of the American people. The refusal to allow votes on consensus nominees has become standard operating procedure for Senate Republicans. They refused to vote on 10 judicial nominees at the end of 2009, left 19 judicial nominees pending at the end of 2010, and blocked votes on 19 judicial nominees pending at the end of 2011. It took through May of this year to clean up the backlog left from last year. Then in June Senate Republicans declared their shutdown of confirmations. I have served in the Senate for 37 years, and I have never seen so many judicial nominees, reported with bipartisan support, be denied a simple up-or-down vote for four months, five months, six months, even 11 months. I have never seen such twisted applications of their ''Thurmond Rule'' and never have I seen the Thurmond Rule used to block votes on consensus district court nominees. And if there was any doubt that Senate Republicans insist on being the party of ''no'', their current decision to deny votes on these highly-qualified, noncontroversial district court nominees, supported by their home State Senators both Republican and Democratic, while our Federal courts still have almost 80 vacancies, shows that they care more about opposing this President's nominees than helping the American people.

Before the American people elected Barack Obama as our President, district court nominees were generally confirmed within a couple of weeks of being reported by the Judiciary Committee. This was true of those nominated by Republican Presidents and Democratic Presidents. Deference was traditionally afforded to home State Senators and district court nominees supported by home State Senators were almost always confirmed unanimously.

However, Senate Republicans have raised the level of partisanship so that district court nominees have now become wrapped around the axle of partisanship. And that is unfortunate. In just this year, the Majority Leader has been forced to file cloture on 23 of President Obama's judicial nominees, including 19 district court nominees. Every single one of those 23 nominees had bipartisan support, and when the Senate was finally allowed to vote on them, all of the 22 who did receive an up-or-down vote were confirmed with votes from both Republican and Democratic Senators.

In spite of this unprecedented obstruction of President Obama's nominees, Senate Republicans are oblivious to their foot-dragging and the harm it is creating for Americans seeking justice from our Federal courts across the country.

There are currently 78 Federal judicial vacancies. Judicial vacancies during the last few years have been at historically high levels and have remained near or above 80 for nearly the entire first term of the President. Nearly one out of every 11 Federal judgeships is currently vacant. Vacancies on the Federal courts are more than two and one half times as many as they were on this date during the first term of President Bush. That is not what any objective observer would call ''consistent progress.''

The fact is that due to across-the-board obstruction by Senate Republicans, we remain well behind the pace we set during President Bush's first term. According to the Congressional Research Service, 95 percent of President Bush's district court nominees were confirmed in his first term. We would have had to confirm all 17 of the district court nominees the Majority Leader sought consent earlier this week, just to get close to parity with that level. Moreover, President Obama's district court nominees have been consistently stalled, being forced to wait nearly three times longer for a Senate vote once reported by the Judiciary Committee.

Nor has the Senate even been allowed to keep pace with the progress that Senate Democrats made on President Bush's district court nominees in 2008, the last year of his presidency. That year, the Committee reported 24 district court nominees and all 24 were confirmed. We continued holding hearings and the Committee reported and the Senate then confirmed nominees into September of that presidential election year. This year, the Senate has been allowed to confirm only 13 district court nominees reported this year. Because of Republican obstruction, the Senate has barely accomplished half of what we did in 2008.

Indeed, in September 2008, the Judiciary Committee held hearings on and then reported 10 district court nominees, all of whom were then confirmed by unanimous consent in that same month. Contrary to the assertion from the Republican leader, they were not backed up and long delayed. We did not do what Senate Republicans are now doing. We moved promptly on consensus trial court nominees. This year,

Republicans have backlogged consensus nominees who were reported in April, five months ago. None of these nominees has been pending for less than seven weeks. To date, the Senate has been allowed to confirm one district court nominee this September while 17 other Federal trial court nominees await Republicans agreeing to a vote so that they can be confirmed and get to work for the American people.

There are still far too many judicial vacancies and the Republican leader's efforts to slice and dice various numbers in ways most flattering to this obstruction do nothing to explain why we cannot make more progress. The Majority Leader is not ''jamming'' through nominees when he asks for votes that should have taken place before the Memorial Day, Fourth of July, and August recesses.

Despite the Republican filibuster against Caitlin Halligan to serve on the D.C. Circuit, Patty Shwartz of New Jersey to serve on the Third Circuit; their filibuster of Judge Barbara Keenan of Virginia to serve on the Fourth Circuit; their opposition to Justice Sonia Sotomayor, Justice Elena Kagan, Judge Jane Stranch of Tennessee to serve on the Sixth Circuit, Judge Susan Carney of Connecticut to serve on the Second Circuit, Judge Bernice Donald of Tennessee to serve on the Sixth Circuit, Judge Morgan Christen of Alaska to serve on the Ninth Circuit, Judge Stephanie Thacker of West Virginia to serve on the Fourth Circuit, Judge Jacqueline Nguyen of California to serve on the Ninth Circuit, Judge Nancy Freudenthal of the District of Wyoming, Judge Benita Pearson of the Northern District of Ohio, Judge Susan Hickey of the Western District of Arkansas, Judge Ali Nathan of the Southern District of New York, Judge Cathy Bissoon of the Western District of Pennsylvania, Judge Yvonne Rogers of the Northern District of California, Judge Sharon Gleason of the District of Alaska, Judge Cathy Bencivengo of the Southern District of California, Judge Margo Brodie of the Eastern District of New York, Judge Beth Phillips of the Western District of Missouri, Judge Gina Groh of the Northern District of West Virginia, Judge Ronnie Abrams of the Southern District of New York, Judge Susie Morgan of the Eastern District of Louisiana, Judge Miranda Du of the District of Nevada and Judge Mary Lewis of the District of South Carolina, there is one area in which we have been able to make progress is spite of Senate Republican obstruction. With the confirmation last week of Judge Stephanie Rose to the district court in Iowa, President Obama has already, in his fourth year in office, appointed as many women to the Federal bench as President Bush had in all eight years in which he was President. I hope that all Americans are proud of President Obama's outstanding effort to increase diversity in the Federal judiciary and to ensure that it better reflects all Americans. Those commendable efforts are not preventing votes on the 17 Federal trial court nominees ready for final Senate action. Senate Republicans are preventing those votes.

I wish Senate Republicans approached this as something other than an ill-conceived game of tit for tat. This obstruction has real costs to the American people. Last week I inserted in the RECORD an article about the ''Human Costs of Judicial Confirmation Delays.'' The author, Andrew Cohen, described the problems facing just one of our Nation's 94 district courts. In the Middle District of Pennsylvania, where there are two judicial emergency vacancies, a litigant had to wait nearly two months for an ''urgent injunction hearing'' because there ''simply aren't enough federal judges in the Middle District of Pennsylvania to handle his case.'' In that District, senior judges have had to take on far more cases than they would otherwise. Four of those senior judges are at least 86 years old. The Chief Judge of that district called it an ''absurdity.'' It is not fair to the senior judges, and it is not fair to the litigants who rely on the court to do justice. Two of the Federal trial court nominees being held hostage by Senate Republicans would fill judicial emergency vacancies in the Middle District of Pennsylvania.

This is just one example of the damage done to our courts by needlessly delayed confirmations. I have heard from judges around the country whose courts have vacancies, including in Illinois and Florida. They are working hard to keep their courts functioning, but they need help to ensure that all Americans have access to courts and to justice. There are also judicial emergency vacancies in California, New York and Illinois that we could have filled this week but Senate Republicans objected. Of the 17 district court nominees pending before the Senate a dozen would fill judicial emergency vacancies.

These longstanding vacancies are harming the American people, but it does not have to be this way. Americans seeking justice in Federal trial courts in California, Connecticut, and Utah should not have to wait five months for a judge because Senate Republicans will not proceed with nominations that have bipartisan support and have been considered and voted on by the Senate Judiciary Committee. Americans in Florida, Illinois, Maryland, Michigan, New York, Pennsylvania, and Oklahoma should not have to wait four and five extra months for their courtrooms to have judges. If we were keeping pace with what Senate Democrats did in President Bush's first term and as recently as 2008, those nominees would be confirmed. They would be hearing cases and providing justice today.

Some Senate Republicans have sought to justify their inaction on nominations by complaining that the President has not sent us enough nominees. The fact is that there are 17 district court nominees who can be confirmed right now, including 12 who would fill emergency vacancies. The names of these 17 nominees have been printed in the Senate Executive Calendar every day for the last several months, every day since they were voted on by the Senate Judiciary Committee months ago. There is no excuse for not acting on them.

Today the Senate finally voted on the nomination of Gonzalo Curiel to fill a judicial emergency vacancy on the U.S. District Court for the Southern District of California. He has the support of his home State Senators, Senator FEINSTEIN and Senator BOXER. His nomination was reported with a virtually unanimous voice vote by the Judiciary Committee five months ago. The only objection came as a protest on another issue by Senator LEE.

Judge Curiel currently serves as a judge on the Superior Court of California in San Diego County. Prior to joining the State bench in 2006, Judge Curiel spent 17 years as a Federal prosecutor and 10 years in private practice. As a Federal prosecutor he rose to become Chief of the Narcotics Enforcement Section for the Southern District of California, and led the successful investigation and prosecution of a multibillion dollar trafficking organization responsible for over 100 drug-related murders in the United States and Mexico.

The Senate finally voted on the nomination of Robert Shelby to fill a judicial emergency vacancy on the U.S. District Court for the District of Utah. He is currently a shareholder at the Salt Lake City law firm of Snow, Christensen & Martineau. After law school he served as a law clerk to Judge J. Thomas Greene in the District of Utah, the same court to which he is nominated. His nomination, which has the support of both of Utah's Senators, Senator HATCH and Senator LEE, was reported nearly unanimously by the Judiciary Committee by voice vote nearly five months ago.

Further delays on the 15 additional district court nominees still awaiting their confirmation votes do not help the American people. These nominees should be providing justice for the American people. Supreme Court Justice Anthony Kennedy said recently that this extreme partisanship erodes the public's confidence in our courts and ''makes the judiciary look politicized when it is not, and it has to stop.'' He is right. If Senate Republicans have a good reason for why courts in California and Illinois and Michigan and New York and Pennsylvania should remain overburdened and unable to provide the quality and speedy justice Americans deserve, then I wish they would let the American people know what that reason is. The fact is, Senate Republicans have not explained their unprecedented obstruction of President Obama's consensus

nominees, they just try to pretend it does not exist. The American people know better, and they deserve better.

Americans are rightfully proud of our legal system and its promise of access to justice and speedy trials. This promise is embedded in our Constitution. When overburdened courts made it hard to keep this centuries-old promise, the Senate should work in a bipartisan manner to fill judgeships and to create and fill new judgeships. That is what Senate Democrats did when Ronald Reagan, George H.W. Bush, and George W. Bush were President. Since the American people elected President Obama, Senate Republicans have determined that they are no longer interested in whether or not our courts are able to meet this fundamental guarantee. They have decided that it is acceptable for hardworking Americans to wait two months for ''urgent'' hearings, and that the ten additional judicial emergency vacancies they could fill right now should remain vacant for no good reason. The American people deserve better.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

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

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

EUROPEAN UNION EMISSIONS TRADING SCHEME PROHIBITION ACT OF 2011

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 484, S. 1956.

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

The legislative clerk read as follows:

A bill (S. 1956) to prohibit operators of civil aircraft of the United States from participating in the European Union's emissions trading scheme, and for other purposes.

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

S. 1956

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 ''European Union Emissions Trading Scheme Prohibition Act of 2011''.

SEC. 2. PROHIBITION ON PARTICIPATION IN THE EUROPEAN UNION'S EMISSIONS TRADING SCHEME.

(a) IN GENERAL.—The Secretary of Transportation shall prohibit an operator of a civil aircraft of the United States from participating in the emissions trading scheme unilaterally established by the European Union in EU Directive 2003/87/EC of October 13, 2003, as amended, in any case in which the Secretary determines the prohibition to be, and in a manner that is, in the public interest, taking into account—

(1) the impacts on U.S. consumers, U.S. carriers, and U.S. operators;

(2) the impacts on the economic, energy, and environmental security of the United States; and

(3) the impacts on U.S. foreign relations, including existing international commitments.

(b) PUBLIC HEARING.—After determining that a prohibition under this section may be in the public interest, the Secretary must hold a public hearing at least 30 days before imposing any prohibition.

SEC. 3. NEGOTIATIONS.

The Secretary of Transportation, the Administrator of the Federal Aviation Administration, and other appropriate officials of the United States Government—

(1) should, as appropriate, use their authority to conduct international negotiations, including using their authority to conduct international negotiations to pursue a worldwide approach to address aircraft emissions; and

(2) shall, as appropriate, take other actions under existing authorities that are in the public interest necessary to hold operators of civil aircraft of the United States harmless from the emissions trading scheme referred to under section 2.

SEC. 4. DEFINITION OF CIVIL AIRCRAFT OF THE UNITED STATES.

In this Act, the term ''civil aircraft of the United States'' has the meaning given the term under section 40102(a) of title 49, United States Code.

Mr. THUNE. Mr. President, I would like to thank my colleague from Oregon, Mr. MERKLEY, for working with the Senator from Missouri, Mrs. MCCASKILL, and me today to address his concerns with our bipartisan bill, S. 1956, the European Union Emissions Trading Scheme Prohibition Act. The amendment, which he has filed for consideration and which is currently running through the hotline process, reconfirms that the Secretary of Transportation's responsibility to determine there is a public interest before taking any action does not end after the first determination. Instead, it is an ongoing responsibility.

The amendment that Mr. MERKLEY has filed, and which I support, clarifies that it is the Secretary's right to reassess the public interest determination. Additionally, the amendment clarifies that if the EU ETS is amended, if there is an international agreement on aviation emissions, or if a Federal public law is enacted that addresses aviation emissions, that the Secretary will again revisit the public interest determination.

Again, I would like to thank the Senator from Oregon for working with me, and I look forward to passage of S. 1956.

Mr. REID. Mr. President, I ask unanimous consent that the committee-reported amendment be considered, the Cardin and Merkley amendments at the desk be agreed to, the committee-reported amendment, as amended, be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be considered made and laid upon the table, and any statements relating to this bill be printed in the RECORD.

I would also extend my appreciation to all Senators who have been involved in this contentious issue—for a while, at least—and especially Senator THUNE, who has helped us work through this and a number of other things.

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

The amendments were agreed to, as follows:

(Purpose: To prohibit the use of taxpayer dollars to pay taxes and penalties imposed on United States air carriers pursuant to the European Union emissions trading scheme)

Beginning on page 5, strike line 14 and all that follows through page 6, line 2, and insert the following:

SEC. 3. NEGOTIATIONS.

(a) IN GENERAL.—The Secretary of Transportation, the Administrator of the Federal Aviation Administration, and other appropriate officials of the United States Government—

(1) should, as appropriate, use their authority to conduct international negotiations, including using their authority to conduct international negotiations to pursue a worldwide approach to address aircraft emissions, including the environmental impact of aircraft emissions; and

(2) shall, as appropriate and except as provided in subsection (b), take other actions under existing authorities that are in the public interest necessary to hold operators of civil aircraft of the United States harmless from the emissions trading scheme referred to under section 2.

(b) EXCLUSION OF PAYMENT OF TAXES AND PENALTIES.—Actions taken under subsection (a)(2) may not include the obligation or expenditure of any amounts in the Airport and Airway Trust Fund established under section 9905 of the Internal Revenue Code of 1986, or amounts otherwise made available to the Department of Transportation or any other Federal agency pursuant to appropriations Acts, for the payment of any tax or penalty imposed on an operator of civil aircraft of the United States pursuant to the emissions trading scheme referred to under section 2.

(Purpose: To provide for the reassessment by the Secretary of Transportation of a determination that it is in the public interest to prohibit operators of civil aircraft of the United States from participating in the European Union's emissions trading scheme)

On page 5, between lines 13 and 14, insert the following:

(c) REASSESSMENT OF DETERMINATION OF PUBLIC INTEREST.—The Secretary—

(1) may reassess a determination under subsection (a) that a prohibition under that subsection is in the public interest at any time after making such a determination; and

(2) shall reassess such a determination after—

(A) any amendment by the European Union to the EU Directive referred to in subsection (a); or

(B) the adoption of any international agreement pursuant to section 3(1).

(C) enactment of a public law or issuance of a final rule after formal agency rulemaking, in the United States to address aircraft emissions.

The committee-reported amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 1956), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1956

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 ''European Union Emissions Trading Scheme Prohibition Act of 2011''.

SEC. 2. PROHIBITION ON PARTICIPATION IN THE EUROPEAN UNION'S EMISSIONS TRADING SCHEME.

(a) IN GENERAL.—The Secretary of Transportation shall prohibit an operator of a civil aircraft of the United States from participating in the emissions trading scheme unilaterally established by the European Union in EU Directive 2003/87/EC of October 13, 2003, as amended, in any case in which the Secretary determines the prohibition to be, and in a manner that is, in the public interest, taking into account—

(1) the impacts on U.S. consumers, U.S. carriers, and U.S. operators;

(2) the impacts on the economic, energy, and environmental security of the United States; and

(3) the impacts on U.S. foreign relations, including existing international commitments.

(b) PUBLIC HEARING.—After determining that a prohibition under this section may be in the public interest, the Secretary must hold a public hearing at least 30 days before imposing any prohibition.

(c) REASSESSMENT OF DETERMINATION OF PUBLIC INTEREST.—The Secretary—

(1) may reassess a determination under subsection (a) that a prohibition under that subsection is in the public interest at any time after making such a determination; and

(2) shall reassess such a determination after—

(A) any amendment by the European Union to the EU Directive referred to in subsection (a); or

(B) the adoption of any international agreement pursuant to section 3(1).

(C) enactment of a public law or issuance of a final rule after formal agency rulemaking, in the United State to address aircraft emissions.

SEC. 3. NEGOTIATIONS.

(a) IN GENERAL.—The Secretary of Transportation, the Administrator of the Federal Aviation Administration, and other appropriate officials of the United States Government—

(1) should, as appropriate, use their authority to conduct international negotiations, including using their authority to conduct international negotiations to pursue a worldwide approach to address aircraft emissions, including the environmental impact of aircraft emissions; and

(2) shall, as appropriate and except as provided in subsection (b), take other actions under existing authorities that are in the public interest necessary to hold operators of civil aircraft of the United States harmless from the emissions trading scheme referred to under section 2.

(b) EXCLUSION OF PAYMENT OF TAXES AND PENALTIES.—Actions taken under subsection (a)(2) may not include the obligation or expenditure of any amounts in the Airport and Airway Trust Fund established under section 9905 of the Internal Revenue Code of 1986, or amounts otherwise made available to the Department of Transportation or any other Federal agency pursuant to appropriations Acts, for the payment of any tax or penalty imposed on an operator of civil aircraft of the United States pursuant to the emissions trading scheme referred to under section 2.

SEC. 4. DEFINITION OF CIVIL AIRCRAFT OF THE UNITED STATES.

In this Act, the term ''civil aircraft of the United States'' has the meaning given the term under section 40102(a) of title 49, United States Code.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. PRYOR. Mr. President, I ask unanimous consent the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

CHANGES TO THE SENATE RULES

Mr. LEVIN. Mr. President, the institution of the Senate is unique in its robust protections of the rights of the minority. In establishing our democracy, our Founders warned of the dangers of a tyrannical majority, and through our history as a country the Senate has stood, often alone, against that threat. One of the essential aspects of the Senate is the ability of 41 Senators, a minority, to defeat a measure if they are willing to talk and there are not 60 Senators who will vote to end the talking. Throughout the history of the Senate, the minority has usually used its right to thwart the will of the majority judiciously and only on measures of the greatest importance. Without that self-restraint, we would be exchanging a tyranny of the majority for a tyranny of the minority, and, indeed, that could mean a tiny minority.

That important quality of self-restraint is essential for the proper functioning of the Senate. With this quality, the Senate can debate, negotiate, and compromise; and without it, the result is gridlock. In a legislative body where extended debate is a central principle, self-restraint is what allows the gears of government to eventually turn. The Senate cannot operate without it.

It is that self-restraint that is too often missing in today's Senate. It is one reason for the low public approval of Congress. In fact, scholars of the Congress have noted an unprecedented change in the functioning of the Senate. In his testimony before the Senate Rules Committee on May 19, 2010, Norm Ornstein said:

The sharp increase in cloture motions reflects the routinization of the filibuster; it's used not as a tool of last resort for a minority that feels intensely about a major issue but as a weapon to delay and obstruct on nearly all matters, including routine and widely supported ones. It is fair to say that this has never happened before in the history of the Senate.

Wait, some might say, the Senate seems to have plenty of debate, perhaps too much. But the sad fact is, in today's Senate, a small minority of Senators routinely block the Senate from even beginning debate on legislation by filibustering or more accurately, perhaps, threaten to filibuster the motion to proceed to legislation. Without 60 votes to end debate on the motion to proceed, the Senate is routinely blocked from even beginning debate on critical legislation, making negotiation and compromise on legislation far more difficult.

Mr. Ornstein is right. The routine threat of a filibuster is an abuse of the rules. Just consider the number of filibusters of the motions to proceed. From the time the cloture rule was first extended to cover the motion to proceed in 1949 to 1990, 41 years, the Senate saw a total of 53 filibusters on the motion to proceed. During those years, Senate minorities would filibuster no more than a handful of motions to proceed during any single Congress. In recent years, the numbers of filibusters have exploded. Now, it is not uncommon for the Senate to see dozens of filibusters of the motions to proceed during any single Congress, as has been the case in the last 2 years. Where is the self-restraint?

Why is this so important? Why should the country care if a small group of Senators block the Senate from doing its work? What is at stake? In my opinion, the stakes could not be higher.

Over and over again, the Senate is forced to waste time just on the question of whether to begin debate on a bill. The process of threatening a filibuster and requiring cloture on every motion to proceed, including the mandatory postcloture debate time of 30 hours under the Senate rules, can consume a week of the Senate's time. That is a full week of the Senate's time consumed just by the question of whether to begin debate on a bill. Where is the self-restraint?

Does self-restraint mean that Senators must abandon long-held positions or violate principle? Of course not. Throughout the history of the Senate, Senators have fought fiercely for their positions and beliefs. Still, at some point, the fighting stopped and agreements were struck. That is the way of every legislative body. The majority's ability to act is what allows other legislative bodies to function. Self-restraint is what separates a functioning U.S. Senate from a broken one. It is what separates a Senate that is capable of doing the Nation's business from a Senate that is prevented from even beginning a debate on that business. The lack of self-restraint is the root of the problem the Senate faces.

In the Senate, a tension has always existed between the majority that wishes to enact legislation and the minority that wishes to amend or defeat it. That tension is not unique to today's Senate. The rules of the Senate have always provided the minority with an arsenal of parliamentary weapons to counter a determined majority. For instance, if a majority leader blocks the minority from offering amendments to a bill, then the minority can filibuster the legislation and deny it passage if it lacks 60 votes. The ability to extend debate and deny cloture are powerful tools that the minority can use to prevent the Senate from acting.

On the other hand, short of 60 votes, Senate rules do not provide a tool for the majority to counter an obstructionist minority. The majority leader could offer a minority days, weeks, or months of debate and endless amendments to a bill, but nothing in the rules of this body would allow the majority to even begin debate if a unified minority filibusters the motion to proceed, which it does now routinely.

Republicans insist that they filibuster motions to proceed because the majority leader fills the amendment tree and blocks consideration of minority amendments. That rationale could justify a filibuster of a bill after the Senate begins its consideration and the leader fills the tree. It does not justify the routine filibusters of the motion to proceed.

The Senate must strike a balance between protecting the rights of the minority and the need of the Senate to function better. To limit the consideration of the motion to proceed would not stifle debate; in fact, it would help ensure Senators have the opportunity to have a debate.

As a practical matter, we will have little chance of ending the filibuster on the motion to proceed unless we, at the same time, assure the minority opportunities to offer and vote on amendments, forcing them to filibuster the bill itself in order to gain that assurance.

According to the Senate rules, any change to those rules can be adopted by a simple majority vote. However, rule XXII of the Standing Rules of the Senate requires an affirmative vote of two-thirds of the Senators present and voting in order to invoke cloture and end debate on a proposed change to the rules. This extraordinarily high threshold has prevented most attempts to amend the rules of the Senate.

Some of our colleagues believe the rules of the Senate can be changed outside the auspices of the Senate rules. They say the U.S. Constitution allows a simple majority to change the Senate rules. They call it ''the constitutional option;'' others call it ''the nuclear option.'' Supporters of the constitutional option point out that the Constitution endows each House of Congress with the authority to establish its own rules of proceedings. Accordingly, at the beginning of every Congress, the House of Representatives adopts rules by a majority vote. Those rules govern proceedings of the House for only the term of that Congress. Supporters of the constitutional option argue the Constitution empowers the Senate to do the same.

The mechanics of the constitutional option are fairly straightforward. One such approach to this option would occur as follows. At the beginning of a Congress, a Senator would offer a resolution adopting Senate rules. The resolution would be filibustered, and so cloture would be filed. Cloture would yield an affirmative vote of a simple majority, but not the two-thirds necessary to end debate as described in rule XXII. Supporters of the resolution would raise a constitutional point of order, which the Presiding Officer, presumably the Vice President, would sustain under this scenario. The chair's ruling would be appealed, and finally the appeal would be tabled by a simple majority vote. And just like that, the Senate could become a simple majoritarian body.

Historically, of course, the Senate has not adopted its rules at the beginning of a Congress as the House does. In fact, Senate rules explicitly address this. According to rule V of the Standing Rules of the Senate, ''The rules of the Senate shall continue from one Congress to the next Congress unless they are changed as provided in these rules.'' Rule V makes clear that the Senate is a continuing body. Indeed, only one-third of its membership is up for election every 2 years while the other two-thirds of its membership continue their service into the new Congress, which is why a quorum in the Senate is continuously in being from Congress to Congress.

Both supporters and opponents of the constitutional option have compelling arguments, but none of them are new. This question has been debated for decades. Confronting the same question in 1949, Senator Arthur Vandenberg, one of my predecessors from Michigan, said:

> I continue to believe that the rules of the Senate are as important to equity and order in the Senate as is the Constitution to the life of the Republic, and that those rules should never be changed except by the Senate itself, in the direct fashion prescribed by the rules themselves. One of the immutable truths in Washington's Farewell Address, which cannot be altered even by changing events in a changing world, is the following sentence: The Constitution, which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all.' I respectfully submit as a basic explanation of my attitude, that I accept this admonition without reservation, and I think it is equally applicable to the situation which Senators here confront, though obviously the comparison cannot be literal. . . . [T]he Father of his Country said to us, by analogy, The rules of the Senate, which at any time exist, until changed by an explicit and authentic act of the whole Senate, are sacredly obligatory upon all.'

Senator Vandenberg continued:

> I have heard it erroneously argued in the cloakrooms that since the Senate rules themselves authorize a change in the rules through due legislative process by a majority vote, it is within the spirit of the rules when we reach the same net result by a majority vote of the Senate upholding a parliamentary ruling of the Vice President which, in effect, changes the rules. This would appear to be some sort of doctrine of amendment by proxy. It is argued that the Senate itself makes the change in both instances by majority vote; and it is asked, What is the difference? Of course, this is really an argument that the end justifies the means.

Senator Vandenberg continued:

> When a substantive change is made in the rules by sustaining a ruling of the Presiding Officer of the Senate—and that is what I contend is being undertaken here—it does not mean that the rules are permanently changed. It simply means that regardless of precedent or traditional practice, the rules hereafter, mean whatever the Presiding Officer of the Senate, plus a simple majority of Senators voting at the time, want the rules to mean. We fit the rules to the occasion, instead of fitting the occasion to the rules. Therefore, in the final analysis, under such circumstances, there are no rules except the transient, unregulated wishes of a majority of whatever quorum is temporarily in control of the Senate. That, Mr. President, is not my idea of the greatest deliberative body in the world. . . . No matter how important [the pending issue's] immediate incidence may seem to many today, the integrity of the Senate's rules is our paramount concern, today, tomorrow, and so long as this great institution lives.

Mr. President, the November elections are upon us. I believe it is important to lay out my position on the constitutional option now, before we know the outcome of the election and the makeup of the Senate next year. I believe one's position on this question is so essential to the nature and the future of the Senate that it should not be dependent upon the outcome of an election but upon the best interests of this institution.

I believe the so-called constitutional option to change the rules of the Senate, if actually implemented, would turn the Senate into a legislative body where the majority can, whenever it wishes, run roughshod over the rights of the minority. My frustration with the recent abuses of the rules does not overwhelm my duty to defend the uniqueness and integrity of this great institution.

With that in mind, I suggest a change to the Senate rules that would provide the majority leader with an additional procedural option that preserves his ability to control the floor while maintaining the necessary 60-vote threshold to end debate. This alternative procedure would avoid the filibuster on the motion to proceed, preserve the ability of the majority leader to fill the amendment tree, but at the same time ensure all Senators have the ability to offer and have votes on relevant, timely filed amendments prior to a vote on final passage of a measure.

Using this procedure, the majority leader could move to proceed to the consideration of a measure with only

relevant amendments in order. When a motion to proceed is made in such form, the consideration of that motion would be limited to 2 hours. If the Senate adopted that motion, then Senators would have until 1 p.m. the following session day to file relevant, first-degree amendments and until 1 p.m. the session day after that to file relevant, second-degree amendments.

This procedure would guarantee that any Senator who has a timely filed, relevant amendment could offer that amendment prior to final passage, even if the amendment tree is filled. For example, if the Senate is considering a bill under this procedure and the amendment tree is filled, following disposition of all pending amendments but prior to the third reading, it would be in order for any Senator with a relevant, timely filed amendment to call up that amendment. Once pending, that amendment would need to be disposed of before final passage.

While this procedure would expedite the process to begin consideration of a bill, it would not abandon the essential principle that a supermajority is necessary to bring debate to a close on a bill in the Senate. Nothing under this procedure would deny Senators his or her right to extended debate on a bill, unless, of course, 60 or more Senators vote to invoke cloture. Aside from the filing deadlines, the only substantive change from the current cloture process would be the application of a relevancy standard rather than the conventional germaneness standard. Only relevant amendments would be in order only if the majority leader opted to use this alternative approach to moving to proceed.

This procedure would not be needed or even appropriate for every bill that is placed on the calendar. But for some bills, the majority leader might view this alternative procedure as a useful tool that could help both the majority and the minority achieve their aims. And should this alternative procedure prove to be ineffective, the majority leader could always abandon it for regular order, and if the right to get votes on relevant amendments is abused by filing a dilatory number of relevant amendments, the majority leader would simply not utilize the option.

As I said, an election season is upon us. We will soon recess, and only after November 6 will we know who will hold a majority in this body. My support for ending the current motion to proceed process will be there after the election, regardless which party controls the Senate in the next Congress. My goal is not to gain partisan advantage but to protect the unique role of the Senate. Increasingly, after facing years of excessive obstruction, some Members on my side of the aisle see the filibuster as an archaic procedure that prevents the Senate from addressing the pressing needs of the Nation. I suspect that some of my friends in the minority today, if in the majority sometime in the future, will find the filibuster equally frustrating to their own efforts. We face an increasing danger that, in order to end the gridlock that prevents either side from offering solutions to the challenges we face, pressure to severely reduce minority rights will become irresistible.

If we are to preserve the Senate's function as a check on haste, as a haven for minority views, we must ensure that protection of minority rights is no longer a barrier to any and all action. Limiting excessive filibusters on the motion to proceed is one modest change we can make that addresses this crisis without changing the Senate's fundamental character. I ask my colleagues to consider carefully whether a change in the present might be necessary to avoid more radical change in the future.

REMEMBERING NEIL A. ARMSTRONG

Mr. COCHRAN. Mr. President, I rise today in celebration of the life and career of Neil A. Armstrong. Americans and people around the world paused when Mr. Armstrong passed away on August 25, 2012, to recall his heroic accomplishments and historic legacy.

Neil Armstrong is remembered as a man who pushed the frontiers of space exploration and engineering. Over the course of his life and service to the Nation, he promoted the idea of never doubting what is possible. He inspired countless young men and women to pursue careers in science and engineering, many of whom became aeronautics workers at facilities like the Stennis Space Center in Mississippi.

Mr. Armstrong was born in Wapakoneta, OH, on August 5, 1930. He received a Bachelor of Science in Aerospace Engineering from Perdue University, a Master of Science in Aerospace Engineering from the University of California, and received honorary doctorates from multiple universities.

Mr. Armstrong embarked on a remarkable career that would involve his flying more than 200 different models of aircraft including jets, rockets, helicopters and gliders.

From 1949 to 1952, Mr. Armstrong served as a naval aviator, and in 1955 joined the National Advisory Committee for Aeronautics, now the National Aeronautics and Space Administration. From 1955 through 1972, he served as an engineer, test pilot, astronaut, and administrator for our Nation's ambitious space program.

Mr. Armstrong's transfer to astronaut status in 1962 led to his performing the first successful docking of two vehicles in space in March 1966 as the command pilot for Gemini 8. Mr. Armstrong subsequently became commander for Apollo 11, the first manned lunar mission, and was the first man to land a craft on the moon. At 10:56 p.m. ET on July 20, 1969, Neil Armstrong became the first man to step on the surface of the moon. It was one of the defining moments of the 20th century and one of the proudest days for the American people.

Following his career with NASA, Mr. Armstrong was a Professor of Aerospace Engineering at the University of Cincinnati between 1971 and 1979. Mr. Armstrong was decorated by 17 countries and was the recipient of many special honors including: the Presidential Medal of Freedom, the Congressional Gold Medal, the Congressional Space Medal of Honor, the Explorers Club Medal, the Robert H. Goddard Memorial Trophy, the NASA Distinguished Service Medal, the Harmon International Aviation Trophy, the Royal Geographic Society's Gold Medal, the Federal Aeronautique Internationale's Gold Space Medal, the American Astronautical Society Flight Achievement Award, the Robert J. Collier Trophy, the AIAA Astronautics Award, the Octave Chanute Award, and the John J. Montgomery Award.

Mr. Armstrong will be remembered not only for his famous words as he stepped foot on the moon—''That's one small step for a man, one giant leap for mankind''—but more importantly for inspiring generations of people around the world to explore and push the boundaries of what they believe is possible. Neil Armstrong was a true American hero who will be missed by many, but never forgotten.

CAPACITY TO IMPLEMENT THE ACA

Mr. GRASSLEY. Mr. President, the Supreme Court decision on the Affordable Care Act has put the brakes on Medicaid expansion for now.

The Federal Government can no longer force States to expand their Medicaid programs.

With the expansion and the billions of dollars that States would have had to spend on hold, and as we look at solutions to address our 16 trillion dollar national debt, now is a good time for us to step back and ask what role health care should play for States in our Federal system.

Mr. President, as of today, the primary function of a state is health administration—not primary and secondary education, not public safety, not roads and bridges.

According to the National Association of State Budget Officers, Medicaid is the single largest spending line in state budgets at 23.6 percent.

The economic downturn and high unemployment have resulted in an increase in Medicaid enrollment as individuals lose job-based coverage and incomes decline.

Medicaid enrollment increased by 5.1 percent during fiscal 2011 and is estimated to increase by 3.3 percent in fiscal 2012.

In governors' recommended budgets for fiscal 2013, Medicaid enrollment would rise by an additional 3.6 percent.

This would represent a 12.5 percent increase in Medicaid enrollment over this three year period.

Medicaid enrollment surged during the economic downturn with enrollment rising by 7.2 percent from June 2009 to June 2010.

Although Medicaid enrollment is easing for now, the implementation of the Affordable Care Act would have greatly increased the individuals served in the Medicaid program in 2014 and thereafter.

The Affordable Care Act, as passed, required States to cover all childless adults beginning in 2014 under Medicaid that heretofore had not been covered.

The expansion to 138 percent of the poverty level was expected to cover 16 million people.

States would get 100 percent of the cost of new individuals enrolled paid for by the Federal Government for the first several years before the Federal payment levels for those new individuals would fall to approximately 92 percent.

The Supreme Court rejected the mandatory expansion.

Quoting from the Supreme Court ruling

> The threatened loss of over 10 percent of a State's overall budget is economic dragooning that leaves the States with no real option but to acquiesce in the Medicaid expansion.

The Government claims that the expansion is properly viewed as only a modification of the existing program, and that this modification is permissible because Congress reserved the ''right to alter, amend, or repeal any provision'' of Medicaid.

But the expansion accomplishes a shift in kind, not merely degree.

The original program was designed to cover medical services for particular categories of vulnerable individuals.

Under the Affordable Care Act, Medicaid is transformed into a program to meet the health care needs of the entire nonelderly population with income below 133 percent of the poverty level.

A State could hardly anticipate that Congress's reservation of the right to alter or amend the Medicaid program included the power to transform it so dramatically.

The Medicaid expansion thus violates the Constitution by threatening States with the loss of their existing Medicaid funding if they decline to comply with the expansion.

As a result of the Supreme Court ruling, the Federal Government can no longer threaten the States with withdrawal of all Federal Medicaid funding if States do not expand their Medicaid programs.

States now have the option to expand coverage.

Several States have now suggested they will not expand in 2014.

The Congressional Budget Office now estimates that only one-third of the potential newly eligible population will reside in States that choose to fully extend coverage.

According to CBO, about one-half of the potential newly eligible population will reside in States that only partially extend Medicaid coverage.

The remainder, about one-sixth of the potential newly eligible population, will reside in States that do not extend Medicaid coverage at all in the next decade.

CBO's predicted Medicaid coverage under the Affordable Care Act has been reduced by 35 percent.

Clearly CBO accepts the proposition that if States are not forced to extend coverage to the ACA mandatory population, they will not.

Mr. President, right before the August recess my office released a report from the Government Accountability Office on State capacity to meet the Medicaid requirements under the ACA.

It shows why CBO's skepticism is appropriate.

The report discusses challenges States are facing with information technology, guidance from CMS, and the budgetary uncertainty of increased enrollment of those currently eligible for Medicaid.

The GAO surveyed the States and found that the vast majority expect to have additional costs related to administering their current program, developing eligibility systems, enrolling newly eligible individuals and enrolling additional individuals who are currently eligible.

The GAO focused particularly on the challenges faced by States in updating their eligibility systems.

In the report, GAO found four main deterrents to States as they consider the challenge of expanding their eligibility systems to meet the goal of Medicaid expansion.

First, many States face a lengthy procurement process as they look to upgrade their technology to handle expansion.

Second, designing new eligibility systems is complex and may involve the replacement of existing, outdated systems.

Third, States often have systems that operate across multiple programs further increasing the cost and complexity of upgrading.

Fourth, as States have fought against their own budgetary problems, many have reduced personnel resources to manage projects as complex as Medicaid expansion.

The GAO further found problems with the guidance CMS has been providing the States.

30 of the 36 responding to the GAO survey found that CMS guidance was only slightly useful or not useful at all.

Mr. President, many outside observers have treated the expansion of Medicaid as a foregone conclusion, that States couldn't possibly turn down so much supposedly ''free money.''

The evidence from CBO and GAO is crystal clear.

When the Federal Government is involved, there's no such thing as a free lunch.

States absolutely can turn down the option to expand and every State faces a difficult decision in how they choose to move forward.

However, Mr. President, the Medicaid expansion in the Affordable Care Act is not the only fiscal pressure States face from the health care administration.

One of the most expensive and complex populations receiving Federal health care services are those dually eligible for Medicare and Medicaid, commonly referred to as DUALS.

They are poorer, sicker and often in need of more extensive and expensive coordinated care.

The inefficiency created in the misaligned incentives of the Medicare and Medicaid programs is frequently cited as one of the areas in health care in greatest need of reform.

The Affordable Care Act created an office in CMS charged with creating demonstration projects to allow for greater coordination of dual eligibles.

Those demonstration projects have been moving forward at breakneck pace with as many as 26 States looking to participate.

Essentially all the demonstrations seek to give States greater control of the acute care of dual eligibles.

CMS has legal authority under the ACA to take these demonstrations nationally if they are successful.

Many outside groups are concerned about the size, scope and pace at which demonstrations are proceeding citing California's initial proposal to take control of one million dual eligibles as an example of the outsized nature of the demonstrations.

In July, Senator ROCKEFELLER wrote a strongly worded letter to CMS suggesting they should halt the demonstrations for similar reasons.

Mr. President, no one argues that the way Medicare and Medicaid coordinate for dual eligibles works.

Coordination today is akin to asking my wife and me to compose a letter with her writing the consonants and my writing the vowels.

Giving the States greater control of duals may be the right answer, but when you consider the fiscal challenges faced by States, this should be a decision considered by Congress examining all possible alternatives rather than something occurring through regulatory action.

Finally, the Affordable Care Act gives States broad leeway in creating State-based Exchanges.

These State exchanges are the mechanism where people with incomes above Medicaid eligibility will go to get health insurance.

It would be an understatement to say the States haven't moved very rapidly to get these Exchanges up and running.

I do acknowledge that many States may have been waiting for the Supreme Court ruling before moving ahead with their Exchanges.

However, I do think it remains equally plausible that States are moving cautiously as they look at one more role in health care where they are being asked to expand.

Mr. President, for the States, health care is a chaotic mess.

The Federal Government is asking the States to take greater roles in administering coverage for the uninsured in Medicaid, the dually eligible and the uninsured in the private sector.

As we move forward in 2013, we will revisit, perhaps repeal, the Affordable Care Act.

We will examine proposals to reign in the cost of our heath care entitlements.

Mr. President, as we do so, I strongly recommend we step back and reconsider what is the appropriate role for health care in our Federal system.

In July, Robert Samuelson wrote in the Washington Post about a proposal often associated with my friend from Tennessee, Senator ALEXANDER, known as the ''grand swap.''

In this proposal, the Federal Government would assume all responsibility for Medicaid and the States would assume all responsibility for education.

Samuelson raises the proposal because, in his words,

> Only the federal government can devise a solution to control health costs; concentrating government health spending at the federal level would intensify pressures to do so.
>
> States have tried mightily to control spending with at best partial success.
>
> For example, Medicaid reimbursement rates average only 72 percent of Medicare levels.
>
> The low rates have caused some doctors not to accept Medicaid patients.

Mr. President, Samuelson raises a significant question, which Congress needs to consider in entitlement reform.

Congress should consider what States should do in health care and what are reasonable expectations.

If Congress wants States to administer benefits for the aged, blind and disabled, and low income individuals along with managing the exchanges for individuals with incomes up to 400 percent of poverty, Congress can do so.

If health care is the primary responsibility of States, it is because of decisions made by Congress.

If States are being asked to do so while also overseeing education, public safety, roads and bridges and meet in most cases a balanced budget requirement, Congress should temper its expectations regarding the resources States will be able to devote to health care.

With significant restructuring of Medicare and Medicaid possible in 2013, we should use this as an opportunity to reconsider the role of the States in providing health care coverage inclusive of populations and services.

What we ask of the States should be thoughtfully considered in any reform discussion.

RECOGNIZING TAIWAN'S NATIONAL DAY

Mr. LIEBERMAN. Mr. President, I rise today to honor the people and leaders of the Republic of China on Taiwan as they prepare to celebrate the hundred-and-first anniversary of the founding of their country on October 10.

I would like to highlight Taiwan's economic successes over the last century—a success that has rightly been called a miracle. In just several decades, the people of Taiwan have transformed their economy from a recipient of American aid into one of our most important trade partners. The world economy relies upon Taiwan's computer chip foundries, and the whole world benefits from the entrepreneurial spirit and inventiveness of Taiwan's people.

Looking forward to the future of our relationship with Taiwan, I believe it will be essential to take bold new steps to strengthen the ties between us. In particular, it is past time for Washington to negotiate a free trade agreement with Taiwan. That would be the first and most important step we could take to demonstrate our continued dedication to this relationship.

I also wish to take this opportunity to congratulate Ambassador Jason Yuan, who has ably represented Taiwan in the United States for the past 4 years, on his new appointment to serve as Secretary-General of the National Security Council of Taiwan. I am deeply grateful for his hard work to further strengthen the ties between our two countries, and I wish Ambassador and Madame Yuan the very best of luck in their future endeavors.

In closing, I urge my colleagues to join me in congratulating the people of Taiwan on their many successes, and to recommit ourselves to strengthening this essential relationship. As we look forward to Taiwan's national celebration, the people of both the United States and the Republic of China on Taiwan have much to celebrate.

TRIBUTE TO GENERAL NORTON A. SCHWARTZ

Mr. MCCAIN. Mr. President, today I rise to honor GEN Norton A. Schwartz. General Schwartz will soon officially retire after 39 years as an Air Force officer, the last 4 spent as Chief of Staff. Throughout his career, on the front lines and in the ''corporate'' Air Force, General Schwartz served our Nation selflessly and ably, with dedication and distinction.

I came to know General Schwartz when he was appointed Chief of Staff of the Air Force in August 2008. He began his leadership at a very difficult time. Controversy surrounded the Air Force's acquisition activities and the control of our Nation's nuclear arsenal. The Air Force's attempt to acquire aerial refueling tanker aircraft had been mired in scandal and missteps, while the service had just come off two incidents of mishandling nuclear missiles and related materials.

General Schwartz established a command climate that helped the service make the changes needed to address these issues. For example, General Schwartz insisted on fully restoring excellence and integrity to the Air Force's acquisition workforce and practices. He succeeded. After years of failed attempts to get the tanker replacement program under contract, the Air Force conducted a source-selection for the program, under full-and-open competition, that serves as a textbook example of how the Department of Defense should award contracts for its largest and most expensive weapon systems. Today, the Air Force's strategy to acquire these tankers is sound. It can certainly be said that under General Schwartz's leadership, this program is, for the first time in its checkered history, well-positioned for success.

Through his thoughtful temperament and purposeful humility, General Schwartz also helped restore Congress's confidence in the Air Force's acquisition practices and its management of the critical national security resources entrusted to it. For this, both the warfighter and the taxpayer will remain in his debt.

During public hearings before the Armed Services Committee and in our private meetings, I always appreciated General Schwartz's ''straight talk'' about Air Force programs and operations. Despite his unwavering dedication to the Air Force, General Schwartz was never afraid to talk about the hard truths, to propose solutions to problems, and to see those solutions through. Neither was he shy about lauding the many excellent people and accomplishments of the Air Force.

So I extend a grateful nation's thanks to GEN Norton A. Schwartz and his wife Suzie for their service to our Nation and wish them every success in the next chapter in their life together.

POSTAL REFORM

Ms. COLLINS. Mr. President, the Postal Service's financial crisis continues to escalate.

At the end of this month, the U.S. Postal Service will miss the deadline for the required $5.6 billion payment toward its future retiree health care obligations. In fact, the Postal Service will have defaulted on more than $11 billion in payments to fund health care for future retirees, raising concerns about its ability to keep promises to current workers about their future benefits.

Five months ago, the Senate passed by a strong bipartisan vote legislation to shore up the Postal Service. Yet the House has failed to act. And unfortunately, the House is about to adjourn without taking up either the Senate-passed postal bill or a House version.

I have implored House leaders to take up postal reform legislation—any postal reform legislation—so the conference process and the difficult negotiations involved in that process can begin in earnest.

No one should pretend this is not a crisis worthy of congressional action.

The Postal Service has lost more than $13 billion during the past 2 years and is losing $25 million each day. It will reach its credit limit of $15 billion by the end of the year. Despite the fact that Congress has deferred or reduced the Postal Service's payments for future retiree health benefits multiple times, the Postal Service has still reported billions of dollars in deficits—clear evidence that its fiscal woes go far beyond this requirement.

The Senate bill passed in April ensures those promises to future retirees will be kept, while still providing financial relief by restructuring the payment plan in a responsible way.

Much is at stake. Without legislative reforms, the universal mail service that drives a trillion-dollar mail industry and supports more than 8 million jobs will be in jeopardy.

A key reason for the Postal Service's crisis is simply a changing world, where more and more communication is online rather than via traditional mail. First-class mail volume has fallen by 26 percent over the past 6 years and continues to decline. Reflecting that sharp drop in volume, the Postal Service's revenue has also plummeted from $72.8 billion in 2006 to $65.7 billion in 2011.

Nearly 80 percent of the Postal Service's costs are workforce-related, and so, as painful as it may be, finding a compassionate way to reduce these costs is simply unavoidable. In doing so, however, it is critical that the service on which many postal customers depend—customers the Postal Service desperately needs to keep—be preserved. The worst thing the Postal Service could do would be to drive more customers out of the mail, causing revenues to decline further and ensuring that the financial free fall continues. That would trigger a death spiral from which the Postal Service might never recover.

We need to help put the Postal Service back on solid financial footing, not only to help protect those who work in jobs related to mailing industry but also so that taxpayers are not left holding the bag.

The bill I coauthored along with Senators LIEBERMAN, CARPER, and SCOTT BROWN would do just that.

Our bill encourages the Postal Service to operate more like a business by cutting internal costs first instead of driving away customers with deep service cuts or steep price hikes.

Our bill would transfer to the Postal Service the nearly $11 billion it has overpaid into the Federal Employee Retirement System and direct the Postmaster General to use a portion of this money for retirement and separation incentives in order to reduce the size of the workforce in a compassionate way.

Let me emphasize: This refund is not taxpayer money. It was contributed by the Postal Service using ratepayer dollars. It is an overpayment that was identified and confirmed by the actuaries at OPM and verified by the GAO. GAO recently confirmed OPM's assessment that this figure now has risen to nearly $11 billion.

The Senate-passed bill also includes a new requirement that arbitrators rendering binding decisions in labor disputes consider the financial condition of the Postal Service. I know that it might defy belief that an arbitrator would not automatically consider the looming bankruptcy of the Postal Service when ruling on contract disputes. Some previous arbitrators, however, have discounted this factor in their decisions because the requirement to consider it was not explicitly listed in law.

For the first time in 35 years, the bill also brings sorely needed, commonsense reforms to the Federal Workers' Compensation Program, not only at the Postal Service but across the entire Federal Government. More than 45,500 people are on the long-term rolls for Federal workers' comp, and 40 percent of those are Postal Service employees. The reforms will help injured employees return to work and ensure that workers' comp is not a substitute for retirement benefits.

The Senate bill would also rationalize what has been an erratic and Draconian closure plan for thousands of rural post offices. While some post offices can and should be closed, curbing access for customers could well jeopardize revenue. Therefore, our bill would set up a new process that would involve the consideration of alternatives to closure, such as reducing hours, co-locating a post office at a nearby pharmacy, or renting out excess space to other government agencies. Perhaps most important, the process includes the requirement for the views of the affected community to be heard and responded to prior to any final decision.

Our bill would prevent the Postal Service from eliminating Saturday delivery for the next 2 years. Instead, it directs the USPS to embark on a period of aggressive cost-cutting and then would allow this reduction in service only if the Government Accountability Office and postal regulators both certify that elimination of Saturday delivery is still necessary to achieve solvency.

The Senate's bipartisan postal reform bill preserves the Postal Service and the critical economic activity it supports.

Now, the House must act. Failure to do so puts in peril American commerce and could harm our fragile economy.

I am confident that, for the good of our country, we will be able to come together with our House colleagues and work out our differences, no matter how significant those differences may be. No doubt more compromises will be required along the way, but it is critical that we get a bill to the President for his signature as soon as possible.

Our task is urgent. Postal employees, businesses who rely on the U.S. mail, and the American people should not have to wait any longer.

WORLD ALZHEIMER'S ACTION DAY

Mr. AKAKA. Mr. President, today I wish to join my colleagues in bringing attention to Alzheimer's disease and dementia, which tragically affects so many people across our Nation, including in my home State of Hawaii. Today, the Alzheimer's Association recognizes World Alzheimer's Action Day as a way of raising awareness and reducing the stigma associated with Alzheimer's. Sadly, this disease has touched the lives of the families of so many of my friends, colleagues, and staff.

In 2010, 27,000 people in Hawaii were living with Alzheimer's disease. Their family members and loved ones sacrificed to help them with nearly $800 million worth of unpaid care. Not only is this a devastating disease for the people afflicted with it, but the emotional and monetary costs to their families are enormous.

The reach of the disease continues to grow, and it is estimated that the cost of caring for people with Alzheimer's and other dementia in America will reach $1.1 trillion by 2050. Despite the fact that Alzheimer's has affected so many, the disease itself remains poorly understood. Not only does it cause memory loss and confusion, but it is also the sixth leading cause of death nationwide.

During the last Congress, my colleagues and I worked together to pass the National Alzheimer's Project Act, which President Obama signed into law in 2011. This law created a national strategic plan to address the crisis of Alzheimer's disease and to make ending Alzheimer's a national priority. We have a plan in place to fight this disease, but finding a cure will require us to continue funding research into the disease. While we work towards a cure, we must also support caregivers and raise public awareness of the effects of this disease.

I would also like to express my profound gratitude to all those who are caring for family members who are afflicted with Alzheimer's disease and other forms of dementia. Many caregivers have one or more jobs and other family members to care for and it can often be a thankless job. So mahalo nui loa, thank you very much, for your sacrifices. I call on my colleagues to continue supporting Alzheimer's disease research and education so that we may find a cure and end this devastating disease.

TRIBUTE TO ROBERT EPPLIN

Ms. COLLINS. Mr. President, I rise to commemorate the distinguished public service of Robert Epplin, who served for nearly 20 years as staff in the Senate, and most recently for the past 3½ years as my legislative director. Rob's service in the Senate, as well

as his service in the executive branch, has typified what a dedicated public servant should be: he took pride in his work and faced challenges with determination and tenacity; he recognized what an honor it was to serve the people of this country and my constituents, in particular; and he had a respect for and an unparalleled understanding of the Senate as an institution. Because of these many fine qualities, Rob earned the respect and admiration of so many of his staff colleagues, as well as so many Senators.

Rob got his start in Washington in 1989 working as a research analyst at the Republican National Committee. In 1991 he went to work at the Department of Education, serving in the office of then-Secretary LAMAR ALEXANDER.

Rob began his work in the Senate in 1993 when he served as an adviser for budget, economic, foreign affairs, and defense issues for former Senator Bob Packwood of Oregon. At the time he accepted the position, I am sure he had little inkling that his work would lead to more than a decade of service to the Oregon congressional delegation. In 1994, Rob moved to the Senate Finance Committee, where he continued to work for Senator Packwood as a professional staff member responsible for pensions, benefits, social security, and economic issues. He then worked for the Office of Management and Budget before returning in 1997 to the Senate and Oregon delegation as a senior adviser, and later legislative director, to my friend and former colleague, Senator Gordon Smith.

During his career in public service, Rob left his mark on issues ranging from tax and national security to budget policy. But it was his long fight for the passage of historic civil rights legislation, including the repeal of the don't ask, don't tell law and hate crimes legislation, that gives him the most pride. America now welcomes the service of any qualified individual who is willing to put on the uniform, and we no longer dismiss brave, dedicated, and skilled service men and women simply because they are gay. In addition, those who commit hate crimes against individuals based on their sexual orientation can now be punished under Federal law.

As Rob leaves the Senate after nearly 20 years of hard work and dedicated public service, he also leaves behind an impressive list of accomplishments, and colleagues whose lives he touched because he was such an exceptional role model and mentor. I wish him continued success and every happiness in the years to come.

TRIBUTE TO MONTFORD POINT MARINE

Ms. LANDRIEU. Mr. President, on the 25th day of June 1941, President Franklin D. Roosevelt issued Executive Order No. 8802 establishing the fair employment practice that began to erase discrimination in the Armed Forces.

In 1942, President Roosevelt established a presidential directive giving African Americans an opportunity to be recruited into the Marine Corps. These African Americans, from all States, were not sent to the traditional boot camps of Parris Island, SC and San Diego, CA. Instead, African American Marines were segregated—experiencing basic training at Montford Point—a facility at Camp Lejeune, NC. Approximately 20,000 African American Marines received basic training at Montford Point between 1942 and 1949.

In July of 1948 President Harry S. Truman issued Executive Order No. 9981 negating segregation. In September of 1949, Montford Marine Camp was deactivated, ending 7 years of segregation.

On April 19, 1974, Montford Point Camp was renamed Camp Johnson, in honor of the late Sergeant Major, Gilbert H. ''Hashmark'' Johnson. Johnson was one of the first African Americans to join the Corps, a Distinguished Montford Point Drill Instructor and a Veteran of WWII and Korea. The Camp remains the only Marine Corps installation named in honor of an African American.

The awarding of the Congressional Gold Medal came to fruition after the signing of H.R. 2447, Public Law 112–59 by President Obama on 23 Nov 11, which is the highest civilian honor for the distinguished achievement. The Congressional Gold Medal was presented to 366 Original Montford Point Marines, 27 June 2012 at the Capital Visitor's Center in Washington, DC. The next day, replicas of this medal were presented to these men at the Commandant of the Marine Corps' residence.

January of 2012 began the keeling of the USNS Montford Point, T-MLP–1, the lead ship of her class of Mobile Landing Platforms, MLP, a ship named in honor of the Original Montford Point Marines. Currently the Montford Point Marine Association Inc is raising funds to build the Montford Point Memorial at Camp Lejeune, NC.

Today, I would like to recognize the following Original Montford Point Marines from Louisiana:

Henry Leonard Bart, New Orleans
Winston Joseph Burns, Sr., New Orleans
Cleauthor Sanders, Shreveport
Otis O'Neal Stewart, Baton Rouge
Ruffin Dawson, Mandeville
Joseph Bastian, New Iberia
Alcee Chriss, Sr., Baton Rouge
Walter Duhon, Fenton
William Joseph Brashear, Morgan City

RECOGNIZING THE JUNIOR LEAGUE

Ms. LANDRIEU. Mr. President, today I wish to recognize the Junior League of Washington, JLW, as this organization honors 100 years of community service and dedication to the greater Washington, DC, area. The Junior League has approximately 300 organizations across the world, including eight leagues in my home State of Louisiana. I know that the women in these organizations make a profound impact on their communities, and in particular, I recognize the positive impact the women of the Junior League of Washington have made in communities throughout our Nation's Capital since 1912.

The Junior League of Washington, JLW, is an organization of women committed to promoting volunteerism, developing the potential of women, and improving communities through the effective action and leadership of trained volunteers. Its purpose is exclusively educational and charitable. Throughout their history, the JLW has provided millions of volunteer hours and more than $5.4 million to the community.

It was one woman, Miss Elizabeth Noyes, and her sewing circle, that started the JLW in 1912. The League quickly grew to over 100 women working for the welfare of children and serving the helpless and sick. One hundred years later, the league is still going strong with over 2,300 members still striving to improve the lives of children and the poor.

The league continues this mission and in the late 1990s chose to focus its energies on literacy-related programs. The ability to read, write, and communicate affects far more than a person's knowledge of literacy masterpieces. It changes their access to jobs, health care, and transportation, and the way they raise their children. The JLW has adopted a broad approach to solving the literacy challenges their community faces by addressing the issue from many angles: adult, child, and cultural. The league is proud to partner with over 23 organizations throughout the area to achieve this laudable goal.

In addition, the league honors and celebrates diversity while focusing on shared values, and it strives to create an environment in which any woman committed to improving her community, regardless of race, religion, or national origin, will feel welcome and be encouraged to be part of the organization. The JLW is a vibrant presence in the lives of the women and children in the greater metropolitan area of the District of Columbia, serving as a resource throughout the community to effect positive change, seek common ground, and inspire hope.

In honor of their centennial year, the women of the JLW have create the Resolution Read Program, committing themselves to purchasing and distributing 100,000 new books to needy children in the greater Washington, DC, community. This is no small undertaking for a small group of women, but by meeting this goal, many children throughout the area will get a book to call their own. As such, JLW will continue to make a lasting impact in their community by fostering a passion for books and reading where it otherwise might not exist.

I would like to sincerely thank the volunteers of the Junior League of

Washington for their commitment to volunteerism, their community, and the District of Columbia. Their efforts are extraordinary and greatly appreciated. I congratulate the league on their 100 years of success and look forward to hearing about all the wonderful things the league will accomplish by their Bicentennial.

FEDERAL LONG TERM CARE INSURANCE

Mrs. SHAHEEN. Mr. President, 10 years have passed since the first consumer enrolled in the Federal Long Term Care Insurance Program, an insurance option for Federal employees, retirees and their loved ones created by the Long-Term Care Security Act. This law set a new standard regarding providing for the unique and important medical needs of seniors and individuals with disabilities. Participants in the program are now confident that they will receive help financing the care that they may require. I am pleased to recognize the 10th anniversary of the first enrollment in this important program, and I am proud that its administration is handled by Long Term Care Partners, LLC, which is located in my home State of New Hampshire.

Today, 1 in 10 Americans aged 55 and older carries a long-term care insurance policy; however, it is estimated that 70 percent of people over age 65 will eventually require long-term care. Our Nation's changing demographics and significant medical advances have contributed to an aging population, and addressing the issue of how best to care for seniors and individuals with disabilities should be part of our national discourse on how we support ourselves and our families. These services are critical for so many Americans who need assistance to continue living independently and actively in their communities.

The Federal Long Term Care Insurance Program was the first benefit offered to the Federal workforce that was completely employee-funded, coming at no cost to the taxpayer. The program is unique in that, at the time of its inception, it was the first benefit offered uniformly to all Federal employees, including military personnel and staff of the U.S. Postal Service. It is also the Nation's first successful large-scale, long-term care insurance program with consistent benefits, regardless of where the recipient lives.

With nearly 270,000 enrollees, the Federal Long Term Care Insurance Program has made a difference in the lives of so many in the Federal workforce. It is the largest group long-term care insurance program in the country and has already paid nearly $215 million in claims. The program helps its beneficiaries stay where they are most comfortable, with more than 85 percent of these claims going to home and community-based services.

Every family needs to plan for retirement and how to best care for aging loved ones and those with disabilities. Long-term care insurance is one way that millions of Americans get the support they need to remain independent and active in their communities. For Federal employees, the Federal Long Term Care Insurance Program is an important option that provides a sense of security and comfort in knowing that family members will be cared for in times of need.

I stand today to recognize the Federal Long Term Care Insurance Program's 10th anniversary and to wish the program continued success as it embarks on its second decade of assisting Federal employees and their families in planning for their retirements.

TRIBUTE TO PASTOR YOUCEF NADARKHANI

Mr. BLUNT. Mr. President, I would like to take a few moments to share a rare piece of good news related to international religious freedom. On October 11 of last year I submitted for the RECORD the story of a Christian pastor in Iran who had been charged with apostasy and sentenced to death. Earlier this month, after almost 3 years of imprisonment, Pastor Youcef Nadarkhani has been released and is at home with his family.

The good news for Pastor Youcef comes after years of struggle, and we can only imagine the joy his own family feels after a long, difficult fight for his freedom. Many organizations and individuals, often risking their own lives, deserve thanks for their enduring commitment to Pastor Youcef's cause. Pastor Youcef's enduring faith in God saw him through this trying time and his experience is an inspiration to people of faith everywhere.

This moment of relief and thanksgiving comes as a reminder that the liberties we enjoy as Americans come at a high price to those who have fought and continue to fight for our freedoms. And too many people in countries like Iran, Iraq, Egypt, and Pakistan, to name a few, still do not enjoy the basic human rights you and I have here at home.

The persecution of religious minorities and Christians like Pastor Youcef abroad is unfortunately nothing new. That's why I introduced the Near East and South Central Asia Religious Freedom Act in June of last year. The bill came out of coordination with U.S. Congressman FRANK WOLF in the House and my colleague, U.S. Senator CARL LEVIN. It creates a special envoy on religious freedom in the State Department to monitor the status of religious minorities in these particularly vulnerable regions.

We can and we must do more to advance religious freedom abroad. I am sincerely committed to this effort and believe that it is essential to promoting the God-given right to liberty around the world. My colleagues and I are hopeful that the Senate can soon join the House in passing this important legislation.

RECOGNIZING THE CITY CLUB OF CLEVELAND

Mr. PORTMAN. Mr. President, I rise today to recognize The City Club of Cleveland, the oldest continuously operating free speech forum in the country.

Often referred to as a ''Citadel of Free Speech,'' The City Club offers an unbiased setting for dynamic discussions and exchange of ideas on important issues of interest to citizens and communities throughout Ohio and the United States. The City Club has succeeded in its mission to inform, educate and inspire citizens by presenting significant ideas and providing opportunities for dialog in a collegial setting, and has secured its place in history as an impartial, vital center for discussion of diverse topics.

The City Club forums encourage active debate and participation by the audience. Over the years, local, national and international leaders have been featured as speakers and have addressed a wide variety of subjects which have impacted our region, state and Nation. These sessions encourage nonpartisan, spirited debate and discussion about important topics. I have been honored to speak at the City Club on several occasions and have enjoyed the robust dialog.

I would like to congratulate The City Club of Cleveland on 100 years of success.

ADDITIONAL STATEMENTS

REMEMBERING JON HOLDER

• Mr. BAUCUS. Mr. President, I would like to take a few moments to pay tribute to Mr. Jon Frederick Holder, a man who was instrumental in helping my staff prepare for a hearing the Senate Finance Committee held on private long-term disability benefits in September 2010.

Jon died unexpectedly last spring at the youthful age of 71. The world has lost a dedicated attorney, a civil rights activist who took part in the Selma-Montgomery march, and an advocate who specialized in disability law. Jon spent the last 30 years working alongside his wife Kathleen at their small law firm in Maine defending people whose voices are muffled in a process that can become mired in duplicative forms, draconian due dates, and burdensome record collection.

Jon worked with my staff as the Committee's hearing date neared, staying late into the evening to distil with witty anecdotes and a razor sharp understanding, ERISA's complex statutory law, its legislative history and the seminal judicial interpretations that dramatically changed it. He described the insurance industry's corporate structure and its goal to reduce the benefit ratio percentage. Then he put flesh on that structure as he described what achieving that reduction goal means to the individual whose disability check suddenly stops arriving.

A philosophy major-turned-lawyer, an avid bicyclist who loved the ocean,

a husband and a father, Jon approached life with passion and purpose questioning and challenging the status quo and always seeking for ways to change or improve it. He will be missed by those close to him, but his legacy of good works lives on.●

GREENBELT, MARYLAND

● Mr. CARDIN. Mr. President, today I wish to recognize the 75th anniversary of the city of Greenbelt, the first planned community in the United States built by the Federal Government. Greenbelt was envisioned as a social experiment by Rexford Guy Tugwell, a friend and adviser to President Franklin D. Roosevelt. The town was built under the authority of the Emergency Relief Appropriation Act. It was designed to provide low-income housing and drew 5,700 applicants for the original 885 residences. The first families arrived on October 1, 1937. They were chosen to meet income and other criteria, including a demonstrated willingness to participate in community organizations.

Most early residents were under 30 years of age and were from diverse religious backgrounds. They were blue and white collar workers, but due to the segregation at the time, no African Americans were able to purchase homes or live in Greenbelt. Physically, Greenbelt was designed as a complete city with homes, businesses, schools, roads, recreation facilities, and town government. Homes were clustered in ''superblocks'' with a system of interior walkways permitting residents to go from home to town center without crossing a major street. Streets were designed to separate pedestrians from vehicular traffic and community amenities and businesses were centrally located for easy access.

The first residents were pioneers in community engagement. They quickly formed a government—the first city manager form of government in the State of Maryland. They formed the first kindergarten in Prince George's County, started a journalism club that today continues to publish the weekly Greenbelt News Review, formed the Greenbelt Health Association, established police, fire and rescue squads, and opened the first public swimming pool in the Washington area in 1939. Greenbelt Consumer Services, Inc. operated the grocery store, gas station, drug and variety stores, barber and beauty shops, movie theater, valet shop, and tobacco shop, and over the years, as needs arose, citizens formed numerous cooperatives.

The Federal Government built an additional 1,000 homes in 1941 to accommodate families coming to Washington in connection with the defense programs of World War II. In 1952, Congress voted to sell off the Greenbelt towns, and citizens in Greenbelt formed a housing cooperative which purchased the homes. In 1997, when Greenbelt celebrated its 60th anniversary, the U.S. Department of Interior recognized Historic Greenbelt as a National Historic Landmark.

Today, many of the original features of this planned community still exist, although the city itself has expanded to include additional shopping centers, high-rise office buildings, garden apartments, townhouses, and private development. Around a dozen original families still live in Greenbelt, passing on the cooperative spirit and sense of community that has made Greenbelt a thriving city and a special place to call home.

I ask my colleagues to join me in congratulating the residents and the city of Greenbelt on successfully nurturing 75 years of community planning, cooperation, and engagement.●

REMEMBERING AL ADAMS

● Ms. MURKOWSKI. I speak today to honor the memory of Al Adams, an Alaska Native leader. In the Alaska legislature for some 20 years, Al Adams was regarded as one of the most effective advocates for the interests of rural Alaska. Senator Adams died on August 13 after a long battle with cancer. Alaska's Governor ordered flags in the State lowered to half staff in honor of Adams' service to Alaska. His funeral, at ChangePoint Alaska in Anchorage, drew over 1,500 mourners. A second funeral was conducted in Al's hometown of Kotzebue.

Al Adams was born in Kotzebue, AK in 1942. He attended Mt. Edgecumbe High School in Sitka. Following high school, he attended the University of Alaska Fairbanks and RCA Technical Institute. There is a back story behind the RCA Technical Institute. Prior to enactment of the Alaska Native Claims Settlement Act of 1971, one of the better jobs that a Native person from rural Alaska could hope for was a job tracking satellites at the Gilmore Creek Satellite Tracking Facility near Fairbanks. Several of those who traveled with Al to Los Angeles for training at the RCA Technical Institute would later become leading players in the implementation of the Alaska Native Claims Settlement Act.

Over the course of his career, Al would serve as president of Kikiktagruk Inupiat Corporation and executive vice president of NANA Regional Corporation, but his service in the Alaska legislature left Al's most enduring legacies. Al served in the Alaska House of Representatives from 1980–1988 and in the Alaska Senate from 1989–2000. He was known as ''Mr. Finance.'' Al chaired the powerful House Finance Committee. He served 18 years on the Legislative Budget and Audit Committee and 12 years on the Operating Budget Conference Committee. As a Representative and Senator from rural western Alaska he understood the unique problems that his communities faced and ensured that they received an equitable share of State funding.

Al's most enduring legislative accomplishment is the Power Cost Equalization Program. One of the greatest impediments to the viability of traditional Native communities in rural Alaska is the cost of electricity. Since rural Alaska largely lives ''off the grid'' electricity must be generated locally by burning diesel fuel which is transported long distances by barge. The Power Cost Equalization Program protects rural communities by setting a cap on the price that rural consumers pay for energy. It is a tremendously important program and rural Alaska has Al Adams to thank for it.

Following his service as a legislator, Al became a lobbyist. We do not commonly commend the work of lobbyists in the pages of the RECORD, but Al was a special kind of lobbyist. He lobbied selectively for the causes he believed in, representing the North Slope Borough and the Northwest Arctic Borough. During this period he used his vast legislative and political experience to educate his Native people on how they can be more effective in the political arena. Just one example, recognizing that rural Alaska's reliance on imported diesel was ultimately unsustainable, he lobbied to develop local sources of energy in western Alaska, at one time proposing an intraregional grid to power remote communities. He lobbied to make it possible for the tribal hospital in Kotzebue to build a new long-term care wing on their hospital. Al Adams used his insider access and knowledge for good.

I would like to spend a moment to discuss Al on a personal level. I will always remember his smile—that crinkly smile—and his sense of humor which could defuse even the tensest of meetings. Al operated in multiple worlds at once—the world of politics, the world of business—but he never abandoned his Iñupiaq roots. His official obituary relates that Al often organized subsistence hunting and fishing trips for his children, where he passed down traditional Iñupiaq skills. He coordinated all the logistics for these memorable outings and even served as camp cook, making sure everyone else was well fed. Whether dipnetting at the mouth of the Kenai, caribou hunting outside Kotzebue or visiting the fish wheel at Chitina, he let his wife, children and grandchildren know that they were loved and that they came first and foremost in his life.

I have lost a dear friend, the Native community has lost a respected leader, and all Alaska has lost a statesman whose legacies will long be remembered. The Senate extends its condolences to the Al Adams family and all who mourn the loss of this exemplary Alaskan.●

REMEMBERING RICHARD FRANK

● Ms. MURKOWSKI. Mr. President, the front page of this morning's Fairbanks Daily News-Miner carries the

sad news that Richard Frank, an Athabascan elder, died at age 85.

Richard Frank is an individual of great significance in the history of post-statehood Alaska. He was among the first Alaska Native leaders to recognize the risk that development of the modern State of Alaska posed to the subsistence lifestyle of traditional villages like his home village of Minto in Interior Alaska. He was among the first Native leaders to organize his people in opposition to State land selections that would prejudice the eventual settlement of the aboriginal land claims of Alaska Natives. And his leadership, recognized throughout the State, is one of the reasons that the Native peoples of Alaska won their battle for land claims with passage of the Alaska Native Claims Settlement Act of 1971.

Richard Frank was born on August 27, 1927, in Old Minto. He was educated at the village school. Some historians say that the village school provided an education up to the third grade. Others say it was the fourth. What is undisputed is that Richard Frank possessed a sense of adventure and wisdom far beyond his formal education. Growing up around the fishing and trapping camps of the Yukon River he gained an appreciation of the interdependence between the land and the Native way of life. But some would say it was his experience in the Army Air Corps during World War II that best prepared him for the leadership role he would occupy in the 1960s.

Richard's wartime experience is chronicled in Fern Chardonnet's book, ''Alaska at War, 1941–1945.'' She relates that World War II presented an extraordinary opportunity for Alaska Natives. Many, for the first time, received the same pay and benefits as White workers, and a chance to acquire new skills and to build genuine self esteem. Richard Frank was a case in point. Upon enlisting he was encouraged to pursue specialized training as an aircraft mechanic. At first he said, ''No,'' but his commanding officer had confidence in Richard and he agreed to pursue the training. Richard relates that the passing score in training was 2.5 and he completed the course with a 3.9. He went on to service P–47 fighters in the South Pacific.

Richard regarded himself as lucky. Service in the military showed young men from the village that there was another option. After the war Richard worked as a mechanic for Wien Alaska Airlines and Boeing, though his heart remained in village Alaska.

The son of a traditional village chief, he found his calling in the early 1960s as the battle for Alaska's lands was beginning. The Alaska Statehood Act gave the State of Alaska the right to select lands but left resolution of Alaska Native land claims for another day.

One of the areas where State land selections first conflicted with Native hunting, fishing, and trapping activities was in the Minto Lakes region of Interior Alaska. The State wanted to establish a recreation area in 1961 near the Athabascan village of Minto and to construct a road so that the region would be more easily accessible to Fairbanks residents and visiting sportsmen. In addition, State officials believed that the area held potential for future development of oil and other resources.

Learning of these plans of the State, Minto filed a protest with the U.S. Interior Department. The people of Minto had filed blanket claims to the area in the 1930s, and Richard's father, then Traditional Chief, delineated this area as belonging to the Minto people in 1951. Minto asked the Federal agency to protect their rights to the region by turning down the State's application for the land. Minto's attorney was none other than the late Senator Ted Stevens who took up their cause pro bono.

In response to the protest, a meeting of sportsmen, biologists, conservationists, and State officials was held in 1963 to discuss the proposed road and recreation area.

Richard argued that State development in the region would ruin the subsistence way of life of the Natives and urged that the recreation area be established elsewhere, where new hunting pressure would not threaten the traditional economy. He said, ''A village is at stake. Ask yourself this question, is a recreation area worth the future of a village?''

He also took his cause to the Alaska Conservation Society in Anchorage. He told the conservation society members that without the use of the lakes, Minto's people would go hungry. Lael Morgan, in her landmark book, ''The Life and Times of Howard Rock,'' relates Richard's pleas for support. He said, ''Nothing is so sorrowful for a hunter, empty handed, to be greeted by hungry children.''

A 1985 history of the Alaska Native Claims Settlement Act characterized Minto's protest as a precursor of events to come. During the years that followed, many other Native communities would protest actions that threatened their lands. In 1966, Secretary of the Interior Stewart Udall gave the land claims movement teeth by initiating a freeze on the transfer of lands to the State which were protested by the Native people.

As a well respected Native leader and elder, Richard went on to play significant roles in the Tanana Chiefs Conference and the Fairbanks Native Association. He served on the Governor's Veterans Advisory Committee and founded the Alaska Native Veterans Association. It is also appropriate to acknowledge Richard's role as the patriarch of one of the truly great Fairbanks families. Richard's wife of 57 years, Anna, became the first Native American woman ordained as a priest in the Episcopal Church in 1983. Richard was the father of four and was blessed with grandchildren and great-grandchildren.

As a significant figure in Alaska's history, Richard was generous to collectors of oral history. One of those oral histories was done for the Alaska Trappers Association, which notes, ''Richard freely shares insight into the Native view of the world. He takes great pride in their dedication to family. He speaks often of the lessons he learned from his elders.''

Alaska has truly lost a significant figure. If it is any condolence, Richard's life experiences were rich, he accomplished a great deal for his Native people, and he supported a truly wonderful family. Thanks to modern technology, his stories and life experiences will live on for eternity.

On behalf of the Senate I extend condolences to Reverend Anna, Richard's family, and the Athabascan people of Interior Alaska who are preparing to honor and celebrate Richard's life next week with a Memorial Potlatch.●

REMEMBERING BARNEY UHART

● Ms. MURKOWSKI. Mr. President, I was saddened to learn that Barney Uhart of Anchorage, AK passed away on September 8, 2012 after a long battle with cancer. Barney was President Emeritus of the Chugach Alaska Corporation, one of the thirteen regional Alaska Native Corporations. Chugach Alaska Corporation is owned by over 2,300 shareholders of Alutiiq, Eskimo and Indian heritage.

Barney was elected President and CEO of Chugach Alaska Corporation in May 2000 and served in that role until July 2012. In July he announced his retirement to focus on his health and spend time with his family. But the Chugach Alaska Corporation board would not let him go. That is how Barney earned the title of President Emeritus.

Barney was a master in administering Base Operations Services contracts, a field he entered into on something of a lark. As the story goes, while living in Hawaii he was delivering furniture with a friend to a company called Kentron International. This was back in 1979. He wondered what they did and slipped a resume under the door. A few days later he learned that they managed remote sites and was on his way to Wake Island. Over the course of his career Barney came to know more about places like Wake Island, Midway Island and Amchitka than anyone I know. He would return to Wake Island many times over the course of his career, helping his successor employers win that Base Operations Support contract. You might even call him the Mayor Emeritus of Wake Island.

Barney joined the Chugach Alaska family in 1993 as an Operations Manager with Chugach Development Corporation. Known as a charismatic leader and a hard worker, he quickly rose through the ranks. Those at Chugach Alaska tell me that his dedication to the company, its people and employees

was steadfast. His hard work and commitment helped provide real, tangible, and ongoing benefits to the Native shareholders of Chugach Alaska. He strove tirelessly to help fulfill the promise of the Alaska Native Claims Settlement Act. His work in opening up the 8(a) program to meaningful participation by Alaska Natives, Lower 48 Indian tribes, and Native Hawaiians is recognized throughout the Native American contractor community.

Barney Uhart will be remembered as a leader, a friend and a champion of doing the right thing and doing things right. I express my condolences to his wife Randi, his children Jordan, Abigail and Jacob, and the shareholders of Chugach Alaska Corporation on the loss of this exemplary Alaskan.●

COAST GUARD PAY AND PERSONNEL CENTER

● Mr. ROBERTS. Mr. President, today I wish to recognize the 30th anniversary of the U.S. Coast Guard Pay and Personnel Center in Topeka, KS. The Coast Guard's Pay and Personnel Center was first established in 1979 in the greater Washington, DC, area. In 1982 the center permanently moved to the Frank Carlson Federal Building in Topeka. My staff and I have the honor of working with this dedicated team of leaders on a regular basis.

The Pay and Personnel Center offers a specific and imperative service to more than 100,000 men and women of the U.S. Coast Guard. Spanning from human resources, to processing, disbursement, and other services, the Pay and Personnel Center has continued to operate without much attention or fanfare but with the goal of providing the compensation and services necessary to keep our Coast Guardians focused, secure, and dedicated.

Today, I offer congratulations and accolades to the Pay and Personnel Center on 30 years of hard work and superior service to our men and women in the U.S. Coast Guard. The center is a shining example of the Coast Guard motto, Semper Paratus, Always Ready.●

AIR FORCE SPACE COMMAND

● Mr. UDALL of Colorado. Mr. President, I rise today to pay tribute to the outstanding accomplishments of Air Force Space Command. And of course, I offer my deep respect and thanks to the 42,000 men and women who keep constant watch over our most distant skies. These great Americans are responsible for a staggering range of essential missions, and this week, I join them in celebrating the 30th anniversary of the command's creation.

Air Force Space Command was established in 1982 as our national leaders recognized the growing need to dominate the space domain to enhance our warfighting capabilities and to better protect our servicemembers. The command's responsibilities and capabilities have steadily increased over the past 30 years to keep pace with technology and foreign threats, and from the outset, those missions have been a critical part of our national defense architecture.

All day, every day, Air Force Space Command personnel provide our warfighters with the space-based assets they require at the speed of need. And at the same time, they keep a major portion of our economy, travel, and transportation on track. They fly the GPS satellites that make modern computing, air travel, and precision munitions possible. Air Force Space Command provides our Nation with global ballistic missile early warning and defense. Without Air Force Space Command, there would be no military satellite communications and our meteorological and navigational data would be far less advanced and accurate. These airmen and civilians of Space Command demonstrate amazing technical and scientific proficiency as they conduct space based surveillance, land-based intercontinental ballistic missile operations, and most recently, prosecute a cyber space mission that is growing more essential to our security every day. Their capabilities have strengthened our Nation's homeland defense, allowed disaster relief efforts to be more timely and efficient, and enhanced America's military operational capabilities in all stages of warfare. Simply put, without Air Force Space Command, the strategic and technological advantages enjoyed by both the military and civilian communities in the United States would not be possible.

Of course, all of these tremendous accomplishments are due to the remarkable devotion to duty, sacrifice, and dedication displayed by Space Command personnel around the world every day. As we all know, our service men and women, both active duty and those in the Reserve component, aren't simply serving in the military—they are our military. Additionally, civilian members of Air Force Space Command provide the stability and corporate knowledge that's essential to the command's enduring success. Yes, it's a true total force effort. Colorado is the proud home of Air Force Space Command headquarters, but right now, their personnel are deployed to every corner of the globe, providing unparalleled space and cyber space expertise to combatant commanders in every theater of operations. As they celebrate yet another milestone, I would like to honor these patriots for their selfless service and dedication to our Nation's security. On behalf of all Coloradans and to every member of Air Force Space Command, past and present: happy 30th anniversary.●

REMEMBERING EDWARD D. PARE

● Mr. WHITEHOUSE. Mr. President, the State of Rhode Island has lost a dear and dedicated public servant. Captain Edward D. Pare was a sworn officer of the Rhode Island State Police for 2½ decades, from 1959 until his retirement in 1986.

Captain Pare was a true son of Rhode Island, born in Coventry, RI. In addition to serving our State, he also served his country in the U.S. Navy, sailing appropriately enough aboard the USS Pawcatuck, named for the river that flows across the southern part of our State.

Captain Pare left an indelible mark on the force. He was captain of detectives for many years prior to his retirement. In this important role, Captain Pare had his hand in every major investigation undertaken by the State police during that period. His leadership and commitment were the hallmarks of his stint with the department and set an example for a generation of officers. Even beyond his retirement, Captain Pare was known in law enforcement circles and across Rhode Island as simply ''The Captain.''

During his tenure with the State police, Captain Pare acted as both the head of the Rhode Island Division of Motor Vehicles and the director of the Rhode Island Department of Transportation. There had been concerns raised about mismanagement and corruption at these agencies. Captain Pare, as the ''gold standard'' of competence, rigor, and integrity, provided public assurance that any such problems would be met and mastered.

Captain Pare's sense of public service was a family value, carried on by his sons, Ed and Steven. During our Rhode Island banking crisis, I had the pleasure of working alongside Ed at the Rhode Island Department of Business Regulation, where he worked for the people of Rhode Island for many years in a number of roles, including superintendent of banking and superintendent of the securities division. Steven followed his father's path into the State police, rising in his 26 years to the rank of colonel and serving as State trooper, detective, and superintendent of the force. Steven continues his work in law enforcement and homeland security today as commissioner of public safety for the city of Providence.

Captain Pare is survived by his beloved wife Phyllis, and in addition to Ed and Steven, he leaves behind his daughter Diane, son Gary, and 12 grandchildren. The captain's impact on our communities was profound, and his legacy of integrity and service to others will be remembered by Rhode Islanders for a long time to come.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United

States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE ON SEPTEMBER 20, 2012

At 9:48 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 733. An act to provide for scientific frameworks with respect to recalcitrant cancers.

H.R. 1461. An act to authorize the Mescalero Apache Tribe to lease adjudicated water rights.

H.R. 3319. An act to allow the Pascua Yaqui Tribe to determine the requirements for membership in that tribe.

H.R. 3783. An act to provide for a comprehensive strategy to counter Iran's growing hostile presence and activity in the Western Hemisphere, and for other purposes.

H.R. 4158. An act to confirm full ownership rights for certain United States astronauts to artifacts from the astronauts' space missions.

H.R. 6060. An act to amend Public Law 106–392 to maintain annual base funding for the Upper Colorado and San Juan fish recovery programs through fiscal year 2019.

H.R. 6118. An act to amend section 353 of the Public Health Service Act with respect to suspensions, revocation, and limitation of laboratory certification.

H.R. 6433. An act to make corrections with respect to Food and Drug Administration user fees.

At 1:03 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2827. An act to amend the Securities Exchange Act of 1934 to clarify provisions relating to the regulation of municipal advisors, and for other purposes.

H.R. 2903. An act to reauthorize the programs and activities of the Federal Emergency Management Agency.

H.R. 4124. An act to amend the Public Health Service Act to provide grants to States to streamline State requirements and procedures for veterans with military emergency medical training to become civilian emergency medical technicians.

H.R. 4212. An act 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.

H.R. 5044. An act to amend the Internal Revenue Code of 1986 to exclude from gross income any discharge of indebtedness income on education loans of deceased veterans.

H.R. 5910. An act to direct the Secretary of Commerce, in coordination with the heads of other relevant Federal departments and agencies, to produce a report on enhancing the competitiveness of the United States in attracting foreign direct investment, and for other purposes.

H.R. 5912. An act to amend the Internal Revenue Code of 1986 to prohibit the use of public funds for political party conventions.

H.R. 5948. An act to amend title 38, United States Code, to improve the supervision of fiduciaries of veterans under the laws administered by the Secretary of Veterans Affairs, to establish a Place of Remembrance at Arlington National Cemetery, and for other purposes.

H.R. 6163. An act to amend title IV of the Public Health Service Act to provide for a National Pediatric Research Network, including with respect to pediatric rare diseases or conditions.

H.R. 6296. An act to amend the Small Business Act to provide the interest rate for certain disaster related loans, and for other purposes.

H.R. 6324. An act to reduce the number of nonessential vehicles purchased and leased by the Federal Government, and for other purposes.

H.R. 6361. An act to exclude from consideration as income under the United States Housing Act of 1937 payments of pension made under section 1521 of title 38, United States Code, to veterans who are in need of regular aid and attendance, and for other purposes.

H.R. 6368. An act to require the Department of Justice and the Department of Homeland Security to provide a joint report to Congress on the Departments' ability to track, investigate and quantify cross-border violence along the Southwest Border and provide recommendations to Congress on how to accurately track, investigate, and quantify cross-border violence.

H.R. 6375. An act to authorize certain Department of Veterans Affairs major medical facility projects, to amend title 38, United States Code, to extend certain authorities of the Secretary of Veterans Affairs, and for other purposes.

H.R. 6410. An act to amend the Internal Revenue Code of 1986 to provide for taxpayers making donations with their returns of income tax to the Federal Government to pay down the public debt.

H.R. 6431. An act to provide flexibility with respect to United States support for assistance provided by international financial institutions for Burma, and for other purposes.

ENROLLED BILLS SIGNED

At 2:31 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:

S. 3245. An act to extend by 3 years the authorization of the EB–5 Regional Center Program, the E-Verify Program, the Special Immigrant Nonminister Religious Worker Program, and the Conrad State 30 J–1 Visa Waiver Program.

S. 3552. An act to reauthorize the Federal Insecticide, Fungicide, and Rodenticide Act.

The enrolled bills were subsequently signed by the President pro tempore (Mr. INOUYE).

MESSAGE FROM THE HOUSE

At 12:03 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 118. Joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Office of Family Assistance of the Administration for Children and Families of the Department of Health and Human Services relating to waiver and expenditure authority under section 1115 of the Social Security Act (42 U.S.C. 1315) with respect to the Temporary Assistance for Needy Families program.

MEASURES REFERRED ON SEPTEMBER 20, 2012

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

H.R. 2827. An act to amend the Securities Exchange Act of 1934 to clarify provisions relating to the regulation of municipal advisors, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 2903. An act to reauthorize the programs and activities of the Federal Emergency Management Agency; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3319. An act to allow the Pascua Yaqui Tribe to determine the requirements for membership in that tribe; to the Committee on Indian Affairs.

H.R. 4124. An act to amend the Public Health Service Act to provide grants to States to streamline State requirements and procedures for veterans with military emergency medical training to become civilian emergency medical technicians; to the Committee on Health, Education, Labor, and Pensions.

H.R. 4212. An act 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; to the Committee on Commerce, Science, and Transportation.

H.R. 5044. An act to amend the Internal Revenue Code of 1986 to exclude from gross income any discharge of indebtedness income on education loans of deceased veterans; to the Committee on Finance.

H.R. 5948. An act to amend title 38, United States Code, to improve the supervision of fiduciaries of veterans under the laws administered by the Secretary of Veterans Affairs, to establish a Place of Remembrance at Arlington National Cemetery, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 6060. An act to amend Public Law 106–392 to maintain annual base funding for the Upper Colorado and San Juan fish recovery programs through fiscal year 2019; to the Committee on Energy and Natural Resources.

H.R. 6163. An act to amend title IV of the Public Health Service Act to provide for a National Pediatric Research Network, including with respect to pediatric rare diseases or conditions; to the Committee on Health, Education, Labor, and Pensions.

H.R. 6324. An act to reduce the number of nonessential vehicles purchased and leased by the Federal Government, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 6361. An act to exclude from consideration as income under the United States Housing Act of 1937 payments of pension made under section 1521 of title 38, United States Code, to veterans who are in need of regular aid and attendance, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 6368. An act to require the Department of Justice and the Department of Homeland Security to provide a report to Congress on the Departments' ability to track, investigate and quantify cross-border violence along the Southwest Border and

provide recommendations to Congress on how to accurately track, investigate, and quantify cross-border violence; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

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

S. 3607. A bill to approve the Keystone XL Pipeline.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–7698. A communication from the Associate General Counsel, Office of the General Counsel, Department of Agriculture, transmitting, pursuant to law, a report relative to a vacancy in the position of Administrator, Rural Services, in the Department of Agriculture received in the Office of the President of the Senate on September 19, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7699. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report relative to a violation of the Antideficiency Act that occurred in the Operation and Maintenance, Army (OMA) appropriation, account 2172020, at the U.S. Army Installation Management Command (IMCOM) during fiscal year 2007 and was assigned Army case number 11–04; to the Committee on Appropriations.

EC–7700. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility'' ((44 CFR Part 64) (Docket No. FEMA–2012–0003)) received in the Office of the President of the Senate on September 20, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC–7701. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency declared in Executive Order 12978 of October 21, 1995, with respect to significant narcotics traffickers centered in Colombia; to the Committee on Banking, Housing, and Urban Affairs.

EC–7702. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to the United Arab Emirates; to the Committee on Banking, Housing, and Urban Affairs.

EC–7703. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Poland; to the Committee on Banking, Housing, and Urban Affairs.

EC–7704. A communication from the Assistant Director for Legislative Affairs, Consumer Financial Protection Bureau, transmitting, pursuant to law, the Charter of the Consumer Advisory Board; to the Committee on Banking, Housing, and Urban Affairs.

EC–7705. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Trip Limit Reduction'' (RIN0648–XC196) received in the Office of the President of the Senate on September 19, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7706. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Western Regulatory Area of the Gulf of Alaska Management Area'' (RIN0648–XC205) received in the Office of the President of the Senate on September 19, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7707. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XC202) received in the Office of the President of the Senate on September 19, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7708. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States; Coastal Pelagic Species Fisheries; Closure'' (RIN0648–XC166) received in the Office of the President of the Senate on September 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7709. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; South Atlantic Snapper-Grouper Fishery; 2012–2013 Accountability Measure and Closure for Recreational Black Sea Bass in the South Atlantic'' (RIN0648–XC133) received in the Office of the President of the Senate on September 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7710. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States; Modifications of the West Coast Commercial and Recreational Salmon Fisheries; Inseason Actions 4 through 14'' (RIN0648–X121) received in the Office of the President of the Senate on September 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7711. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Framework Adjustment 6'' (RIN0648–BB99) received in the Office of the President of the Senate on September 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7712. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Bigeye Tuna Catch Limit in Longline Fisheries for 2012'' (RIN0648–BC14) received in the Office of the President of the Senate on September 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7713. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Specifications and Management Measures'' (RIN0648–BB28) received in the Office of the President of the Senate on September 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7714. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled ''MOX Fuel Fabrication Feedstock''; to the Committee on Energy and Natural Resources.

EC–7715. A communication from the Deputy Chief of the National Forest System, Department of Agriculture, transmitting, pursuant to law, a report of a technical correction for the boundary for the McKenzie Wild and Scenic River in Oregon; to the Committee on Energy and Natural Resources.

EC–7716. A communication from the Deputy Chief of the National Forest System, Department of Agriculture, transmitting, pursuant to law, a report relative to the detailed boundaries for the Au Sable, Bear Creek, Manistee, and Pine Rivers in Michigan relative to the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

EC–7717. A communication from the Deputy Chief of the National Forest System, Department of Agriculture, transmitting, pursuant to law, a report relative to the detailed boundary for the White Salmon Wild and Scenic River, Oregon relative to the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

EC–7718. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''NRC Procedures for Placement and Monitoring of Work with Federal Agencies Other Than the U.S. Department of Energy (DOE) Laboratory Work'' (Management Directive 11.8) received in the Office of the President of the Senate on September 19, 2012; to the Committee on Environment and Public Works.

EC–7719. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the Biscayne Bay Coastal Wetlands Phase I project in Miami-Dade County, Florida; to the Committee on Environment and Public Works.

EC–7720. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Extension of Import Restrictions Imposed on Archaeological Material from Mali'' (RIN1515–AD91) received in the Office of the President of the Senate on September 19, 2012; to the Committee on Finance.

EC–7721. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''United States—Colombia Trade Promotion Agreement'' (RIN1515–AD88) received in the Office of the President of the Senate on September 20, 2012; to the Committee on Finance.

EC–7722. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Technical Corrections Relating to the Rules of Origin for Goods Imported Under the NAFTA and for Textile and Apparel Products'' (CPB Dec. 12–15) received in the Office of the President of the Senate on September 19, 2012; to the Committee on Finance.

EC–7723. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, an annual report

relative to the activities of the Office of the Medicare Ombudsman; to the Committee on Finance.

EC–7724. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to groups designated by the Secretary of State as Foreign Terrorist Organizations (DCN OSS 2012–1472); to the Committee on Foreign Relations.

EC–7725. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of a proposed permanent export license pursuant to section 36(d) of the Arms Export Control Act (Transmittal No. DDTC 12–096); to the Committee on Foreign Relations.

EC–7726. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(d) of the Arms Export Control Act (Transmittal No. DDTC 12–125); to the Committee on Foreign Relations.

EC–7727. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(d) of the Arms Export Control Act (Transmittal No. DDTC 12–067); to the Committee on Foreign Relations.

EC–7728. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(d) of the Arms Export Control Act (Transmittal No. DDTC 12–059); to the Committee on Foreign Relations.

EC–7729. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(d) of the Arms Export Control Act (Transmittal No. DDTC 12–102); to the Committee on Foreign Relations.

EC–7730. A joint communication from the Secretary of Energy and the Secretary of Defense, transmitting, pursuant to law, a report relative to the New START Treaty; to the Committee on Foreign Relations.

EC–7731. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers at the Hanford Engineer Works in Richland, Washington, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–7732. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers from Titanium Alloys Manufacturing, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–7733. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers at the Clarksville Modification Center, Ft. Campbell, in Clarksville, Tennessee, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–7734. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers at the Winchester Engineering and Analytical Center in the Winchester, Massachusetts, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–7735. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers at the Medina Modification Center in San Antonio, Texas, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–7736. A communication from the Acting Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, an annual report relative to the activities and operations of the Public Integrity Section, Criminal Division, and the nationwide federal law enforcement effort against public corruption; to the Committee on the Judiciary.

EC–7737. A communication from the Director of the Regulation Policy and Management Office of the General Counsel, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Exempting In-Home Video Telehealth From Copayments'' (RIN2900–AO26) received in the Office of the President of the Senate on September 21, 2012; to the Committee on Veterans' Affairs.

EC–7738. A communication from the Secretary of the Army, transmitting, pursuant to law, a report relative to the management of Arlington National Cemetery; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

From the Committee on Indian Affairs, without amendment:

H.R. 2467. A bill to take certain Federal lands in Mono County, California, into trust for the benefit of the Bridgeport Indian Colony.

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 Mrs. GILLIBRAND (for herself, Mr. DURBIN, Ms. LANDRIEU, and Mr. SANDERS):

S. 3608. A bill to modernize voter registration, promote access to voting for individuals with disabilities, protect the ability of individuals to exercise the right to vote in elections for Federal office, and for other purposes; to the Committee on Rules and Administration.

By Mr. WYDEN:

S. 3609. A bill to adopt fair standards and procedures by which determinations of Copyright Royalty Judges are made with respect to webcasting, and for other purposes; to the Committee on the Judiciary.

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

S. 3610. A bill to amend the Internal Revenue Code of 1986 to deny the inclusion of any antidumping or countervailing duties in the determination of the basis of any energy tax credit property; to the Committee on Finance.

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

S. 3611. A bill to prohibit executive agencies from procuring merchandise subject to antidumping or countervailing duty orders, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. DEMINT (for himself, Mr. COBURN, Mr. GRAHAM, Mrs. HUTCHISON, Mr. JOHNSON of Wisconsin, Mr. LEE, Mr. MCCAIN, and Mr. RISCH):

S. 3612. A bill to prohibit the payment of surcharges for commemorative coin programs to private organizations or entities, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BEGICH (for himself and Ms. MURKOWSKI):

S. 3613. A bill to promote research, monitoring, and observation of the Arctic and for other purposes; to the Committee on Commerce, Science, and Transportation.

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

S. 3614. A bill to establish a pilot program to authorize the Secretary of Housing and Urban Development to make grants to nonprofit organizations to rehabilitate and modify homes of disabled and low—income veterans; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BEGICH:

S. 3615. A bill to enhance national seafood marketing efforts through the creation of a National Seafood Marketing and Development Fund, Regional Seafood Marketing Boards and a National Coordinating Committee and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. LANDRIEU (for herself, Mr. CARDIN, Mr. BLUNT, and Mrs. HUTCHISON):

S. 3616. A bill to amend the Internal Revenue Code of 1986 to make permanent the expansion of tax benefits for adoption enacted in 2001 and to permanently reinstate the expansion of tax benefits for adoption enacted in 2010, and for other purposes; to the Committee on Finance.

By Mr. CARDIN (for himself, Ms. MIKULSKI, Mr. HARKIN, Mr. BROWN of Ohio, Mr. BEGICH, Mr. DURBIN, and Mr. AKAKA):

S. 3617. A bill to ensure sufficient sizing of the civilian and contract services workforces of the Department of Defense; to the Committee on Armed Services.

By Mrs. SHAHEEN (for herself, Ms. COLLINS, and Mr. WHITEHOUSE):

S. 3618. A bill to amend title 28, United States Code, to prohibit the exclusion of individuals from service on a Federal jury on account of sexual orientation or gender identity; to the Committee on the Judiciary.

By Mr. MANCHIN:

S. 3619. A bill to amend the Older Americans Act of 1965 to provide for outreach, and coordination of services, to veterans; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WICKER:

S. 3620. A bill to amend the Securities Exchange Act of 1934 to clarify provisions relating to the regulation of municipal advisors, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MANCHIN:

S. 3621. A bill to amend the Older Americans Act of 1965 to provide for a Seniors' Financial Bill of Rights, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHUMER (for himself, Mr. MERKLEY, and Mr. BLUMENTHAL):

S. 3622. A bill to prohibit prescription drug price-gouging during states of market shortage; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REED (for himself and Mr. PORTMAN):

S. 3623. A bill to extend the authorizations of appropriations for certain national heritage areas, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. SNOWE (for herself, Mrs. MURRAY, Mr. INHOFE, Mr. RUBIO, Mr. MORAN, Mr. BROWN of Massachusetts, Mr. ROCKEFELLER, Mr. BEGICH, Ms. KLOBUCHAR, Mr. ISAKSON, and Mr. BROWN of Ohio):

S. 3624. A bill to amend section 31311 of title 49, United States Code, to permit States to issue commercial driver's licenses to members of the Armed Forces whose duty

station is located in the State; considered and passed.

By Mr. LIEBERMAN (for himself and Ms. COLLINS):

S. 3625. A bill to change the effective date for the internet publication of certain information to prevent harm to the national security or endangering the military officers and civilian employees to whom the publication requirement applies, and for other purposes; considered and passed.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LUGAR (for himself and Mr. KERRY):

S. Res. 575. A resolution commending the 4 American public servants who died in Benghazi, Libya, United States Ambassador to Libya John Christopher Stevens, Sean Smith, Tyrone Woods, and Glen Doherty, for their tireless efforts on behalf of the American people, and condemning the violent attack on the United States consulate in Benghazi; to the Committee on Foreign Relations.

By Mr. COCHRAN (for himself, Mr. WICKER, Ms. COLLINS, and Ms. SNOWE):

S. Res. 576. A resolution celebrating the 50th anniversary of the signing of Public Law 87—788, an Act commonly known as the McIntire—Stennis Cooperative Forestry Act; considered and agreed to.

By Mr. BAUCUS (for himself, Mr. KERRY, Mrs. MURRAY, Mr. TESTER, and Ms. MURKOWSKI):

S. Res. 577. A resolution honoring the First Special Service Force, in recognition of its superior service during World War II; considered and agreed to.

By Ms. MURKOWSKI (for herself, Mrs. FEINSTEIN, Mr. MORAN, and Mr. BEGICH):

S. Res. 578. A resolution supporting the goals and ideals of Red Ribbon Week, 2012; considered and agreed to.

By Mr. GRAHAM (for himself, Mrs. HAGAN, Mr. ALEXANDER, Mr. BLUNT, Mr. BOOZMAN, Mr. BROWN of Ohio, Mr. BURR, Mr. CASEY, Mr. CHAMBLISS, Mr. COBURN, Mr. COCHRAN, Mr. COONS, Mr. CORKER, Mr. CORNYN, Mrs. HUTCHISON, Mr. ISAKSON, Ms. LANDRIEU, Mr. MANCHIN, Mrs. MCCASKILL, Ms. MIKULSKI, Mr. NELSON of Florida, Mr. PORTMAN, Mr. PRYOR, Mr. SESSIONS, Mr. WARNER, Mr. WEBB, Mr. WICKER, Mr. LEVIN, and Mr. CARDIN):

S. Res. 579. A resolution designating the week of September 24 through September 28, 2012, as ''National Historically Black Colleges and Universities Week''; considered and agreed to.

By Mr. COONS (for himself, Mr. SESSIONS, Mr. CARDIN, Mr. LIEBERMAN, Mr. BROWN of Massachusetts, Mr. UDALL of New Mexico, Ms. SNOWE, Mrs. MURRAY, Mr. ALEXANDER, Mr. REED, Mr. COCHRAN, Mrs. FEINSTEIN, Mr. KERRY, Mrs. BOXER, Mr. LEAHY, Ms. LANDRIEU, Mr. BENNET, Mr. BLUMENTHAL, Ms. MIKULSKI, Mr. PRYOR, Mr. WYDEN, Mr. WHITEHOUSE, Mr. UDALL of Colorado, Mr. JOHNSON of South Dakota, Mr. BINGAMAN, and Ms. COLLINS):

S. Res. 580. A resolution designating the week beginning on October 14, 2012, as ''National Wildlife Refuge Week''; considered and agreed to.

By Mr. HOEVEN (for himself, Mr. CONRAD, Mr. ROBERTS, Mr. BOOZMAN, and Mr. BLUNT):

S. Res. 581. A resolution designating October 26, 2012, as ''Day of the Deployed''; considered and agreed to.

By Mr. MENENDEZ (for himself, Mr. REID, Mr. CORNYN, Ms. MIKULSKI, Mr. BEGICH, Mr. HELLER, Mrs. HUTCHISON, Mr. UDALL of New Mexico, Mrs. HAGAN, Mr. NELSON of Florida, Mr. BLUMENTHAL, Mr. ENZI, Mr. CRAPO, Mr. MERKLEY, Mr. BENNET, Mr. UDALL of Colorado, Mr. AKAKA, Mr. WHITEHOUSE, Mr. DURBIN, Mr. RUBIO, Mrs. BOXER, Mr. CASEY, Mr. INOUYE, Mr. LAUTENBERG, Mr. REED, Mr. BINGAMAN, Ms. STABENOW, Mr. WYDEN, Mr. WARNER, Mr. SCHUMER, Mr. BROWN of Ohio, and Mrs. FEINSTEIN):

S. Res. 582. A resolution recognizing Hispanic Heritage Month and celebrating the heritage and culture of Latinos in the United States and the immense contributions of Latinos to the United States; considered and agreed to.

By Mr. LIEBERMAN (for himself, Ms. COLLINS, and Ms. LANDRIEU):

S. Res. 583. A resolution designating September 2012 as ''National Preparedness Month''; considered and agreed to.

By Mrs. MURRAY (for herself, Mr. ISAKSON, Mr. BEGICH, Mr. KERRY, Mr. BROWN of Massachusetts, Mr. WICKER, Mr. BENNET, and Mr. COCHRAN):

S. Res. 584. A resolution designating October 4, 2012, as ''Jumpstart's Read for the Record Day''; considered and agreed to.

By Mr. BINGAMAN (for himself and Mr. UDALL of New Mexico):

S. Res. 585. A resolution recognizing the extraordinary history and heritage of the State of New Mexico, and honoring and commending the State of New Mexico and its people on its centennial anniversary; considered and agreed to.

By Mr. CARDIN (for himself, Mr. BURR, and Mr. MENENDEZ):

S. Res. 586. A resolution expressing support for the goals and ideals of National Infant Mortality Awareness Month, 2012; considered and agreed to.

By Mrs. BOXER (for herself, Ms. COLLINS, and Mr. WHITEHOUSE):

S. Res. 587. A resolution supporting ''Lights on Afterschool'', a national celebration of afterschool programs; considered and agreed to.

By Mr. LUGAR (for himself, Mr. KERRY, Mr. REID, Mr. MCCONNELL, Mr. AKAKA, Mr. ALEXANDER, Ms. AYOTTE, Mr. BARRASSO, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Mr. BINGAMAN, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COATS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. COONS, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DURBIN, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mr. HELLER, Mr. HOEVEN, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JOHANNS, Mr. JOHNSON of Wisconsin, Mr. JOHNSON of South Dakota, Mr. KIRK, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEE, Mr. LEVIN, Mr. LIEBERMAN, Mr. MANCHIN, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PAUL, Mr. PORTMAN, Mr. PRYOR, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. RUBIO, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. TOOMEY, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN):

S. Res. 588. A resolution commending the 4 American public servants who died in Benghazi, Libya, United States Ambassador to Libya John Christopher Stevens, Sean Smith, Tyrone Woods, and Glen Doherty, for their tireless efforts on behalf of the American people, and condemning the violent attack on the United States consulate in Benghazi; considered and agreed to.

By Ms. SNOWE (for herself, Ms. LANDRIEU, Mr. RISCH, Mr. KERRY, Mr. ALEXANDER, Mr. LIEBERMAN, Mrs. HUTCHISON, Mrs. HAGAN, Mr. BARRASSO, Mr. BLUMENTHAL, Mr. ENZI, Mr. WHITEHOUSE, Ms. MURKOWSKI, Mrs. MURRAY, Mr. HOEVEN, Mr. PRYOR, Mr. ISAKSON, Mr. COONS, Mr. KIRK, Mr. LAUTENBERG, Mr. RUBIO, Mr. ROCKEFELLER, Mr. BROWN of Massachusetts, Mr. UDALL of New Mexico, Ms. AYOTTE, Mr. BEGICH, Mr. PORTMAN, Mr. MANCHIN, Mr. BOOZMAN, Mr. MERKLEY, Mr. MENENDEZ, Ms. CANTWELL, Mr. DURBIN, Mr. BAUCUS, Mr. LEVIN, Mr. WARNER, Mrs. FEINSTEIN, Mr. CARDIN, Mr. TESTER, Mrs. SHAHEEN, Ms. KLOBUCHAR, Mr. ROBERTS, Mr. THUNE, Mr. CHAMBLISS, Mrs. BOXER, and Mr. BENNET):

S. Res. 589. A resolution designating November 24, 2012, as ''Small Business Saturday'' and supporting efforts to increase awareness of the value of locally owned small businesses; considered and agreed to.

ADDITIONAL COSPONSORS

S. 687

At the request of Mr. CONRAD, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 687, a bill to amend the Internal Revenue Code of 1986 to permanently extend the 15-year recovery period for qualified leasehold improvement property, qualified restaurant property, and qualified retail improvement property.

S. 738

At the request of Mr. WHITEHOUSE, his name was added as a cosponsor of S. 738, a bill to amend title XVIII of the Social Security Act to provide for Medicare coverage of comprehensive Alzheimer's disease and related dementia diagnosis and services in order to improve care and outcomes for Americans living with Alzheimer's disease and related dementias by improving detection, diagnosis, and care planning.

S. 891

At the request of Mr. GRASSLEY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 891, a bill to amend title XVIII of the Social Security Act to provide for the recognition of attending physician assistants as attending physicians to serve hospice patients.

S. 1281

At the request of Mr. LAUTENBERG, the name of the Senator from Massachusetts (Mr. KERRY) was added as a

cosponsor of S. 1281, a bill to amend title 49, United States Code, to prohibit the transportation of horses in interstate transportation in a motor vehicle containing two or more levels stacked on top of one another.

S. 1301

At the request of Mr. LEAHY, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 1301, a bill to authorize appropriations for fiscal years 2012 through 2015 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in persons, and for other purposes.

S. 1366

At the request of Ms. CANTWELL, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1366, a bill to amend the Internal Revenue Code of 1986 to broaden the special rules for certain governmental plans under section 105(j) to include plans established by political subdivisions.

S. 1872

At the request of Mr. CASEY, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 1872, a bill to amend the Internal Revenue Code of 1986 to provide for the tax treatment of ABLE accounts established under State programs for the care of family members with disabilities, and for other purposes.

S. 1910

At the request of Mr. LIEBERMAN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1910, a bill to provide benefits to domestic partners of Federal employees.

S. 1993

At the request of Mr. NELSON of Florida, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1993, a bill to posthumously award a Congressional Gold Medal to Lena Horne in recognition of her achievements and contributions to American culture and the civil rights movement.

S. 2013

At the request of Mr. BROWN of Massachusetts, his name was added as a cosponsor of S. 2013, a bill to amend title 32, United States Code, the body of laws of the United States dealing with the National Guard, to recognize the City of Salem, Massachusetts, as the Birthplace of the National Guard of the United States.

S. 2046

At the request of Ms. MIKULSKI, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 2046, a bill to amend the Immigration and Nationality Act to modify the requirements of the visa waiver program and for other purposes.

S. 2123

At the request of Mr. MENENDEZ, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2123, a bill to amend title V of the Social Security Act to extend funding for family-to-family health information centers to help families of children with disabilities or special health care needs make informed choices about health care for their children.

S. 2160

At the request of Mr. MORAN, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 2160, a bill to improve the examination of depository institutions, and for other purposes.

S. 2620

At the request of Mr. SCHUMER, the names of the Senator from North Carolina (Mrs. HAGAN), the Senator from Missouri (Mrs. MCCASKILL) and the Senator from Missouri (Mr. BLUNT) were added as cosponsors of S. 2620, a bill to amend title XVIII of the Social Security Act to provide for an extension of the Medicare-dependent hospital (MDH) program and the increased payments under the Medicare low-volume hospital program.

S. 3231

At the request of Mr. KERRY, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 3231, a bill to provide for the issuance and sale of a semipostal by the United States Postal Service to support effective programs targeted at improving permanency outcomes for youth in foster care.

S. 3250

At the request of Mrs. MCCASKILL, her name was added as a cosponsor of S. 3250, a bill to amend the DNA Analysis Backlog Elimination Act of 2000 to provide for Debbie Smith grants for auditing sexual assault evidence backlogs and to establish a Sexual Assault Forensic Evidence Registry, and for other purposes.

S. 3394

At the request of Mr. JOHNSON of South Dakota, the names of the Senator from Michigan (Ms. STABENOW), the Senator from Hawaii (Mr. INOUYE) and the Senator from Connecticut (Mr. BLUMENTHAL) were added as cosponsors of S. 3394, a bill to address fee disclosure requirements under the Electronic Fund Transfer Act, to amend the Federal Deposit Insurance Act with respect to information provided to the Bureau of Consumer Financial Protection, and for other purposes.

S. 3407

At the request of Mr. WYDEN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 3407, a bill to amend the Public Health Service Act to increase the number of permanent faculty in palliative care at accredited allopathic and osteopathic medical schools, nursing schools, and other programs, to promote education in palliative care and hospice, and to support the development of faculty careers in academic palliative medicine.

S. 3461

At the request of Mr. BROWN of Ohio, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 3461, a bill to amend title IV of the Public Health Service Act to provide for a National Pediatric Research Network, including with respect to pediatric rare diseases or conditions.

S. 3498

At the request of Mr. CASEY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 3498, a bill to provide humanitarian assistance and support a democratic transition in Syria, and for other purposes.

S. 3522

At the request of Mr. MENENDEZ, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 3522, a bill to provide for the expansion of affordable refinancing of mortgages held by the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation.

S. 3525

At the request of Mr. TESTER, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from New Mexico (Mr. UDALL) were added as cosponsors of S. 3525, a bill to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes.

S. 3526

At the request of Mr. WICKER, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 3526, a bill to amend title 10, United States Code, to protect the rights of conscience of members of the Armed Forces and chaplains of members of the Armed Forces, and for other purposes.

S. 3541

At the request of Mr. NELSON of Nebraska, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from Kansas (Mr. ROBERTS), the Senator from Montana (Mr. TESTER) and the Senator from Kansas (Mr. MORAN) were added as cosponsors of S. 3541, a bill to amend section 520 of the Housing Act of 1949 to revise the census data and population requirements for areas to be considered as rural areas for purposes of such Act.

S. 3551

At the request of Mr. DEMINT, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 3551, a bill to require investigations into and a report on the September 11–13, 2012, attacks on the United States missions in Libya, Egypt, and Yemen, and for other purposes.

S. 3555

At the request of Mr. BURR, the names of the Senator from Massachusetts (Mr. BROWN) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 3555, a bill to amend title 38, United States Code, to require Federal agencies to hire veterans, to require States to recognize the military experience of veterans when issuing licenses and credentials to veterans, and for other purposes.

S. 3562

At the request of Mr. SANDERS, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 3562, a bill to reauthorize and improve the Older Americans Act of 1965, and for other purposes.

S. 3565

At the request of Mr. CASEY, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 3565, a bill to eliminate discrimination and promote women's health and economic security by ensuring reasonable workplace accommodations for workers whose ability to perform the functions of a job are limited by pregnancy, childbirth, or a related medical condition.

S. 3574

At the request of Mr. BLUNT, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 3574, a bill to amend section 403 of the Federal Food, Drug, and Cosmetic Act to improve and clarify certain disclosure requirements for restaurants, similar retail food establishments, and vending machines.

S. 3588

At the request of Mr. LEVIN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 3588, a bill to amend the Federal Water Pollution Control Act to protect and restore the Great Lakes.

S. 3601

At the request of Mr. VITTER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 3601, a bill to provide tax relief with respect to the Hurricane Isaac disaster area.

S. 3605

At the request of Mr. CRAPO, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 3605, a bill to clarify Congressional intent regarding the regulation of the use of pesticides in or near navigable waters, and for other purposes.

S.J. RES. 41

At the request of Mr. GRAHAM, the names of the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from Tennessee (Mr. CORKER) were added as cosponsors of S.J. Res. 41, a joint resolution expressing the sense of Congress regarding the nuclear program of the Government of the Islamic Republic of Iran.

At the request of Mr. KERRY, his name was added as a cosponsor of S.J. Res. 41, supra.

S.J. RES. 45

At the request of Mrs. HUTCHISON, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S.J. Res. 45, a joint resolution amending title 36, United States Code, to designate June 19 as ''Juneteenth Independence Day''.

S. CON. RES. 50

At the request of Mr. MCCONNELL, his name was added as a cosponsor of S. Con. Res. 50, a concurrent resolution expressing the sense of Congress regarding actions to preserve and advance the multistakeholder governance model under which the Internet has thrived.

S. RES. 466

At the request of Mr. DURBIN, the names of the Senator from California (Mrs. BOXER) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. Res. 466, a resolution calling for the release from prison of former Prime Minister of Ukraine Yulia Tymoshenko.

S. RES. 543

At the request of Mrs. BOXER, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. Res. 543, a resolution to express the sense of the Senate on international parental child abduction.

S. RES. 572

At the request of Mr. CARDIN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. Res. 572, a resolution designating September 2012 as the ''National Month of Voter Registration''.

S. RES. 573

At the request of Mr. MENENDEZ, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. Res. 573, a resolution designating the third week of January 2013, as ''Teen Cancer Awareness Week''.

S. RES. 574

At the request of Mrs. GILLIBRAND, the names of the Senator from Missouri (Mrs. MCCASKILL), the Senator from Arkansas (Mr. BOOZMAN) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. Res. 574, a resolution calling on the United Nations to take concerted actions against leaders in Iran for their statements calling for the destruction of another United Nations Member State, Israel.

AMENDMENT NO. 2862

At the request of Mr. PORTMAN, his name was added as a cosponsor of amendment No. 2862 proposed to H.R. 4850, a bill to allow for innovations and alternative technologies that meet or exceed desired energy efficiency goals.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WYDEN:

S. 3609. A bill to adopt fair standards and procedures by which determinations of Copyright Royalty Judges are made with respect to webcasting, and for other purposes; to the Committee on the Judiciary.

Mr. WYDEN. Mr. President, today I rise to introduce the Internet Radio Fairness Act. The goal of this proposal is to help one of America's oldest, most dynamic industries grow into the 21st Century. Thanks to new digital music technologies, the ways in which consumers can listen and buy music has been revolutionized.

Internet technology is even changing the music industry itself. The Net is freeing artists from the shackles of major record label middlemen by enabling artists to broadcast and sell directly to consumers. In fact, right now bands on independent labels are dominating the music charts. Artists like Amanda Palmer are leaving the record labels behind by instead reaching for success by embracing Internet platforms like Kickstarter to get her music heard.

I am a firm believer that further unleashing Internet technology will expand the music marketplace to better reward Internet innovation and musical artists.

The Internet has changed our lives. It is reshaping how people communicate, collaborate and engage in commerce. The Internet empowers the powerless, it gives everyone a voice, and it advances human rights and the cause of freedom around the world. The growth and evolution of the Internet comes from good, innovative ideas and from policy environments that protect the Net from unfair and discriminatory taxes, regulation, and legal liability.

Unfortunately, one area of the Internet ecosystem that is stifled is the digital services of broadcast music. In 1998 Federal laws were enacted to specifically thwart the development of Internet platforms that are commercially viable as broadcasters of digital music. Since then, concerns about online copyright infringement intensified, record sales plummeted, and many commercially successful musicians are struggling. Consumers and rightsholders are increasingly seeking innovative, new models that can better promote music and compensate artists. The Internet Radio Fairness Act intends to answer some of these calls.

Under current law royalty rates prescribed for Internet Radio are established based on what a panel of special copyright judges determine to be the market rate for musical licenses. But there is no functioning market for these licenses and these judges are left with very little information to make reasonable conclusions. That is why Congress routinely intervenes to correct the work of these judges. The current method these judges use to establish royalty rates for Internet Radio has led to webcasters paying five times the amount of royalties—as a percentage of revenue—as other digital music broadcasters, like satellite and cable. The long-established method that copyright judges use to determine royalty rates for satellite and cable providers enables a broader set of factors to be considered.

The Internet Radio Fairness Act would end the discrimination against the Internet and Internet Radio in the digital marketplace. It would treat Internet Radio, for purposes of establishing royalty rates, in the same way that satellite and cable radio are treated. It would enable the copyright judges the ability to consider factors they have long been familiar with to establish royalty rates for Internet

Radio in the same way they have long done for other broadcasters.

Doing this can enable new Internet Radio startups to succeed and create jobs, foster competition, and the expansion of the music marketplace in part so that artists can obtain broader exposure and more compensation.

I hope to work with you, with stakeholders, and with my Senate colleagues to discuss this legislation and additional ideas that are necessary to unleash the power of the Internet to foster a broader, more dynamic marketplace for digital music.

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

S. 3610. A bill to amend the Internal Revenue Code of 1986 to deny the inclusion of any antidumping or countervailing duties in the determination of the basis of any energy tax credit property; to the Committee on Finance.

Mr. WYDEN. Mr. President, I rise today to sponsor two important pieces of legislation. My colleagues in this body are all aware of the challenges that American manufacturers struggle with in the global market. A particular challenge faces producers of renewable energy technology. Not only do these producers compete against decades of government subsidies provided to the oil and gas industry, these manufacturers are increasingly competing against China's unfair trade practices.

As my colleagues know, the record is clear that China is cheating. China is illegally subsidizing their producers of solar and wind energy technology. China is enabling solar panels and wind energy property to be sold in the U.S. at below market value due to the government subsidies they are provided by China.

The Department of Commerce is investigating these practices. The Department has already found specific practices employed by China that are against international trade rules. As a result the government will soon assign antidumping and countervailing duties on solar panels, for example, as they have been determined by the Department of Commerce to be unfairly traded.

The first measure that I sponsored today is very simple. The Investment Tax Credit Integrity Act, S. 3610, would simply say for purposes of the tax credit that American buyers of solar panels and other qualifying renewable energy can claim, taxpayers cannot use the tax credit to offset the antidumping and countervailing duties that are assigned to this merchandise. As you know, the rate of these duties is designed to remedy the unfair trade that was exposed; it would be counterproductive to allow the Investment Tax Credit to undermine the purpose of these duties.

The second measure that I filed today, S. 3611, is equally important. The Buy Fairly Traded Goods Act says that federal agencies should not, with taxpayer money, buy merchandise, like Chinese subsidized solar panels, that are subject to U.S. duties assigned to remedy the unfair trade practices. Taxpayer money should not be used to buy property that the Department of Commerce has determined is unfairly traded and which is shown to harm U.S. manufacturers. This measure is written so there may be limited exceptions in the event of a national security issue, and it is crafted to comply with America's international trade obligations. Importantly, this bill also instructs federal agencies to use their contracting power to ensure that developers who are producing renewable energy for use by the federal government do not buy property for that purpose that is subject to trade remedies.

I am pleased that Senator MERKLEY has joined me in sponsoring these proposals. Mr. MERKLEY has a strong record for standing up for American businesses and the workers who are struggling during these difficult times due to the unscrupulous trade practices employed by the People's Republic of China.

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

S. 3614. A bill to establish a pilot program to authorize the Secretary of Housing and Urban Development to make grants to nonprofit organizations to rehabilitate and modify homes of disabled and low-income veterans; to the Committee on Banking, Housing, and Urban Affairs.

Mr. REED. Mr. President, today I am introducing the Housing Assistance for Veterans Act along with my colleague Senator JOHANNS.

Our veterans have made many personal sacrifices in service to our nation. We must honor our commitment to provide them with the care they have earned and deserved, in both word and deed. One such way is to ensure that they have access to adequate housing.

According to Rebuilding Together, more than a quarter of all veterans, about six million, are estimated to be disabled. In my home State of Rhode Island, according to the U.S. Census Bureau, there are more than 19,000 veterans with disabilities, each of whom face their own unique challenges in terms of their housing needs.

The Department of Veterans Affairs, VA, has programs that assist these veterans in adapting and improving their homes. Unfortunately, these programs do not extend assistance to all veterans with disabilities. It is clear we must do more, and with this legislation, we are seeking to serve all veterans with disabilities, regardless of the severity of the disability and whether the disability is service-connected. The Housing Assistance for Veterans Act will give them the opportunity to renovate and modify their existing homes by installing wheelchair ramps, widening doors, re-equipping rooms, and making necessary additions and adjustments to existing structures, all so that these homes are both more suitable and safer for our veterans.

Our legislation encourages key stakeholders, such as the Department of Housing and Urban Development, the VA, housing non-profits, and veterans service organizations, to work together to serve our veterans. In order to extend the reach of this Federal funding, grant recipients would be expected to either match Federal funding or make in-kind contributions, through encouraging volunteers to help make repairs or engaging businesses to donate needed supplies.

This bill is supported by Rebuilding Together, VetsFirst, Vietnam Veterans of America, Veterans of Foreign Wars, Paralyzed Veterans of America, and Habitat for Humanity. I thank Senator JOHANNS for working with me on this important bill, and I look forward to working with him and the rest of our colleagues to pass this legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 575—COMMENDING THE 4 AMERICAN PUBLIC SERVANTS WHO DIED IN BENGHAZI, LIBYA, UNITED STATES AMBASSADOR TO LIBYA JOHN CHRISTOPHER STEVENS, SEAN SMITH, TYRONE WOODS, AND GLEN DOHERTY, FOR THEIR TIRELESS EFFORTS ON BEHALF OF THE AMERICAN PEOPLE, AND CONDEMNING THE VIOLENT ATTACK ON THE UNITED STATES CONSULATE IN BENGHAZI

Mr. LUGAR (for himself and Mr. KERRY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 575

Whereas on September 11, 2012, 4 American public servants, United States Ambassador to Libya John Christopher Stevens, Sean Smith, Tyrone Woods, and Glen Doherty, were killed in a reprehensible and vicious attack on the United States consulate in Benghazi, Libya;

Whereas Ambassador Stevens—

(1) was a courageous and exemplary representative of the United States;

(2) had spent 21 years in the Foreign Service;

(3) was deeply passionate about representing the United States through his diplomatic service; and

(4) was an ardent friend of the Libyan people;

Whereas Ambassador Stevens served as Special Envoy to the Libyan Transitional National Council in Benghazi during the 2011 Libyan revolution;

Whereas Ambassador Stevens was a dear friend of the Senate, having served on the staff of the Committee on Foreign Relations of the Senate in 2006 and 2007 as a distinguished Pearson Fellow;

Whereas Foreign Service Information Management Officer Sean Smith—

(1) was a husband and a father of 2 children;

(2) joined the Department of State 10 years ago after serving in the United States Air Force; and

(3) had served in the Foreign Service, before arriving in Benghazi, in Baghdad, Pretoria, Montreal, and The Hague;

Whereas Tyrone Woods was a husband and a father of three children, who, after two decades of service as a Navy SEAL that included tours in Iraq and Afghanistan, began working with the Department of State to protect United States diplomatic personnel;

Whereas Glen Doherty, after 12 years of service as a Navy SEAL that included tours in Iraq and Afghanistan, began working with the Department of State to protect United States diplomatic personnel;

Whereas the 4 Americans who perished in the Benghazi attack made great sacrifices and showed bravery in taking on a difficult post in Libya;

Whereas the violence in Benghazi coincided with an attack on the United States Embassy in Cairo, Egypt, which was also swarmed by an angry mob of protesters on September 11, 2012;

Whereas on a daily basis, United States diplomats, military personnel, and other public servants risk their lives to serve the American people; and

Whereas throughout this Nation's history, thousands of Americans have sacrificed their lives for the ideals of freedom, democracy, and partnership with nations and people around the globe.

Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the dedicated service and deep commitment of Ambassador John Christopher Stevens, Sean Smith, Tyrone Woods, and Glen Doherty in assisting the Libyan people as they navigate the complex currents of democratic transition marked in this case by profound instability;

(2) praises Ambassador Stevens, who represented the highest tradition of American public service, for his extraordinary record of dedication to the United States' interests in some of the most difficult and dangerous posts around the globe;

(3) sends its deepest condolences to the families of those American public servants killed in Benghazi;

(4) commends the bravery of Foreign Service Officers, United States Armed Forces, and public servants serving in harm's way around the globe and recognizes the deep sacrifices made by their families; and

(5) condemns, in the strongest possible terms, the despicable attacks on American diplomats and public servants in Benghazi and calls for the perpetrators of such attacks to be brought to justice.

SENATE RESOLUTION 576—CELEBRATING THE 50TH ANNIVERSARY OF THE SIGNING OF PUBLIC LAW 87–788, AN ACT COMMONLY KNOWN AS THE McINTIRE-STENNIS COOPERATIVE FORESTRY ACT

Mr. COCHRAN (for himself, Mr. WICKER, Ms. COLLINS, and Ms. SNOWE) submitted the following resolution; which was:

S. RES. 576

Whereas October 10, 2012, marks the 50th anniversary of the signing of Public Law 87–788 (commonly known as the ''McIntire-Stennis Cooperative Forestry Act'') (16 U.S.C. 582a et seq.), which authorized the Secretary of Agriculture to encourage and assist States in conducting a program of forestry research;

Whereas the McIntire-Stennis Cooperative Forestry Act was named for the 2 primary, bipartisan sponsors of the Act, Representative Clifford G. McIntire of Maine and Senator John C. Stennis of Mississippi, who recognized that research in forestry is the ''driving force behind progress in developing and utilizing the Nation's forests'';

Whereas the McIntire-Stennis Cooperative Forestry Act recognized that forestry research would be more effective nationwide if efforts among State-supported institutions of higher education were partnered and more closely coordinated with forestry research activities in the Federal Government;

Whereas Congressman McIntire and Senator Stennis stated a clear intent to address the important need of the United States for increased numbers of highly trained forestry scientists and other research professionals;

Whereas the McIntire-Stennis Cooperative Forestry Act has provided 5 decades of base funding to establish and strengthen research and training capacity in forestry at State-supported institutions of higher education;

Whereas funds provided by the Act to State-supported institutions of higher education are highly leveraged with non-Federal funds;

Whereas university-based forestry research has provided an accumulated wealth of science-based knowledge, skills, and technologies that have been critical for sustaining United States forests for economic, ecological, and social benefits;

Whereas funds provided by the McIntire-Stennis Cooperative Forestry Act for forestry research at State-supported institutions of higher education have provided significant graduate student support over the last 50 years, resulting in 8,500 master's degrees and 2,600 doctoral degrees;

Whereas the State-supported institutions of higher education that receive funds under the McIntire-Stennis Cooperative Forestry Act conduct forestry research in all 50 States and 4 territories of the United States, and disseminate the results of those efforts locally, regionally, nationally, and globally for the betterment of the communities of the institutions, the United States, and the world; and

Whereas many State-supported institutions of higher education are celebrating and commemorating the 50th anniversary of the signing of the McIntire-Stennis Cooperative Forestry Act: Now, therefore, be it

Resolved, That the Senate—

(1) celebrates the 50th anniversary of the signing of Public Law 87–788 (commonly known as the ''McIntire-Stennis Cooperative Forestry Act'') (16 U.S.C. 582a et seq.) by President John F. Kennedy;

(2) encourages the people of the United States to observe and celebrate the 50th anniversary of the signing of the McIntire-Stennis Cooperative Forestry Act with appropriate ceremonies and activities;

(3) affirms the continuing importance and vitality of the State-supported institutions of higher education conducting forestry research and training supported by the McIntire-Stennis Cooperative Forestry Act; and

(4) respectfully requests that the Secretary of the Senate transmit to the National Association of University Forest Resources Programs an enrolled copy of this resolution for appropriate display.

SENATE RESOLUTION 577—HONORING THE FIRST SPECIAL SERVICE FORCE, IN RECOGNITION OF ITS SUPERIOR SERVICE DURING WORLD WAR II

Mr. BAUCUS (for himself, Mr. KERRY, Mrs. MURRAY, Mr. TESTER, and Ms. MURKOWSKI) submitted the following resolution; which was:

S. RES. 577

Whereas the First Special Service Force (referred to in this preamble as the ''Force''), a military unit composed of volunteers from the United States and Canada, was activated in July 1942 at Fort Harrison near Helena, Montana;

Whereas the Force was initially intended to target military and industrial installations that were supporting the German war effort, including important hydroelectric plants, which would severely limit the production of strategic materials used by the Axis powers;

Whereas, from July 1942 through June 1943, volunteers of the Force trained in hazardous, arctic conditions in the mountains of western Montana, and in the waterways of Camp Bradford, Virginia;

Whereas the combat echelon of the Force totaled 1,800 soldiers, half from the United States and half from Canada;

Whereas the Force also contained a service battalion, composed of 800 members from the United States, that provided important support for the combat troops;

Whereas a special bond developed between the Canadian and United States soldiers, who were not segregated by country, although the commander of the Force was a United States colonel;

Whereas the Force was the only unit formed during World War II that consisted of troops from Canada and the United States;

Whereas, in October 1943, the Force went to Italy, where it fought in battles south of Cassino, including Monte La Difensa and Monte Majo, two mountain peaks that were a critical anchor of the German defense line;

Whereas, during the night of December 3, 1943, the Force ascended to the top of the precipitous face of Monte La Difensa, where the Force suffered heavy casualties and overcame fierce resistance to overtake the German line;

Whereas, after the battle for La Difensa, the Force continued to fight tough battles at high altitudes, in rugged terrain, and in severe weather;

Whereas, after battles on the strongly defended Italian peaks of Sammucro, Vischiataro, and Remetanea, the size of the Force had been reduced from 1,800 soldiers to fewer than 500;

Whereas, for 4 months in 1944, the Force engaged in raids and aggressive patrols at the Anzio Beachhead;

Whereas, on June 4, 1944, members of the Force were among the first Allied troops to liberate Rome;

Whereas, after liberating Rome, the Force moved to southern Italy and prepared to assist in the liberation of France;

Whereas, during the early morning of August 15, 1944, members of the Force made silent landings on Les Iles D'Hyeres, small islands in the Mediterranean Sea along the southern coast of France;

Whereas the Force faced a sustained and withering assault from the German garrisons as the Force progressed from the islands to the Franco-Italian border;

Whereas, after the Allied forces secured the Franco-Italian border, the United States Army ordered the disbandment of the Force on December 5, 1944, in Nice, France;

Whereas, during 251 days of combat, the Force suffered 2,314 casualties, or 134 percent of its authorized strength, captured thousands of prisoners, won 5 United States campaign stars and 8 Canadian battle honors, and never failed a mission;

Whereas the United States is forever indebted to the acts of bravery and selflessness of the troops of the Force, who risked their lives for the cause of freedom;

Whereas the efforts of the Force along the seas and skies of Europe were critical in repelling the advance of Nazi Germany and liberating numerous communities in France and Italy;

Whereas the bond between the members of the Force from the United States and those from Canada has endured over the decades, as the members meet every year for a reunion, alternating between the United States and Canada; and

Whereas the traditions and honors exhibited by the Force are carried on by 2 outstanding active units of 2 great democracies, the Special Forces of the United States and the Canadian Special Operations Regiment: Now, therefore, be it

Resolved, That the Senate recognizes and honors the superior service of the First Special Service Force during World War II.

SENATE RESOLUTION 578—SUPPORTING THE GOALS AND IDEALS OF RED RIBBON WEEK, 2012

Ms. MURKOWSKI (for herself, Mrs. FEINSTEIN, Mr. MORAN, and Mr. BEGICH) submitted the following resolution; which was:

S. RES. 578

Whereas the Red Ribbon Campaign was established to commemorate the service of Enrique ''Kiki'' Camarena, a special agent of the Drug Enforcement Administration for 11 years who was murdered in the line of duty in 1985 while engaged in the battle against illicit drugs;

Whereas the Red Ribbon Campaign was established by the National Family Partnership to preserve the memory of Special Agent Camarena and further the cause for which he gave his life;

Whereas the Red Ribbon Campaign has been nationally recognized since 1988 and is now the oldest and largest drug prevention program in the United States, reaching millions of young people each year during Red Ribbon Week;

Whereas the Drug Enforcement Administration, established in 1973, aggressively targets organizations involved in the growing, manufacturing, and distribution of controlled substances and has been a steadfast partner in commemorating Red Ribbon Week;

Whereas the Governors and attorneys general of the States, the National Family Partnership, Parent Teacher Associations, Boys and Girls Clubs of America, PRIDE Youth Programs, Young Marines, the Drug Enforcement Administration, and hundreds of other organizations throughout the United States annually celebrate Red Ribbon Week during the period of October 23 through October 31;

Whereas the objective of Red Ribbon Week is to promote the creation of drug-free communities through drug prevention efforts, education, parental involvement, and community-wide support;

Whereas drug abuse is one of the major challenges that the United States faces in securing a safe and healthy future for families in the United States;

Whereas drug abuse and alcohol abuse contribute to domestic violence and sexual assault and place the lives of children at risk;

Whereas emerging drug threats and growing epidemics demand attention, with a particular focus on prescription medications, the second most abused drug by young people in the United States, and synthetic drugs;

Whereas, since the majority of teenagers abusing prescription medications get the medications from family, friends, and home medicine cabinets, the Drug Enforcement Administration will host a National Take Back Day on September 29, 2012, for the public to safely dispose of unused or expired prescription medications that can lead to accidental poisoning, overdose, and abuse;

Whereas synthetic marijuana, also known as ''K2'' or ''Spice'', has become especially popular, particularly among teenagers and young adults, and in 2011 poison centers across the United States responded to about 6,960 calls related to synthetic marijuana, up from approximately 2,900 calls in 2010;

Whereas Congress recently enacted the Food and Drug Administration Safety and Innovation Act (Public Law 112–144; 126 Stat. 993), which adds 26 synthetic drugs to the Controlled Substances Act (21 U.S.C. 801 et seq.), including the drugs commonly found in products marketed as K2, Spice, and bath salts; and

Whereas parents, young people, schools, businesses, law enforcement agencies, religious institutions, service organizations, senior citizens, medical and military personnel, sports teams, and individuals throughout the United States will demonstrate their commitment to healthy, productive, and drug-free lifestyles by wearing and displaying red ribbons during the week-long celebration of Red Ribbon Week: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of Red Ribbon Week, 2012;

(2) encourages children and teenagers to choose to live drug-free lives; and

(3) encourages the people of the United States—

(A) to promote the creation of drug-free communities; and

(B) to participate in drug prevention activities to show support for healthy, productive, and drug-free lifestyles.

SENATE RESOLUTION 579—DESIGNATING THE WEEK OF SEPTEMBER 24 THROUGH SEPTEMBER 28, 2012, AS ''NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK''

Mr. GRAHAM (for himself, Mrs. HAGAN, Mr. ALEXANDER, Mr. BLUNT, Mr. BOOZMAN, Mr. BROWN of Ohio, Mr. BURR, Mr. CASEY, Mr. CHAMBLISS, Mr. COBURN, Mr. COCHRAN, Mr. COONS, Mr. CORKER, Mr. CORNYN, Mrs. HUTCHISON, Mr. ISAKSON, Ms. LANDRIEU, Mr. MANCHIN, Mrs. MCCASKILL, Ms. MIKULSKI, Mr. NELSON of Florida, Mr. PORTMAN, Mr. PRYOR, Mr. SESSIONS, Mr. WARNER, Mr. WEBB, Mr. WICKER, Mr. LEVIN, and Mr. CARDIN) submitted the following resolution; which was:

S. RES. 579

Whereas there are 105 historically Black colleges and universities in the United States;

Whereas historically Black colleges and universities provide the quality education essential to full participation in a complex, highly technological society;

Whereas historically Black colleges and universities have a rich heritage and have played a prominent role in the history of the United States;

Whereas historically Black colleges and universities allow talented and diverse students, many of whom represent underserved populations, to attain their full potential through higher education; and

Whereas the achievements and goals of historically Black colleges and universities are deserving of national recognition: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of September 24 through September 28, 2012, as ''National Historically Black Colleges and Universities Week''; and

(2) calls on the people of the United States and interested groups to observe the week with appropriate ceremonies, activities, and programs to demonstrate support for historically Black colleges and universities in the United States.

SENATE RESOLUTION 580—DESIGNATING THE WEEK BEGINNING ON OCTOBER 14, 2012, AS ''NATIONAL WILDLIFE REFUGE WEEK''

Mr. COONS (for himself, Mr. SESSIONS, Mr. CARDIN, Mr. LIEBERMAN, Mr. BROWN of Massachusetts, Mr. UDALL of New Mexico, Ms. SNOWE, Mrs. MURRAY, Mr. ALEXANDER, Mr. REED, Mr. COCHRAN, Mrs. FEINSTEIN, Mr. KERRY, Mrs. BOXER, Mr. LEAHY, Ms. LANDRIEU, Mr. BENNET, Mr. BLUMENTHAL, Ms. MIKULSKI, Mr. PRYOR, Mr. WYDEN, Mr. WHITEHOUSE, Mr. UDALL of Colorado, Mr. JOHNSON of South Dakota, Mr. BINGAMAN, and Ms. COLLINS) submitted the following resolution; which was:

S. RES. 580

Whereas, in 1903, President Theodore Roosevelt established the first national wildlife refuge on Florida's Pelican Island;

Whereas, in 2012, the National Wildlife Refuge System, administered by the Fish and Wildlife Service, is the premier system of lands and waters to conserve wildlife in the world, and has grown to more than 150,000,000 acres, 558 national wildlife refuges, and 38 wetland management districts in every State and territory of the United States;

Whereas national wildlife refuges are important recreational and tourism destinations in communities across the United States, and these protected lands offer a variety of recreational opportunities, including 6 wildlife-dependent uses that the National Wildlife Refuge System manages: hunting, fishing, wildlife observation, photography, environmental education, and interpretation;

Whereas more than 360 units of the National Wildlife Refuge System have hunting programs and more than 300 units of the National Wildlife Refuge System have fishing programs, averaging more than 2,500,000 hunting visits and more than 7,000,000 fishing visits each year;

Whereas the National Wildlife Refuge System experienced more than 30,000,000 wildlife observation visits during fiscal year 2012;

Whereas national wildlife refuges are important to local businesses and gateway communities;

Whereas, for every $1 appropriated, national wildlife refuges generate $4 in economic activity;

Whereas the National Wildlife Refuge System experiences approximately 47,000,000 visits each year, which generated nearly $2,100,000,000 and more than 35,000 jobs in local economies during fiscal year 2012;

Whereas the National Wildlife Refuge System encompasses every kind of ecosystem in the United States, including temperate, tropical, and boreal forests, wetlands, deserts, grasslands, arctic tundras, and remote islands, and spans 12 time zones from the Virgin Islands to Guam;

Whereas national wildlife refuges are home to more than 700 species of birds, 220 species

of mammals, 250 species of reptiles and amphibians, and more than 1,000 species of fish;

Whereas national wildlife refuges are the primary Federal lands that foster production, migration, and wintering habitat for waterfowl;

Whereas, since 1934, the sale of the Federal Duck Stamp to outdoor enthusiasts has generated more than $850,000,000 in funds, which has enabled the purchase or lease of more than 5,500,000 acres of waterfowl habitat in the National Wildlife Refuge System;

Whereas 59 refuges were established specifically to protect imperiled species, and of the more than 1,300 federally listed threatened and endangered species in the United States, 280 species are found on units of the National Wildlife Refuge System;

Whereas national wildlife refuges are cores of conservation for larger landscapes and resources for other agencies of the Federal Government and State governments, private landowners, and organizations in their efforts to secure the wildlife heritage of the United States;

Whereas more than 42,000 volunteers and approximately 220 national wildlife refuge ''Friends'' organizations contribute nearly 1,600,000 hours annually, the equivalent of 766 full-time employees, and provide an important link to local communities;

Whereas national wildlife refuges provide an important opportunity for children to discover and gain a greater appreciation for the natural world;

Whereas, because there are national wildlife refuges located in several urban and suburban areas and 1 refuge located within an hour's drive of every metropolitan area in the United States, national wildlife refuges employ, educate, and engage young people from all backgrounds in exploring, connecting with, and preserving the natural heritage of the United States;

Whereas, since 1995, refuges across the United States have held festivals, educational programs, guided tours, and other events to celebrate National Wildlife Refuge Week during the second full week of October;

Whereas the Fish and Wildlife Service will continue to seek stakeholder input on the implementation of ''Conserving the Future: Wildlife Refuges and the Next Generation'', an update to the strategic plan of the Fish and Wildlife Service for the future of the National Wildlife Refuge System;

Whereas the week beginning on October 14, 2012, has been designated as ''National Wildlife Refuge Week'' by the Fish and Wildlife Service; and

Whereas the designation of National Wildlife Refuge Week by the Senate would recognize more than a century of conservation in the United States, raise awareness about the importance of wildlife and the National Wildlife Refuge System, and celebrate the myriad recreational opportunities available to enjoy this network of protected lands: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning on October 14, 2012, as ''National Wildlife Refuge Week'';

(2) encourages the observance of National Wildlife Refuge Week with appropriate events and activities;

(3) acknowledges the importance of national wildlife refuges for their recreational opportunities and contribution to local economies across the United States;

(4) pronounces that national wildlife refuges play a vital role in securing the hunting and fishing heritage of the United States for future generations;

(5) identifies the significance of national wildlife refuges in advancing the traditions of wildlife observation, photography, environmental education, and interpretation;

(6) recognizes the importance of national wildlife refuges to wildlife conservation and the protection of imperiled species and ecosystems, as well as compatible uses;

(7) acknowledges the role of national wildlife refuges in conserving waterfowl and waterfowl habitat pursuant to the Migratory Bird Treaty Act (40 Stat. 755, chapter 128);

(8) reaffirms the support of the Senate for wildlife conservation and the National Wildlife Refuge System; and

(9) expresses the intent of the Senate—

(A) to continue working to conserve wildlife; and

(B) to manage the National Wildlife Refuge System for current and future generations.

SENATE RESOLUTION 581—DESIGNATING OCTOBER 26, 2012, AS ''DAY OF THE DEPLOYED''

Mr. HOEVEN (for himself, Mr. CONRAD, Mr. ROBERTS, Mr. BOOZMAN, and Mr. BLUNT) submitted the following resolution; which was:

S. RES. 581

Whereas more than 2,500,000 people serve as members of the United States Armed Forces;

Whereas several hundred thousand members of the Armed Forces rotate each year through deployments to 150 countries in every region of the world;

Whereas more than 2,300,000 members of the Armed Forces have deployed to the area of operations of the United States Central Command since the September 11, 2001, terrorist attacks;

Whereas the United States is kept strong and free by the loyal military personnel who protect our precious heritage through their positive declaration and actions;

Whereas members of the Armed Forces serving at home and abroad have courageously answered the call to duty to defend the ideals of the United States and to preserve peace and freedom around the world;

Whereas members of the Armed Forces personify the virtues of patriotism, service, duty, courage, and sacrifice;

Whereas the families of members of the Armed Forces make important and significant sacrifices for the United States;

Whereas in 2010, 40 States designated October 26 as ''Day of the Deployed'' following the first recognition of a ''Day of the Deployed'' by North Dakota on October 26, 2006; and

Whereas the Senate designated October 26, 2011, as ''Day of the Deployed'': Now, therefore, be it

Resolved, That the Senate—

(1) honors the members of the United States Armed Forces who are deployed;

(2) calls on the people of the United States to reflect on the service of those members of the United States Armed Forces, wherever they serve, past, present, and future;

(3) designates October 26, 2012, as ''Day of the Deployed''; and

(4) encourages the people of the United States to observe ''Day of the Deployed'' with appropriate ceremonies and activities.

SENATE RESOLUTION 582—RECOGNIZING HISPANIC HERITAGE MONTH AND CELEBRATING THE HERITAGE AND CULTURE OF LATINOS IN THE UNITED STATES AND THE IMMENSE CONTRIBUTIONS OF LATINOS TO THE UNITED STATES

Mr. MENENDEZ (for himself, Mr. REID, Mr. CORNYN, Ms. MIKULSKI, Mr. BEGICH, Mr. HELLER, Mrs. HUTCHISON, Mr. UDALL of New Mexico, Mrs. HAGAN, Mr. NELSON of Florida, Mr. BLUMENTHAL, Mr. ENZI, Mr. CRAPO, Mr. MERKLEY, Mr. BENNET, Mr. UDALL of Colorado, Mr. AKAKA, Mr. WHITEHOUSE, Mr. DURBIN, Mr. RUBIO, Mrs. BOXER, Mr. CASEY, Mr. INOUYE, Mr. LAUTENBERG, Mr. REED, Mr. BINGAMAN, Ms. STABENOW, Mr. WYDEN, Mr. WARNER, Mr. SCHUMER, Mr. BROWN of Ohio, and Mrs. FEINSTEIN) submitted the following resolution; which was:

S. RES. 582

Whereas beginning on September 15, 2012, through October 15, 2012, the United States celebrates Hispanic Heritage Month;

Whereas the Census Bureau estimates the Hispanic population in the United States at over 52,000,000 people, making Hispanic Americans the largest racial or ethnic minority group within the United States overall and in 25 individual States;

Whereas Latinos accounted for over ½ of all population growth from July 1, 2010, to July 1, 2011;

Whereas the Hispanic population in the United States is projected to grow to 132,800,000 by July 1, 2050, at which point the Hispanic population will comprise 30 percent of the total population in the United States;

Whereas nearly 1 in 4 United States public school students is Hispanic, and the total number of Hispanic students enrolled in public schools in the United States is expected to reach 28,000,000 by 2050;

Whereas 16.5 percent of all college students between the age of 18 and 24 years old are Hispanics, making Hispanics the largest racial or ethnic minority group on college campuses in the United States, including both 2-year community colleges and 4-year colleges and universities;

Whereas the purchasing power of Hispanic Americans was $1,000,000,000,000 in 2010 and is expected to grow 50 percent to $1,500,000,000 by 2015;

Whereas there are approximately 2,300,000 Hispanic-owned firms in the United States, supporting millions of employees nationwide and greatly contributing to the economic sector, especially retail trade, wholesale trade, food services, and construction;

Whereas as of June 2012, nearly 25,000,0000 Hispanic workers represented 16 percent of the total labor force in the United States, with the share of Latino labor force participation expected to grow to 18 percent by 2018;

Whereas Hispanic Americans serve in all branches of the Armed Forces and have bravely fought in every war in the history of the United States;

Whereas as of July 2012, 143,054 Hispanic active duty service members served with distinction in the United States Armed Forces in fiscal year 2012;

Whereas as of June 30, 2012, there were 19,752 Hispanics serving in Afghanistan;

Whereas as of May 7, 2012, 645 United States military fatalities in Iraq and Afghanistan have been Hispanic;

Whereas more than 80,000 Hispanics served in the Vietnam War, representing 5.5 percent of individuals who made the ultimate sacrifice for their country in that conflict even though Hispanics comprised only 4.5 percent of the United States population at the time;

Whereas 140,000 Hispanic soldiers served in the Korean War;

Whereas as of September 2012, there are approximately 1,300,000 living Hispanic veterans of the United States Armed Forces;

Whereas 44 Hispanic Americans have received the Congressional Medal of Honor, the highest award for valor in action against an

enemy force that can be bestowed on an individual serving in the United States Armed Forces;

Whereas Hispanic Americans are dedicated public servants, holding posts at the highest levels of government, including 1 seat on the Supreme Court, 2 seats in the Senate, 29 seats in the House of Representatives, and 2 seats in the Cabinet; and

Whereas Hispanic Americans harbor a deep commitment to family and community, an enduring work ethic, and a perseverance to succeed and contribute to society: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the celebration of Hispanic Heritage Month from September 15, 2012, through October 15, 2012;

(2) esteems the integral role of Latinos and the manifold heritage of Latinos in the economy, culture, and identity of the United States; and

(3) urges the people of the United States to observe Hispanic Heritage Month with appropriate programs and activities that appreciate the cultural contributions of Latinos to American life.

SENATE RESOLUTION 583—DESIGNATING SEPTEMBER 2012 AS ''NATIONAL PREPAREDNESS MONTH''

Mr. LIEBERMAN (for himself, Ms. COLLINS, and Ms. LANDRIEU) submitted the following resolution; which was:

S. RES. 583

Whereas a terrorist attack, natural disaster, or other emergency could strike any part of the United States at any time;

Whereas natural and manmade emergencies disrupt hundreds of thousands of lives each year, costing lives and causing serious injuries and billions of dollars in property damage;

Whereas Federal, State, and local officials, as well as private and nonprofit organizations, are working to mitigate against, prevent, and respond to all types of emergencies;

Whereas the people of the United States can help promote the overall emergency preparedness of the United States by being prepared for all types of emergencies;

Whereas National Preparedness Month provides an opportunity to highlight the importance of public emergency preparedness and to encourage the people of the United States to take steps to be better prepared for emergencies at home, work, and school;

Whereas the people of the United States can prepare for emergencies by taking steps, such as assembling emergency supply kits, creating family emergency plans, staying informed about possible emergencies, and obtaining reasonable levels of insurance; and

Whereas additional information about public emergency preparedness may be obtained through the Ready Campaign of the Department of Homeland Security at www.ready.gov or the American Red Cross at www.redcross.org/prepare: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 2012 as ''National Preparedness Month''; and

(2) encourages the Federal Government, States, localities, schools, nonprofit organizations, businesses, and other applicable entities, along with the people of the United States, to observe National Preparedness Month with appropriate events and activities to promote emergency preparedness.

SENATE RESOLUTION 584—DESIGNATING OCTOBER 4, 2012, AS ''JUMPSTART'S READ FOR THE RECORD DAY''

Mrs. MURRAY (for herself, Mr. ISAKSON, Mr. BEGICH, Mr. KERRY, Mr. BROWN of Massachusetts, Mr. WICKER, Mr. BENNET, and Mr. COCHRAN) submitted the following resolution; which was:

S. RES. 584

Whereas Jumpstart, a national early education organization, is working to ensure that every child in the United States enters school prepared to succeed;

Whereas Jumpstart delivers a year-round research-based and cost-effective program by training college students and community volunteers to serve preschool age children in low-income neighborhoods, helping them to develop the language and literacy skills necessary to succeed in school and in life;

Whereas, since 1993, Jumpstart has trained nearly 25,000 college students and community volunteers to transform the lives of more than 42,000 preschool children in communities across the United States;

Whereas Jumpstart's Read for the Record, presented in partnership with the Pearson Foundation, is a national campaign that culminates in one day of the year when millions of people in the United States come together to celebrate literacy and support Jumpstart in its efforts to promote early childhood education;

Whereas the goals of the campaign are to raise awareness in the United States of the importance of early childhood education, support Jumpstart's early education programs in preschools in low-income neighborhoods through donations and sponsorship, and celebrate the commencement of Jumpstart's program year;

Whereas October 4, 2012, is an appropriate date to designate as ''Jumpstart's Read for the Record Day'' because it is the date Jumpstart aims to set the world record for the largest shared reading experience; and

Whereas Jumpstart hopes to engage more than 2,200,000 children in reading ''Ladybug Girl and the Bug Squad'' by David Soman and Jacky Davis during this record-breaking celebration of reading and service, all in support of preschool children in the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 4, 2012, as ''Jumpstart's Read for the Record Day'';

(2) commends Jumpstart's Read for the Record on its seventh year;

(3) encourages adults, including grandparents, parents, teachers, and college students—

(A) to join children in creating the world's largest shared reading experience; and

(B) to show their support for literacy and Jumpstart's early education programming for young children in low-income communities; and

(4) requests the Secretary of the Senate to transmit a copy of this resolution to Jumpstart, one of the leading nonprofit organizations in the United States in the field of early childhood education.

SENATE RESOLUTION 585—RECOGNIZING THE EXTRAORDINARY HISTORY AND HERITAGE OF THE STATE OF NEW MEXICO, AND HONORING AND COMMENDING THE STATE OF NEW MEXICO AND ITS PEOPLE ON ITS CENTENNIAL ANNIVERSARY

Mr. BINGAMAN (for himself and Mr. UDALL of New Mexico) submitted the following resolution; which was:

S. RES. 585

Whereas New Mexico has a rich heritage and history, dating as far back as 11,000 B.C. when the Clovis people left the earliest evidence of human existence in what is now New Mexico;

Whereas Santa Fe, the capital of New Mexico, was established in 1610 and is the oldest capital city in the United States, as well as the highest in elevation at 7,000 feet above sea level;

Whereas, on September 9, 1850, the portion of the Compromise of 1850 (9 Stat. 446) that created the New Mexico Territory was enacted;

Whereas, on January 6, 1912, President William Howard Taft signed the proclamation making New Mexico the 47th State of the Union;

Whereas the nickname of New Mexico is the ''Land of Enchantment'' because of its scenic beauty and rich history and culture;

Whereas the natural wonder of New Mexico is preserved by a broad range of national parks, forests, wilderness areas, and wildlife refuge centers;

Whereas the diverse cultural roots of New Mexico come from the many different groups of people who have inhabited the State, notably the strong tribal and Hispanic cultural influences in the State;

Whereas New Mexico has one of the richest indigenous tribal populations in the United States, including 19 Pueblo nations, 2 Apache nations, and the Navajo Nation;

Whereas the Hispanic population of New Mexico has rich and distinct cultural roots in its historic land grants as recognized by the Treaty of Peace, Friendship, Limits, and Settlement between the United States and Mexico, signed at Guadalupe Hidalgo February 2, 1848, and entered into force May 30, 1848 (9. Stat. 922) (commonly referred to as the ''Treaty of Guadalupe Hidalgo'');

Whereas New Mexico continues to derive strength from the new Hispanic communities in the State with roots in Latin America;

Whereas New Mexico has an extensive variety of prehistoric, tribal, and Hispanic archaeological ruins;

Whereas New Mexico has a long tradition of artistic expression inspired by its natural beauty, unique architecture, and diverse people;

Whereas the people of New Mexico have a proud history of military service, predating and continuing after statehood, including the participation of the people of New Mexico in every major war of the United States since the Civil War, with notable participation by the people of New Mexico in Teddy Roosevelt's Rough Riders, the Navajo Code Talkers, the defense of Bataan and Corregidor, the wars in Korea and Vietnam, and the wars in Iraq and Afghanistan;

Whereas New Mexico is a center for scientific innovation and laboratory research, serving as the home to the Los Alamos National Laboratory and Sandia National Laboratories;

Whereas, on July 16, 1945, the United States Army conducted the Trinity test, the first test of a nuclear weapon, which was developed at Los Alamos National Laboratory

and tested at the White Sands Proving Ground in New Mexico;

Whereas, in 1980, New Mexico dedicated the Very Large Array, one of the world's premier astronomical radio observatories that studies the history of the universe;

Whereas, in October 2011, New Mexico dedicated Spaceport America, propelling New Mexico into the future with the first commercial spaceport;

Whereas New Mexico is home to the Albuquerque International Balloon Fiesta, the largest hot air balloon event in the world, which is also considered to be the most photographed event in the world;

Whereas New Mexico has a long history of agricultural sustainability and productivity, supporting cattle and dairy, as well as many crops, including chile, corn, wheat, onions, peanuts, pistachios, pecans, hay, cotton, and beans;

Whereas the Hatch Valley of New Mexico, known as the ''Chile Capital of the World'', is recognized worldwide for its bountiful chile crop; and

Whereas New Mexico celebrated the centennial anniversary of its admission to the Union as the 47th State of the United States on January 6, 2012: Now, therefore, be it

Resolved, That the Senate recognizes the extraordinary history and heritage of the State of New Mexico, and honors and commends the State of New Mexico and its people on its centennial anniversary.

SENATE RESOLUTION 586—EXPRESSING SUPPORT FOR THE GOALS AND IDEALS OF NATIONAL INFANT MORTALITY AWARENESS MONTH, 2012

Mr. CARDIN (for himself, Mr. BURR, and Mr. MENENDEZ) submitted the following resolution; which was:

S. RES. 586

Whereas the term ''infant mortality'' refers to the death of a baby before the first birthday of the baby;

Whereas the United States ranks 49th among countries in the rate of infant mortality;

Whereas high rates of infant mortality are especially prevalent in African American, Native American, Alaskan Native, Latino, Asian, and Hawaiian and other Pacific Islander communities, communities with high rates of unemployment and poverty, and communities with limited access to safe housing and medical providers;

Whereas premature birth is a leading cause of infant mortality;

Whereas, according to the Institute of Medicine of the National Academies, premature birth costs the United States more than $26,000,000,000 annually;

Whereas infant mortality can be substantially reduced through community-based services, such as outreach, home visitation, case management, health education, and interconceptional care;

Whereas support for community-based programs to reduce infant mortality may result in lower future spending on medical interventions, special education, and other social services that may be needed for infants and children who are born with a low birth weight;

Whereas the Department of Health and Human Services, acting through the Office of Minority Health, has implemented the ''A Healthy Baby Begins With You'' campaign;

Whereas the Maternal and Child Health Bureau of the Health Resources and Services Administration has provided national leadership on the issue of infant mortality;

Whereas the Advisory Committee on Infant Mortality provides advice and recommendations to the Secretary of Health and Human Services on reducing infant mortality and improving the health status of infants and pregnant women;

Whereas the Advisory Committee on Infant Mortality provides advice and recommendations to the Secretary of Health and Human Services with respect to developing a national strategy for reducing infant mortality;

Whereas public awareness and education campaigns on infant mortality are held during the month of September each year; and

Whereas September 2012 has been designated as ''National Infant Mortality Awareness Month'': Now, therefore, be it

Resolved, That the Senate—

(1) supports—

(A) the goals and ideals of National Infant Mortality Awareness Month, 2012;

(B) efforts to educate people in the United States about infant mortality and the factors that contribute to infant mortality; and

(C) efforts to reduce infant deaths, low birth weight, pre-term births, and disparities in perinatal outcomes;

(2) recognizes the critical importance of including efforts to reduce infant mortality and the factors that contribute to infant mortality as part of prevention and wellness strategies; and

(3) calls on the people of the United States to observe National Infant Mortality Awareness Month with appropriate programs and activities.

SENATE RESOLUTION 587—SUPPORTING ''LIGHTS ON AFTERSCHOOL'', A NATIONAL CELEBRATION OF AFTERSCHOOL PROGRAMS

Mrs. BOXER (for herself, Ms. COLLINS, and Mr. WHITEHOUSE) submitted the following resolution; which was:

S. RES. 587

Whereas high-quality afterschool programs provide safe, challenging, engaging, and fun learning experiences that help children and youth develop social, emotional, physical, cultural, and academic skills;

Whereas high-quality afterschool programs support working families by ensuring that the children in those families are safe and productive after the regular school day ends;

Whereas high-quality afterschool programs build stronger communities by involving students, parents, business leaders, and adult volunteers in the lives of children in the United States, thereby promoting positive relationships among children, youth, families, and adults;

Whereas high-quality afterschool programs engage families, schools, and diverse community partners in advancing the well-being of children in the United States;

Whereas ''Lights On Afterschool'', a national celebration of afterschool programs held on October 18, 2012, highlights the critical importance of high-quality afterschool programs in the lives of children, their families, and their communities;

Whereas more than 28,000,000 children in the United States have parents who work outside the home and approximately 15,100,000 children in the United States have no place to go after school; and

Whereas nearly 2 in 5 afterschool programs report that their budgets are in worse condition today than at the height of the recession in 2008, and more than 3 in 5 afterschool programs report that their level of funding is lower than it was 3 years ago, making it difficult for afterschool programs across the United States to keep their doors open and their lights on: Now, therefore, be it

Resolved, That the Senate supports ''Lights On Afterschool'', a national celebration of afterschool programs held on October 18, 2012.

SENATE RESOLUTION 588—COMMENDING THE 4 AMERICAN PUBLIC SERVANTS WHO DIED IN BENGHAZI, LIBYA, UNITED STATES AMBASSADOR TO LIBYA JOHN CHRISTOPHER STEVENS, SEAN SMITH, TYRONE WOODS, AND GLEN DOHERTY, FOR THEIR TIRELESS EFFORTS ON BEHALF OF THE AMERICAN PEOPLE, AND CONDEMNING THE VIOLENT ATTACK ON THE UNITED STATES CONSULATE IN BENGHAZI

Mr. LUGAR (for himself, Mr. KERRY, Mr. REID of Nevada, Mr. MCCONNELL, Mr. AKAKA, Mr. ALEXANDER, Ms. AYOTTE, Mr. BARRASSO, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Mr. BINGAMAN, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COATS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. COONS, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DURBIN, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mr. HELLER, Mr. HOEVEN, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JOHANNS, Mr. JOHNSON of Wisconsin, Mr. JOHNSON of South Dakota, Mr. KIRK, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEE, Mr. LEVIN, Mr. LIEBERMAN, Mr. MANCHIN, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PAUL, Mr. PORTMAN, Mr. PRYOR, Mr. REED of Rhode Island, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. RUBIO, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. TOOMEY, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN) submitted the following resolution; which was:

S. RES. 588

Whereas on September 11, 2012, 4 American public servants, United States Ambassador to Libya John Christopher Stevens, Sean Smith, Tyrone Woods, and Glen Doherty, were killed in a reprehensible and vicious attack on the United States consulate in Benghazi, Libya;

Whereas Ambassador Stevens—

(1) was a courageous and exemplary representative of the United States;

(2) had spent 21 years in the Foreign Service;

(3) was deeply passionate about representing the United States through his diplomatic service; and

(4) was an ardent friend of the Libyan people;

Whereas Ambassador Stevens served as Special Envoy to the Libyan Transitional

National Council in Benghazi during the 2011 Libyan revolution;

Whereas Ambassador Stevens was a dear friend of the Senate, having served on the staff of the Committee on Foreign Relations of the Senate in 2006 and 2007 as a distinguished Pearson Fellow;

Whereas Foreign Service Information Management Officer Sean Smith—

(1) was a husband and a father of 2 children;

(2) joined the Department of State 10 years ago after serving in the United States Air Force; and

(3) had served in the Foreign Service, before arriving in Benghazi, in Baghdad, Pretoria, Montreal, and The Hague;

Whereas Tyrone Woods was a husband and a father of three children, who, after two decades of service as a Navy SEAL that included tours in Iraq and Afghanistan, began working with the Department of State to protect United States diplomatic personnel;

Whereas Glen Doherty, after 12 years of service as a Navy SEAL that included tours in Iraq and Afghanistan, began working with the Department of State to protect United States diplomatic personnel;

Whereas the 4 Americans who perished in the Benghazi attack made great sacrifices and showed bravery in taking on a difficult post in Libya;

Whereas the violence in Benghazi coincided with an attack on the United States Embassy in Cairo, Egypt, which was also swarmed by an angry mob of protesters on September 11, 2012;

Whereas on a daily basis, United States diplomats, military personnel, and other public servants risk their lives to serve the American people; and

Whereas throughout this Nation's history, thousands of Americans have sacrificed their lives for the ideals of freedom, democracy, and partnership with nations and people around the globe.

Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the dedicated service and deep commitment of Ambassador John Christopher Stevens, Sean Smith, Tyrone Woods, and Glen Doherty in assisting the Libyan people as they navigate the complex currents of democratic transition marked in this case by profound instability;

(2) praises Ambassador Stevens, who represented the highest tradition of American public service, for his extraordinary record of dedication to the United States' interests in some of the most difficult and dangerous posts around the globe;

(3) sends its deepest condolences to the families of those American public servants killed in Benghazi;

(4) commends the bravery of Foreign Service Officers, United States Armed Forces, and public servants serving in harm's way around the globe and recognizes the deep sacrifices made by their families; and

(5) condemns, in the strongest possible terms, the despicable attacks on American diplomats and public servants in Benghazi and calls for the perpetrators of such attacks to be brought to justice.

SENATE RESOLUTION 589—DESIGNATING NOVEMBER 24, 2012, AS ''SMALL BUSINESS SATURDAY'' AND SUPPORTING EFFORTS TO INCREASE AWARENESS OF THE VALUE OF LOCALLY OWNED SMALL BUSINESSES

Ms. SNOWE (for herself, Ms. LANDRIEU, Mr. RISCH, Mr. KERRY, Mr. ALEXANDER, Mr. LIEBERMAN, Mrs. HUTCHISON, Mrs. HAGAN, Mr. BARRASSO, Mr. BLUMENTHAL, Mr. ENZI, Mr. WHITEHOUSE, Ms. MURKOWSKI, Mrs. MURRAY, Mr. HOEVEN, Mr. PRYOR, Mr. ISAKSON, Mr. COONS, Mr. KIRK, Mr. LAUTENBERG, Mr. RUBIO, Mr. ROCKEFELLER, Mr. BROWN of Massachusetts, Mr. UDALL of New Mexico, Ms. AYOTTE, Mr. BEGICH, Mr. PORTMAN, Mr. MANCHIN, Mr. BOOZMAN, Mr. MERKLEY, Mr. MENENDEZ, Ms. CANTWELL, Mr. DURBIN, Mr. BAUCUS, Mr. LEVIN, Mr. WARNER, Mrs. FEINSTEIN, Mr. CARDIN, Mr. TESTER, Mrs. SHAHEEN, Ms. KLOBUCHAR, Mr. ROBERTS, Mr. THUNE, Mr. CHAMBLISS, Mrs. BOXER, and Mr. BENNET) submitted the following resolution; which was:

S. RES. 589

Whereas small businesses represent 99.7 percent of all businesses having employees (commonly referred to as ''employer firms'') in the United States;

Whereas small businesses employ ½ of the employees in the private sector in the United States;

Whereas small businesses pay 44 percent of the total payroll of the employees in the private sector in the United States;

Whereas small businesses are responsible for more than 50 percent of the private, nonfarm product of the gross domestic product;

Whereas small businesses generated 65 percent of net new jobs during the last 17 years;

Whereas small businesses generate 60 to 80 percent of all new jobs annually;

Whereas small businesses focus on 2 key strategies: deepening relationships with customers and creating value for customers;

Whereas, for every $100 spent with locally owned, independent stores, $68 returns to the community through local taxes, payroll, and other expenditures;

Whereas 92 percent of consumers in the United States agree that the success of small businesses is critical to the overall economic health of the United States;

Whereas 93 percent of consumers in the United States agree that small businesses contribute positively to the local community by supplying jobs and generating tax revenue;

Whereas 91 percent of consumers in the United States have small businesses in their community that the consumers would miss if the small businesses closed;

Whereas 99 percent of consumers in the United States agree that it is important to support the small businesses in their community; and

Whereas 90 percent of consumers in the United States are willing to pledge support for a ''buy local'' movement: Now, therefore, be it

Resolved, That the Senate—

(1) designates November 24, 2012, as ''Small Business Saturday''; and

(2) supports efforts—

(A) to encourage consumers to shop locally; and

(B) to increase awareness of the value of locally owned small businesses and the impact of locally owned small businesses on the economy of the United States.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2849. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 3576, to provide limitations on United States assistance, and for other purposes; which was ordered to lie on the table.

SA 2850. Ms. MURKOWSKI (for herself and Mr. MANCHIN) submitted an amendment intended to be proposed by her to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table.

SA 2851. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2852. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2853. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2854. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2855. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2856. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2857. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2858. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2859. Mr. REID (for Mr. CARDIN) proposed an amendment to the bill S. 1956, to prohibit operators of civil aircraft of the United States from participating in the European Union's emissions trading scheme, and for other purposes.

SA 2860. Mr. REID (for Mr. MERKLEY) proposed an amendment to the bill S. 1956, to prohibit operators of civil aircraft of the United States from participating in the European Union's emissions trading scheme, and for other purposes.

SA 2861. Mr. PRYOR (for Mr. BINGAMAN) proposed an amendment to the bill H.R. 4850, to allow for innovations and alternative technologies that meet or exceed desired energy efficiency goals.

SA 2862. Mr. PRYOR (for Mrs. SHAHEEN) proposed an amendment to the bill H.R. 4850, to allow for innovations and alternative technologies that meet or exceed desired energy efficiency goals.

SA 2863. Mr. PRYOR (for Mr. DURBIN) proposed an amendment to S. Res. 466, calling for the release from prison of former Prime Minister of Ukraine Yulia Tymoshenko.

SA 2864. Mr. PRYOR (for Mr. AKAKA) proposed an amendment to the bill S. 3193, to make technical corrections to the legal description of certain land to be held in trust for the Barona Band of Mission Indians, and for other purposes.

SA 2865. Mr. PRYOR (for Mr. BLUMENTHAL) proposed an amendment to the bill H.R. 2453, to require the Secretary of the Treasury to mint coins in commemoration of Mark Twain.

SA 2866. Mr. PRYOR (for Mr. LIEBERMAN) proposed an amendment to S. 3315, to repeal or modify certain mandates of the Government Accountability Office.

SA 2867. Mr. PRYOR (for Mr. ROCKEFELLER) proposed an amendment to the bill H.R. 2838, to authorize appropriations for the Coast Guard for fiscal years 2013 through 2014, and for other purposes.

SA 2868. Mr. PRYOR (for Mr. ROCKEFELLER) proposed an amendment to the bill H.R. 2838, supra.

SA 2869. Mr. PRYOR (for Mr. BINGAMAN) proposed an amendment to the bill H.R. 2606,

to authorize the Secretary of the Interior to allow the construction and operation of natural gas pipeline facilities in the Gateway National Recreation Area, and for other purposes.

SA 2870. Mr. PRYOR (for Mr. ENZI) proposed an amendment to the resolution S. Res. 472, designating October 7, 2012, as ''Operation Enduring Freedom Veterans Day''.

TEXT OF AMENDMENTS

SA 2849. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 3576, to provide limitations on United States assistance, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. LIMITATION ON FOREIGN ASSISTANCE.

(a) PROHIBITION.—

(1) IN GENERAL.—Except as provided under paragraph (2), beginning 60 days after the date of the enactment of this Act, no amounts may be obligated or expended to provide any direct United States assistance, loan guarantee, or debt relief to a Government described under subsection (b).

(2) EXCEPTION.—With respect to the Government of Pakistan, the prohibition under paragraph (1) shall be effective as of the date of the enactment of this Act.

(b) COVERED GOVERNMENTS.—The Governments referred to in subsection (a) are as follows:

(1) The Government of Libya.

(2) The Government of Egypt.

(3) The Government of Pakistan.

(c) CERTIFICATION.—The President may certify to Congress that a Government described under subsection (b)—

(1) is cooperating or has cooperated fully with investigations into an attack, trespass, breach, or attempted attack, trespass, or breach;

(2) is facilitating or has facilitated any security improvements at United States diplomatic facilities, as requested by the United States Government; and

(3) is taking or has taken sufficient steps to strengthen and improve reliability of local security in order to prevent any future attack, trespass, or breach.

(d) REQUEST TO SUSPEND PROHIBITION ON FOREIGN ASSISTANCE.—

(1) IN GENERAL.—Except as provided under paragraph (2), upon submitting a certification under subsection (c) with respect to a Government described under subsection (b), the President may submit a request to Congress to suspend the prohibition on foreign assistance to the Government.

(2) PAKISTAN.—No request under paragraph (1) may be submitted with respect to the Government of Pakistan until—

(A) Dr. Shakil Afridi has been released alive from prison in Pakistan;

(B) any criminal charges brought against Dr. Afridi, including treason, have been dropped; and

(C) if necessary to ensure his freedom, Dr. Afridi has been allowed to leave Pakistan alive.

(e) EXPEDITED CONSIDERATION OF PRESIDENTIAL REQUEST.—

(1) IN GENERAL.—For purposes of this subsection, the term ''joint resolution'' means only a joint resolution introduced in the period beginning on the date on which a request under subsection (d) is received by Congress and ending 60 days thereafter (excluding days either House of Congress is adjourned for more than 3 days during a session of Congress), the matter after the resolving clause of which is as follows: ''That Congress approves the request submitted by the President to suspend the prohibition on foreign assistance to the Government of ____ in effect since ____, and such prohibition shall have no force or effect.''(The blank spaces being appropriately filled in).

(2) REFERRAL.—A joint resolution described in paragraph (1) shall be referred to the committees in each House of Congress with jurisdiction.

(3) SUBMISSION DATE DEFINED.—For purposes of this section, the term ''submission date'' means the date on which a House of Congress receives the request submitted under subsection (d).

(4) DISCHARGE OF SENATE COMMITTEE.—In the Senate, if the committee to which is referred a joint resolution described in paragraph (1) has not reported such joint resolution (or an identical joint resolution) at the end of 20 calendar days after the submission date, such committee may be discharged from further consideration of such joint resolution upon a petition supported in writing by 30 Senators, and such joint resolution shall be placed on the calendar.

(5) SENATE CONSIDERATION OF RESOLUTION.—

(A) MOTIONS.—In the Senate, when the committee to which a joint resolution is referred has reported, or when a committee is discharged (under paragraph (4)) from further consideration of a joint resolution described in paragraph (1), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution shall remain the unfinished business of the Senate until disposed of.

(B) DEBATE.—In the Senate, debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the joint resolution. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order.

(C) VOTE ON FINAL PASSAGE.—In the Senate, immediately following the conclusion of the debate on a joint resolution described in paragraph (1), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, the vote on final passage of the joint resolution shall occur.

(D) APPEALS OF DECISIONS OF THE CHAIR.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a joint resolution described in paragraph (1) shall be decided without debate.

(6) INAPPLICABILITY OF CERTAIN PROVISIONS.—In the Senate, the procedures specified in paragraph (4) or (5) shall not apply to the consideration of a joint resolution respecting a request—

(A) after the expiration of the 60 session days beginning with the applicable submission date; or

(B) if the request submitted under subsection (d) was submitted during the period beginning on the date occurring—

(i) in the case of the Senate, 60 session days, or

(ii) in the case of the House of Representatives, 60 legislative days,

before the date the Congress adjourns a session of Congress through the date on which the same or succeeding Congress first convenes its next session, after the expiration of the 60 session days beginning on the 15th session day after the succeeding session of Congress first convenes.

(7) RECEIPT OF JOINT RESOLUTION FROM OTHER HOUSE.—If, before the passage by one House of a joint resolution of that House described in paragraph (1), that House receives from the other House a joint resolution described in paragraph (1), then the following procedures shall apply:

(A) The joint resolution of the other House shall not be referred to a committee.

(B) With respect to a joint resolution described in paragraph (1) of the House receiving the joint resolution—

(i) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

(ii) the vote on final passage shall be on the joint resolution of the other House.

(f) REPORT ON UNSECURED WEAPONS IN LIBYA.—Not later than 90 days after the date of the enactment of this Act, the President shall submit a report to Congress examining the extent to which advanced weaponry remaining unsecured after the fall of Moammar Qaddafi was used by the individuals responsible for the September 11, 2012, attack on the United States consulate in Benghazi, Libya.

(g) RULE OF CONSTRUCTION.—Nothing in this section may be construed as an authorization for the use of military force.

SA 2850. Ms. MURKOWSKI (for herself and Mr. MANCHIN) submitted an amendment intended to be proposed by her to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

On page 7, after line 21, add the following:

SEC. 104. HERITAGE OF RECREATIONAL FISHING, HUNTING, AND RECREATIONAL SHOOTING ON FEDERAL LAND.

(a) DEFINITIONS.—In this section:

(1) FEDERAL PUBLIC LAND.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term ''Federal public land'' means any land or water that is—

(i) owned by the United States; and

(ii) managed by a Federal agency (including the Department of the Interior and the Forest Service) for purposes that include the conservation of natural resources.

(B) EXCLUSIONS.—The term ''Federal public land'' does not include—

(i) land or water held or managed in trust for the benefit of Indians or other Native Americans;

(ii) land managed by the Director of the National Park Service or the Director of the United States Fish and Wildlife Service;

(iii) fish hatcheries; or

(iv) conservation easements on private land.

(2) HUNTING.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term ''hunting'' means use of a firearm, bow, or other authorized means in the lawful—

(i) pursuit, shooting, capture, collection, trapping, or killing of wildlife; or

(ii) attempt to pursue, shoot, capture, collect, trap, or kill wildlife.

(B) EXCLUSION.—The term ''hunting'' does not include the use of skilled volunteers to

cull excess animals (as defined by other Federal law).

(3) RECREATIONAL FISHING.—The term ''recreational fishing'' means—

(A) an activity for sport or for pleasure that involves—

(i) the lawful catching, taking, or harvesting of fish; or

(ii) the lawful attempted catching, taking, or harvesting of fish; or

(B) any other activity for sport or pleasure that can reasonably be expected to result in the lawful catching, taking, or harvesting of fish.

(4) RECREATIONAL SHOOTING.—The term ''recreational shooting'' means any form of sport, training, competition, or pastime, whether formal or informal, that involves the discharge of a rifle, handgun, or shotgun, or the use of a bow and arrow.

(b) RECREATIONAL FISHING, HUNTING, AND RECREATIONAL SHOOTING.—

(1) IN GENERAL.—Subject to valid existing rights, and in cooperation with the respective State and fish and wildlife agency, a Federal public land management official shall exercise the authority of the official under existing law (including provisions regarding land use planning) to facilitate use of and access to Federal public land for recreational fishing, hunting, and recreational shooting except as limited by—

(A) any law that authorizes action or withholding action for reasons of national security, public safety, or resource conservation;

(B) any other Federal law that precludes recreational fishing, hunting, or recreational shooting on specific Federal public land or water or units of Federal public land; and

(C) discretionary limitations on recreational fishing, hunting, and recreational shooting determined to be necessary and reasonable as supported by the best scientific evidence and advanced through a transparent public process.

(2) MANAGEMENT.—Consistent with paragraph (1), the head of each Federal public land management agency shall exercise the land management discretion of the head—

(A) in a manner that supports and facilitates recreational fishing, hunting, and recreational shooting opportunities;

(B) to the extent authorized under applicable State law; and

(C) in accordance with applicable Federal law.

(3) PLANNING.—

(A) EFFECTS OF PLANS AND ACTIVITIES.—

(i) EVALUATION OF EFFECTS ON OPPORTUNITIES TO ENGAGE IN RECREATIONAL FISHING, HUNTING, OR RECREATIONAL SHOOTING.—Federal public land planning documents (including land resources management plans, resource management plans, travel management plans, and energy development plans) shall include a specific evaluation of the effects of the plans on opportunities to engage in recreational fishing, hunting, or recreational shooting.

(ii) OTHER ACTIVITY NOT CONSIDERED.—

(I) IN GENERAL.—Federal public land management officials shall not be required to consider the existence or availability of recreational fishing, hunting, or recreational shooting opportunities on private or public land that is located adjacent to, or in the vicinity of, Federal public land for purposes of—

(aa) planning for or determining which units of Federal public land are open for recreational fishing, hunting, or recreational shooting; or

(bb) setting the levels of use for recreational fishing, hunting, or recreational shooting on Federal public land.

(II) ENHANCED OPPORTUNITIES.—Federal public land management officials may consider the opportunities described in subclause (I) if the combination of those opportunities would enhance the recreational fishing, hunting, or shooting opportunities available to the public.

(B) USE OF VOLUNTEERS.—If hunting is prohibited by law, all Federal public land planning document described in subparagraph (A)(i) of an agency shall, after appropriate coordination with State fish and wildlife agencies, allow the participation of skilled volunteers in the culling and other management of wildlife populations on Federal public land unless the head of the agency demonstrates, based on the best scientific data available or applicable Federal law, why skilled volunteers should not be used to control overpopulation of wildlife on the land that is the subject of the planning document.

(4) BUREAU OF LAND MANAGEMENT AND FOREST SERVICE LAND.—

(A) LAND OPEN.—

(i) IN GENERAL.—Land under the jurisdiction of the Bureau of Land Management or the Forest Service (including a component of the National Wilderness Preservation System, land designated as a wilderness study area or administratively classified as wilderness eligible or suitable, and primitive or semiprimitive areas, but excluding land on the outer Continental Shelf) shall be open to recreational fishing, hunting, and recreational shooting unless the managing Federal public land agency acts to close the land to such activity.

(ii) MOTORIZED ACCESS.—Nothing in this subparagraph authorizes or requires motorized access or the use of motorized vehicles for recreational fishing, hunting, or recreational shooting purposes within land designated as a wilderness study area or administratively classified as wilderness eligible or suitable.

(B) CLOSURE OR RESTRICTION.—Land described in subparagraph (A) may be subject to closures or restrictions if determined by the head of the agency to be necessary and reasonable and supported by facts and evidence for purposes including resource conservation, public safety, energy or mineral production, energy generation or transmission infrastructure, water supply facilities, protection of other permittees, protection of private property rights or interests, national security, or compliance with other law, as determined appropriate by the Director of the Bureau of Land Management or the Chief of the Forest Service, as applicable.

(C) SHOOTING RANGES.—

(i) IN GENERAL.—Except as provided in clause (iii), the head of each Federal public land agency may use the authorities of the head, in a manner consistent with this section and other applicable law—

(I) to lease or permit use of land under the jurisdiction of the head for shooting ranges; and

(II) to designate specific land under the jurisdiction of the head for recreational shooting activities.

(ii) LIMITATION ON LIABILITY.—Any designation under clause (i)(II) shall not subject the United States to any civil action or claim for monetary damages for injury or loss of property or personal injury or death caused by any recreational shooting activity occurring at or on the designated land.

(iii) EXCEPTION.—The head of each Federal public land agency shall not lease or permit use of Federal public land for shooting ranges or designate land for recreational shooting activities within including a component of the National Wilderness Preservation System, land designated as a wilderness study area or administratively classified as wilderness eligible or suitable, and primitive or semiprimitive areas.

(5) REPORT.—Not later than October 1 of every other year, beginning with the second October 1 after the date of enactment of this Act, the head of each Federal public land agency who has authority to manage Federal public land on which recreational fishing, hunting, or recreational shooting occurs 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—

(A) any Federal public land administered by the agency head that was closed to recreational fishing, hunting, or recreational shooting at any time during the preceding year; and

(B) the reason for the closure.

(6) CLOSURES OR SIGNIFICANT RESTRICTIONS OF 1,280 OR MORE ACRES.—

(A) IN GENERAL.—Other than closures established or prescribed by land planning actions referred to in paragraph (4)(B) or emergency closures described in subparagraph (C), a permanent or temporary withdrawal, change of classification, or change of management status of Federal public land or water that effectively closes or significantly restricts 1,280 or more contiguous acres of Federal public land or water to access or use for recreational fishing or hunting or activities relating to fishing or hunting shall take effect only if, before the date of withdrawal or change, the head of the Federal public land agency that has jurisdiction over the Federal public land or water—

(i) publishes appropriate notice of the withdrawal or change, respectively;

(ii) demonstrates that coordination has occurred with a State fish and wildlife agency; and

(iii) submits to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate written notice of the withdrawal or change, respectively.

(B) AGGREGATE OR CUMULATIVE EFFECTS.—If the aggregate or cumulative effect of separate withdrawals or changes effectively closes or significant restrictions affects 1,280 or more acres of land or water, the withdrawals and changes shall be treated as a single withdrawal or change for purposes of subparagraph (A).

(C) EMERGENCY CLOSURES.—

(i) IN GENERAL.—Nothing in this section prohibits a Federal public land management agency from establishing or implementing emergency closures or restrictions of the smallest practicable area of Federal public land to provide for public safety, resource conservation, national security, or other purposes authorized by law.

(ii) TERMINATION.—An emergency closure under clause (i) shall terminate after a reasonable period of time unless the temporary closure is converted to a permanent closure consistent with this subsection.

(7) NO PRIORITY.—Nothing in this section requires a Federal agency to give preference to recreational fishing, hunting, or recreational shooting over other uses of Federal public land or over land or water management priorities established by other Federal law.

(8) CONSULTATION WITH COUNCILS.—In carrying out this section, the heads of Federal public land agencies shall consult with the appropriate advisory councils established under Executive Order 12962 (16 U.S.C. 1801 note; relating to recreational fisheries) and Executive Order 13443 (16 U.S.C. 661 note; relating to facilitation of hunting heritage and wildlife conservation).

(9) AUTHORITY OF STATES.—

(A) IN GENERAL.—Nothing in this section interferes with, diminishes, or conflicts with the authority, jurisdiction, or responsibility

of any State to manage, control, or regulate fish and wildlife under State law (including regulations) on land or water within the State, including on Federal public land.

(B) FEDERAL LICENSES.—

(i) IN GENERAL.—Except as provided in clause (ii), nothing in this section authorizes the head of a Federal public land agency head to require a license, fee, or permit to fish, hunt, or trap on land or water in a State, including on Federal public land in the State.

(ii) MIGRATORY BIRD STAMPS.—This subparagraph shall not affect any migratory bird stamp requirement of the Migratory Bird Hunting and Conservation Stamp Act (16 U.S.C. 718a et seq.).

SA 2851. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE III—LAND CONVEYANCE

SEC. 301. DEFINITIONS.

In this title:

(1) CITY.—The term ''City'' means the city of Fruit Heights, Utah.

(2) MAP.—The term ''map'' means the map entitled ''Proposed Fruit Heights City Conveyance'' and dated 2012.

(3) NATIONAL FOREST SYSTEM LAND.—The term ''National Forest System land'' means the approximately 100 acres of National Forest System land, as depicted on the map.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

SEC. 302. CONVEYANCE OF CERTAIN LAND TO THE CITY OF FRUIT HEIGHTS, UTAH.

(a) IN GENERAL.—The Secretary shall convey to the City, without consideration, all right, title, and interest of the United States in and to the National Forest System land.

(b) SURVEY.—

(1) IN GENERAL.—If determined by the Secretary to be necessary, the exact acreage and legal description of the National Forest System land shall be determined by a survey approved by the Secretary.

(2) COSTS.—The City shall pay the reasonable survey and other administrative costs associated with a survey conducted under paragraph (1).

(c) USE OF NATIONAL FOREST SYSTEM LAND.—As a condition of the conveyance under subsection (a), the City shall use the National Forest System land only for public purposes.

SA 2852. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE III—LAND CONVEYANCE

SEC. 301. LAND CONVEYANCE, UINTA-WASATCH-CACHE NATIONAL FOREST, UTAH.

(a) CONVEYANCE REQUIRED.—On the request of Brigham Young University submitted to the Secretary of Agriculture not later than one year after the date of the enactment of this Act, the Secretary shall convey, not later than one year after receiving the request, to Brigham Young University all right, title, and interest of the United States in and to an approximately 80-acre parcel of National Forest System land in the Uinta-Wasatch-Cache National Forest in the State of Utah consisting of the SE¼SE¼ of section 32, T. 6 S., R. 3 E., and the NE¼NE¼ of section 5, T. 7 S., R. 3 E., Salt Lake Base & Meridian. The conveyance shall be subject to valid existing rights and shall be made by quitclaim deed.

(b) CONSIDERATION.—

(1) CONSIDERATION REQUIRED.—As consideration for the land conveyed under subsection (a), Brigham Young University shall pay to the Secretary an amount equal to the fair market value of the land, as determined by an appraisal approved by the Secretary and conducted in conformity with the Uniform Appraisal Standards for Federal Land Acquisitions and section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(2) DEPOSIT.—The consideration received by the Secretary under paragraph (1) shall be deposited in the general fund of the Treasury to reduce the Federal deficit.

(c) GUARANTEED PUBLIC ACCESS TO Y MOUNTAIN TRAIL.—After the conveyance under subsection (a), Brigham Young University represents that it will—

(1) continue to allow the same reasonable public access to the trailhead and portion of the Y Mountain Trail already owned by Brigham Young University as of the date of the enactment of this Act that Brigham Young University has historically allowed; and

(2) allow that same reasonable public access to the portion of the Y Mountain Trail and the ''Y'' symbol located on the land described in subsection (a).

(d) SURVEY AND ADMINISTRATIVE COSTS.—The exact acreage and legal description of the land to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. Brigham Young University shall pay the reasonable costs of survey, appraisal, and any administrative analyses required by law.

SA 2853. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE III—NATIONAL MONUMENTS IN UTAH

SEC. 301. LIMITATION ON FURTHER EXTENSION OR ESTABLISHMENT OF NATIONAL MONUMENTS IN UTAH.

This proviso of the last sentence of the first section of the Act of September 14, 1950 (64 Stat. 849, chapter 950; 16 U.S.C. 431a), is amended by inserting ''or Utah'' after ''Wyoming''.

SA 2854. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE III—LAND CONVEYANCE

SEC. 301. DEFINITIONS.

In this title:

(1) FEDERAL LAND.—The term ''Federal land'' means any land (including mineral rights) under the jurisdiction of the Secretary in the State, including any public land in the State (as defined in section 103 of the Federal Land Policy And Management Act of 1976 (43 U.S.C. 1702)).

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(3) STATE.—The term ''State'' means the state of Utah.

SEC. 302. CONVEYANCE OF FEDERAL LAND TO THE STATE OF UTAH.

(a) IN GENERAL.—Not later than December 31, 2014, the Secretary shall convey to the State all right, title, and interest of the United States in and to the Federal land.

(b) RECONVEYANCE.—If the State reconveys any Federal land conveyed to the State under subsection (a), the State shall, as soon as practicable after the date of the reconveyance, pay to the Secretary concerned an amount equal to 95 percent of the amount received by the State in consideration for the Federal land reconveyed.

SA 2855. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE III—CLARIFICATION OF AUTHORITY, UINTAH AND OURAY INDIAN RESERVATION

SEC. 301. CLARIFICATION OF AUTHORITY.

The Act entitled ''An Act to define the exterior boundary of the Uintah and Ouray Indian Reservation in the State of Utah, and for other purposes'', approved March 11, 1948 (62 Stat. 72), as amended by the Act entitled ''An Act to amend the Act extending the exterior boundary of the Uintah and Ouray Indian Reservation in the State of Utah so as to authorize such State to exchange certain mineral lands for other lands mineral in character'' approved August 9, 1955, (69 Stat. 544), is further amended by adding at the end the following:

''SEC. 5. In order to further clarify authorizations under this Act, the State of Utah is hereby authorized to relinquish to the United States, for the benefit of the Ute Indian Tribe of the Uintah and Ouray Reservation, State school trust or other State-owned subsurface mineral lands located beneath the surface estate delineated in Public Law 440 (approved March 11, 1948) and south of the border between Grand County, Utah, and Uintah County, Utah, and select in lieu of such relinquished lands, on an acre-for-acre basis, any subsurface mineral lands of the United States located beneath the surface estate delineated in Public Law 440 (approved March 11, 1948) and north of the border between Grand County, Utah, and Uintah County, Utah, subject to the following conditions:

''(1) RESERVATION BY UNITED STATES.—The Secretary of the Interior shall reserve an overriding interest in that portion of the mineral estate comprised of minerals subject to leasing under the Mineral Leasing Act (30 U.S.C. 171 et seq) in any mineral lands conveyed to the State.

''(2) EXTENT OF OVERRIDING INTEREST.—The overriding interest reserved by the United States under paragraph (1) shall consist of—

''(A) 50 percent of any bonus bid or other payment received by the State as consideration for securing any lease or authorization to develop such mineral resources;

''(B) 50 percent of any rental or other payments received by the State as consideration for the lease or authorization to develop such mineral resources;

''(C) a 6.25 percent overriding royalty on the gross proceeds of oil and gas production under any lease or authorization to develop such oil and gas resources; and

''(D) an overriding royalty on the gross proceeds of production of such minerals other than oil and gas, equal to 50 percent of

the royalty rate established by the Secretary of the Interior by regulation as of October 1, 2011.

''(3) RESERVATION BY STATE OF UTAH.—The State of Utah shall reserve, for the benefit of its State school trust, an overriding interest in that portion of the mineral estate comprised of minerals subject to leasing under the Mineral Leasing Act (30 U.S.C. 181 et seq) in any mineral lands relinquished by the State to the United States.

''(4) EXTENT OF OVERRIDING INTEREST.—The overriding interest reserved by the State under paragraph (3) shall consist of—

''(A) 50 percent of any bonus bid or other payment received by the United States as consideration for securing any lease or authorization to develop such mineral resources on the relinquished lands;

''(B) 50 percent of any rental or other payments received by the United States as consideration for the lease or authorization to develop such mineral resources;

''(C) a 6.25 percent overriding royalty on the gross proceeds of oil and gas production under any lease or authorization to develop such oil and gas resources; and

''(D) an overriding royalty on the gross proceeds of production of such minerals other than oil and gas, equal to 50 percent of the royalty rate established by the Secretary of the Interior by regulation as of October 1, 2011.

''(5) NO OBLIGATION TO LEASE.—Neither the United States nor the State shall be obligated to lease or otherwise develop oil and gas resources in which the other party retains an overriding interest under this section.

''(6) COOPERATIVE AGREEMENTS.—The Secretary of the Interior is authorized to enter into cooperative agreements with the State and the Ute Indian Tribe of the Uintah and Ouray Reservation to facilitate the relinquishment and selection of lands to be conveyed under this section, and the administration of the overriding interests reserved hereunder.

''(7) TERMINATION.—The overriding interest reserved by the Secretary of the Interior under paragraph (1), and the overriding interest reserved by the State under paragraph (3), shall automatically terminate 30 years after the date of enactment of this section.''.

SA 2856. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE III—TIMBER SALE CONTRACTS

SEC. 301. EXTENDING NATIONAL FOREST SYSTEM TIMBER SALE CONTRACTS.

(a) DEFINITIONS.—In this section:

(1) QUALIFYING CONTRACT.—The term ''qualifying contract'' means a contract (including an integrated resource timber contract) for the sale of timber on National Forest System land—

(A) that was awarded before January 1, 2010;

(B) for which the original contract term was for 2 or more years;

(C) for which there is unharvested volume of timber remaining;

(D) for which, not later than 90 days after the date of enactment of this Act, the contract awardee makes a written request to the Secretary for an extension of time;

(E) for which the Secretary determines there is not an urgent need to harvest due to deteriorating timber conditions;

(F) for which the Secretary determines there is not an urgent need to harvest to accomplish fuel reduction objectives in wildland-urban interface areas; and

(G) that is not in breach or default.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture, acting through the Chief of the Forest Service.

(3) WILDLAND-URBAN INTERFACE.—The term ''wildland-urban interface'' has the meaning given the term in section 101 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511).

(b) EXTENSION OF TIME.—

(1) IN GENERAL.—Notwithstanding any other provision of law and subject to the conditions described in paragraph (2), the Secretary may extend the term of a qualifying contract for not more than 2 years after the applicable contract termination date.

(2) CONDITIONS.—An extension of a qualifying contract under paragraph (1) shall be subject to the following conditions:

(A) The total contract term shall not exceed 10 years, including the extension granted under this section.

(B) A qualifying contract that receives a 1-year substantial overriding public interest extension authorized by the Chief of the Forest Service in 2012 may only receive an extension of 1 year under this section.

(C) Periodic payment dates that have not been reached as of the date of a request by a contract awardee under this section shall be adjusted in accordance with applicable law and policies.

(c) EFFECT.—

(1) NO SURRENDER OF CLAIMS.—Nothing in this section shall result in the surrendering of any claim by the United States against any contract awardee that arose under a qualifying contract before the date on which the Secretary extends the qualifying contract term under this section.

(2) RELEASE OF LIABILITY.—Before receiving an extension of a contract term under this section, the contract awardee shall release the United States from all liability, including further consideration or compensation, resulting from—

(A) the extension of the qualifying contract term; or

(B) a determination by the Secretary under this section to not extend the contract term.

(3) FUTURE ADMINISTRATIVE ACTIONS.—Nothing in this section precludes the Secretary from modifying a qualifying contract extended under this section to grant administrative relief consistent with applicable law (including regulations) and policy.

SA 2857. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

On page 100, after line 13, add the following:

SEC. 249. REMOVAL OF GRAY WOLF IN THE STATE OF UTAH FROM THE LIST OF ENDANGERED OR THREATENED SPECIES.

(a) DEFINITIONS.—In this section:

(1) GRAY WOLF.—The term ''gray wolf'' means any taxonomic group traditionally associated with the gray wolf, including Canus lupus baileyi, regardless of specific taxonomy of any particular gray wolf variety as a species, subspecies, or other designation.

(2) SECRETARY.—The term ''Secretary'' has the meaning given the term in section 3 of the Endangered Species Act of 1973 (16 U.S.C. 1532).

(b) REMOVAL OF GRAY WOLF IN THE STATE OF UTAH FROM THE LIST OF ENDANGERED OR THREATENED SPECIES.—Notwithstanding any other provision of law, not later than 60 days after the date of enactment of this section, the Secretary shall promulgate regulations removing from the list of endangered or threatened species under section 4(c) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)) the gray wolf within the borders of the State of Utah.

SA 2858. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table.

At the end, add the following:

TITLE III—PUTTING THE GULF OF MEXICO BACK TO WORK

SEC. 301. SHORT TITLE.

This title may be cited as the ''Putting the Gulf of Mexico Back to Work Act''.

SEC. 302. DEFINITIONS.

In this title:

(1) COVERED CIVIL ACTION.—The term ''covered civil action'' means a civil action containing a claim under section 702 of title 5, United States Code, regarding agency action (as defined for the purposes of that section) affecting a covered energy project in the Gulf of Mexico.

(2) COVERED ENERGY PROJECT.—

(A) IN GENERAL.—The term ''covered energy project'' means the leasing of Federal land of the outer Continental Shelf for the exploration, development, production, processing, or transmission of oil, natural gas, wind, or any other source of energy in the Gulf of Mexico, and any action under a lease.

(B) EXCLUSION.—The term ''covered energy project'' does not include any dispute between the parties to a lease regarding the obligations under the lease, including any alleged breach of the lease.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

Subtitle A—Outer Continental Shelf Land

SEC. 311. DRILLING PERMITS.

Section 11 of the Outer Continental Shelf Lands Act (43 U.S.C. 1340) is amended by striking subsection (d) and inserting the following:

''(d) DRILLING PERMITS.—

''(1) IN GENERAL.—The Secretary shall by regulation require that any lessee operating under an approved exploration plan—

''(A) obtain a permit before drilling any well in accordance with the plan; and

''(B) obtain a new permit before drilling any well of a design that is significantly different than the design for which the existing permit was issued.

''(2) SAFETY REVIEW REQUIRED.—The Secretary shall not issue a permit under paragraph (1) without ensuring that the proposed drilling operations meet all—

''(A) critical safety system requirements, including blowout prevention; and

''(B) oil spill response and containment requirements.

''(3) TIMELINE.—

''(A) IN GENERAL.—The Secretary shall determine whether to issue a permit under paragraph (1) not later than 30 days after the date on which the Secretary receives the application for a permit.

''(B) EXTENSION OF TIME.—

''(i) IN GENERAL.—The Secretary may extend the period in which to consider an application for a permit for up to 2 periods of 15 days each if the Secretary has given written notice of the delay to the applicant.

''(ii) NOTICE.—The notice described in clause (i) shall—

''(I) be in the form of a letter from the Secretary or a designee of the Secretary; and

''(II) include—

''(aa) the name and title of each individual processing the application;

''(bb) the reason for the delay; and

''(cc) the date on which the Secretary expects to make a final decision on the application.

''(4) DENIAL OF APPLICATION.—If the Secretary denies the application, the Secretary shall provide the applicant—

''(A) a written statement that provides clear and comprehensive reasons why the application was not accepted and detailed information concerning any deficiency; and

''(B) an opportunity to remedy any deficiencies.

''(5) FAILURE TO MAKE DECISION WITHIN 60 DAYS.—If the Secretary does not make a decision on the application by the date that is 60 days from the date on which the Secretary receives the application, the application shall be considered approved.''.

Subtitle B—Judicial Review of Agency Actions Relating to Outer Continental Shelf Activities in Gulf of Mexico

SEC. 322. EXCLUSIVE VENUE FOR CERTAIN CIVIL ACTIONS RELATING TO COVERED ENERGY PROJECTS IN GULF OF MEXICO.

A covered civil action shall be brought only in a judicial district in the Fifth Circuit unless there is no district in that circuit in which the action may be brought.

SEC. 323. TIME LIMITATION ON FILING.

A covered civil action is barred unless the action is filed not later than the date that is 60 days after the date of the final Federal agency action.

SEC. 324. EXPEDITION IN HEARING AND DETERMINING ACTION.

A court shall endeavor to hear and determine any covered civil action as expeditiously as practicable.

SEC. 325. STANDARD OF REVIEW.

(a) IN GENERAL.—In any judicial review of a covered civil action, administrative findings and conclusions relating to the challenged Federal action or decision shall be presumed to be correct.

(b) STANDARD.—The presumption described in subsection (a) may be rebutted only by a preponderance of the evidence contained in the administrative record.

SEC. 326. LIMITATION ON PROSPECTIVE RELIEF.

In a covered civil action, a court shall not grant or approve any prospective relief unless the court finds that the relief is narrowly drawn, extends no further than necessary to correct the violation of a legal requirement, and is the least intrusive means necessary to correct that violation.

SEC. 327. LIMITATION ON ATTORNEYS' FEES.

(a) IN GENERAL.—Sections 504 of title 5 and 2412 of title 28, United States Code, do not apply to a covered civil action.

(b) PAYMENT FROM FEDERAL GOVERNMENT.—No party to a covered civil action shall receive from the Federal Government payment for attorneys' fees, expenses, and other court costs.

TITLE IV—RESTARTING AMERICAN OFFSHORE LEASING NOW

SEC. 401. SHORT TITLE.

This title may be cited as the ''Restarting American Offshore Leasing Now Act''.

SEC. 402. DEFINITIONS.

In this title:

(1) ENVIRONMENTAL IMPACT STATEMENT FOR THE 2007-2012 5-YEAR OCS PLAN.—The term ''environmental impact statement for the 2007–2012 5-Year OCS plan'' means the final environmental impact statement prepared by the Secretary entitled ''Outer Continental Shelf Oil and Gas Leasing Program: 2007–2012'', and dated April 2007.

(2) MULTISALE ENVIRONMENTAL IMPACT STATEMENT.—The term ''multisale environmental impact statement'' means the environmental impact statement prepared by the Secretary relating to proposed Western Gulf of Mexico OCS Oil and Gas Lease Sales 204, 207, 210, 215, and 218, and proposed Central Gulf of Mexico OCS Oil and Gas Lease Sales 205, 206, 208, 213, 216, and 222, and dated September 2008.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 403. REQUIREMENT TO CONDUCT PROPOSED OIL AND GAS LEASE SALE 216 IN CENTRAL GULF OF MEXICO.

(a) IN GENERAL.—As soon as practicable, but not later than 60 days after the date of enactment of this Act, the Secretary shall conduct offshore oil and gas Lease Sale 216 under section 8 of the Outer Continental Shelf Lands Act (33 U.S.C. 1337) .

(b) ENVIRONMENTAL REVIEW.—For the purposes of the lease sale described in subsection (a), the environmental impact statement for the 2007–2012 5-Year OCS plan and the multisale environmental impact statement shall be considered to satisfy the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

SEC. 404. REQUIREMENT TO CONDUCT PROPOSED OIL AND GAS LEASE SALE 220 ON OUTER CONTINENTAL SHELF OFFSHORE VIRGINIA.

(a) IN GENERAL.—As soon as practicable, but not later than 1 year after the date of enactment of this Act, the Secretary shall conduct offshore oil and gas Lease Sale 220 under section 8 of the Outer Continental Shelf Lands Act (33 U.S.C. 1337).

(b) ENVIRONMENTAL REVIEW.—For the purposes of the lease sale described in subsection (a), the environmental impact statement for the 2007–2012 5-Year OCS plan and the multisale environmental impact statement shall be considered to satisfy the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

SEC. 405. REQUIREMENT TO CONDUCT PROPOSED OIL AND GAS LEASE SALE 222 IN CENTRAL GULF OF MEXICO.

(a) IN GENERAL.—As soon as practicable, but not later than 60 days after the date of enactment of this Act, the Secretary shall conduct offshore oil and gas Lease Sale 222 under section 8 of the Outer Continental Shelf Lands Act (33 U.S.C. 1337).

(b) ENVIRONMENTAL REVIEW.—For the purposes of the lease sale described in subsection (a), the environmental impact statement for the 2007–2012 5-Year OCS plan and the multisale environmental impact statement shall be considered to satisfy the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

TITLE V—REVERSING PRESIDENT OBAMA'S OFFSHORE MORATORIUM

SEC. 501. SHORT TITLE.

This title may be cited as the ''Reversing President Obama's Offshore Moratorium Act''.

SEC. 502. OUTER CONTINENTAL SHELF LEASING PROGRAM.

Section 18(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1344(a)) is amended by adding at the end the following:

''(5)(A) In each oil and gas leasing program under this section, the Secretary shall make available for leasing and conduct lease sales that include—

''(i) at least 50 percent of the available unleased acreage within each outer Continental Shelf planning area considered to have the largest undiscovered, technically recoverable oil and gas resources (on a total btu basis) based upon the most recent national geological assessment of the outer Continental Shelf, with an emphasis on offering the most geologically prospective parts of the planning area; and

''(ii) any State subdivision of an outer Continental Shelf planning area that the Governor of the State that represents that subdivision requests be made available for leasing.

''(B) In this paragraph, the term 'available unleased acreage' means that portion of the outer Continental Shelf that is not under lease at the time of a proposed lease sale, and that has not otherwise been made unavailable for leasing by law.

''(6)(A) For the 2012–2017 5-year oil and gas leasing program, the Secretary shall make available for leasing any outer Continental Shelf planning areas that are estimated to contain more than—

''(i) 2,500,000,000 barrels of oil; or

''(ii) 7,500,000,000,000 cubic feet of natural gas.

''(B) To determine the planning areas described in subparagraph (A), the Secretary shall use the document entitled 'Minerals Management Service Assessment of Undiscovered Technically Recoverable Oil and Gas Resources of the Nation's Outer Continental Shelf, 2006'.''.

SEC. 503. DOMESTIC OIL AND NATURAL GAS PRODUCTION GOAL.

Section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) is amended by striking subsection (b) and inserting the following:

''(b) DOMESTIC OIL AND NATURAL GAS PRODUCTION GOAL.—

''(1) IN GENERAL.—In developing a 5-year oil and gas leasing program, subject to paragraph (2), the Secretary shall determine a domestic strategic production goal for the development of oil and natural gas as a result of that program, which goal shall be—

''(A) the best estimate of the practicable increase in domestic production of oil and natural gas from the outer Continental Shelf;

''(B) focused on meeting domestic demand for oil and natural gas and reducing the dependence of the United States on foreign energy; and

''(C) focused on the production increases achieved by the leasing program at the end of the 15-year period beginning on the effective date of the program.

''(2) 2012–2017 PROGRAM GOAL.—For purposes of the 2012–2017 5-year oil and gas leasing program, the production goal referred to in paragraph (1) shall be an increase by 2027 of not less than—

''(A) 3,000,000 barrels in the quantity of oil produced per day; and

''(B) 10,000,000,000 cubic feet in the quantity of natural gas produced per day.

''(3) REPORTING.—Beginning at the end of the 5-year period for which the program applies and annually thereafter, 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 on the progress of the program in meeting the production goal that includes an identification of projections for production and any problems with leasing, permitting, or production that will prevent meeting the goal.''.

TITLE VI—JOBS AND ENERGY PERMITTING

SEC. 601. SHORT TITLE.

This title may be cited as the ''Jobs and Energy Permitting Act of 2012''.

SEC. 602. AIR QUALITY MEASUREMENT.

Section 328(a)(1) of the Clean Air Act (42 U.S.C. 7627(a)(1)) is amended in the second sentence by inserting before the period at the end the following: '', except that any air quality impact of any OCS source shall be

measured or modeled, as appropriate, and determined solely with respect to the impacts in the corresponding onshore area''.

SEC. 603. OCS SOURCE.

Section 328(a)(4)(C) of the Clean Air Act (42 U.S.C. 7627(a)(4)(C)) is amended in the second sentence of the matter following clause (iii) by striking ''shall be considered direct emissions from the OCS source'' and inserting ''shall be considered direct emissions from the OCS source but shall not be subject to any emission control requirement applicable to the source under subpart 1 of part C of title I of this Act. For platform or drill ship exploration, an OCS source is established at the point in time when drilling commences at a location and ceases to exist when drilling activity ends at the location or is temporarily interrupted because the platform or drill ship relocates for weather or other reasons''.

SEC. 604. PERMITS.

(a) PERMITS.—Section 328 of the Clean Air Act (42 U.S.C. 7627) is amended by adding at the end the following:

''(d) PERMIT APPLICATION.—In the case of a completed application for a permit under this Act for platform or drill ship exploration for an OCS source—

''(1) final agency action (including any reconsideration of the issuance or denial of such a permit) shall be taken not later than 180 days after the date on which the completed application is filed;

''(2) the Environmental Appeals Board of the Environmental Protection Agency shall have no authority to consider any matter regarding the consideration, issuance, or denial of the permit;

''(3) no administrative stay of the effectiveness of the permit may extend beyond the date that is 180 days after the date on which the completed application is filed;

''(4) that final agency action shall be considered to be nationally applicable under section 307(b); and

''(5) judicial review of that final agency action shall be available only in accordance with section 307(b) without additional administrative review or adjudication.''.

(b) CONFORMING AMENDMENT.—Section 328(a)(4) of the Clean Air Act (42 U.S.C. 7627(a)(4)) is amended by striking ''For purposes of subsections (a) and (b) of this section—'' and inserting ''For purposes of subsections (a), (b), and (d):''.

TITLE VII—SACRAMENTO-SAN JOAQUIN VALLEY WATER RELIABILITY

SEC. 701. SHORT TITLE.

This title may be cited as the ''Sacramento-San Joaquin Valley Water Reliability Act''.

Subtitle A—Central Valley Project Water Reliability

SEC. 711. AMENDMENT TO PURPOSES.

Section 3402 of the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4706) is amended—

(1) in subsection (f), by striking the period at the end; and

(2) by adding at the end the following:

''(g) to ensure that water dedicated to fish and wildlife purposes by this title is replaced and provided to Central Valley Project water contractors not later than December 31, 2016, at the lowest cost reasonably achievable; and

''(h) to facilitate and expedite water transfers in accordance with this title.''.

SEC. 712. AMENDMENT TO DEFINITION.

Section 3403 of the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4707) is amended—

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

''(a) the term 'anadromous fish' means those native stocks of salmon (including steelhead) and sturgeon that—

''(1) as of October 30, 1992, were present in the Sacramento and San Joaquin Rivers and the tributaries of the Sacramento and San Joaquin Rivers; and

''(2) ascend those rivers and tributaries to reproduce after maturing in San Francisco Bay or the Pacific Ocean;'';

(2) by redesignating subsections (i) through (m) as subsections (j) through (n), respectively; and

(3) by inserting after subsection (h) the following:

''(i) the term 'reasonable flows' means water flows capable of being maintained taking into account competing consumptive uses of water and economic, environmental, and social factors.''.

SEC. 713. CONTRACTS.

Section 3404 of the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4708) is amended to read as follows:

''SEC. 3404. CONTRACTS.

''(a) RENEWAL OF EXISTING LONG-TERM CONTRACTS.—On request of the contractor, the Secretary shall renew any existing long-term repayment or water service contract that provides for the delivery of water from the Central Valley Project for a period of 40 years.

''(b) ADMINISTRATION OF CONTRACTS.—Except as expressly provided by this title, any existing long-term repayment or water service contract for the delivery of water from the Central Valley Project shall be administered pursuant to the Act of July 2, 1956 (chapter 492; 70 Stat. 483).

''(c) DELIVERY CHARGE.—Beginning on the date of enactment of this Act, a contract entered into or renewed pursuant to this section shall include a provision that requires the Secretary to charge any other party to the contract only for water actually delivered by the Secretary.''.

SEC. 714. WATER TRANSFERS, IMPROVED WATER MANAGEMENT, AND CONSERVATION.

Section 3405 of the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4709) is amended—

(1) in subsection (a)—

(A) in the second sentence, by striking ''Except as provided herein'' and inserting ''The Secretary shall take all actions necessary to facilitate and expedite transfers of Central Valley Project water in accordance with this title or any other provision of Federal reclamation law and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). Except as provided in this subsection,'';

(B) in paragraph (1)(A), by striking ''to combination'' and inserting ''or combination'';

(C) in paragraph (2), by adding at the end the following:

''(E) WRITTEN TRANSFER PROPOSALS.—

''(i) IN GENERAL.—The contracting district from which the water is supplied, the agency, or the Secretary, as applicable, shall determine whether a written transfer proposal is complete not later than 45 days after the date on which the proposal is submitted.

''(ii) DETERMINATION.—If the contracting district, the agency, or the Secretary determines that the proposal described in clause (i) is incomplete, the contracting district, agency, or Secretary shall state, in writing and with specificity, the conditions under which the proposal would be considered complete.

''(F) NO MITIGATION REQUIREMENTS.—

''(i) IN GENERAL.—Except as provided in this section, the Secretary shall not impose mitigation or other requirements on a proposed transfer.

''(ii) APPLICABILITY.—This section shall have no effect on the authority of the contracting district from which the water is supplied or the agency under State law to approve or condition a proposed transfer.''; and

(D) by adding at the end the following:

''(4) APPLICABILITY.—Notwithstanding any other provision of Federal reclamation law—

''(A) the authority to transfer, exchange, bank, or make recharging arrangements using Central Valley Project water that could have been carried out before October 30, 1992, is valid, and those transfers, exchanges, or arrangements shall not be subject to, limited, or conditioned by this title; and

''(B) this title does not supersede or revoke the authority to transfer, exchange, bank, or recharge Central Valley Project water in effect before October 30, 1992.'';

(2) in subsection (b)—

(A) in the heading, by striking ''METERING'' and inserting ''MEASUREMENT'';

(B) in the first sentence, by striking ''All Central Valley'' and inserting the following:

''(1) IN GENERAL.—All Central Valley'';

(C) in the second sentence, by striking ''The contracting district'' and inserting the following:

''(3) ANNUAL REPORT.—The contracting district''; and

(D) by inserting after paragraph (1) (as designated by subparagraph (B)) the following:

''(2) MEASUREMENT REQUIREMENTS.—The contracting district or agency, not including contracting districts serving multiple agencies with separate governing boards, shall ensure that all contractor-owned water delivery systems within the boundaries of the contracting district or agency measure surface water at the facilities of the contracting district or agency up to the point at which the surface water is commingled with other water supplies.'';

(3) by striking subsection (d);

(4) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively; and

(5) by striking subsection (e) (as redesignated by paragraph (4)) and inserting the following:

''(e) INCREASED REVENUES.—All revenues received by the Secretary that exceed the cost-of-service rates applicable to the delivery of water transferred from irrigation use to municipal and industrial use under subsection (a) shall be covered to the Restoration Fund.''.

SEC. 715. FISH, WILDLIFE, AND HABITAT RESTORATION.

Section 3406 of the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4714) is amended—

(1) in subsection (b)—

(A) by striking paragraph (1)(B) and inserting the following:

''(B) ADMINISTRATION.—

''(i) IN GENERAL.—As needed to carry out the goals of the Central Valley Project, the Secretary may modify Central Valley Project operations to provide reasonable flows of suitable quality, quantity, and timing to protect all life stages of anadromous fish.

''(ii) REQUIREMENTS.—The flows under clause (i) shall be provided from the quantity of water dedicated to fish, wildlife, and habitat restoration purposes under paragraph (2) from the water supplies acquired pursuant to paragraph (3) and from other sources which do not conflict with fulfillment of the remaining contractual obligations of the Secretary to provide Central Valley Project water for other authorized purposes.

''(iii) DETERMINATION OF NEEDS.—The Secretary shall determine the instream reasonable flow needs for all Central Valley Project controlled streams and rivers based on recommendations of the United States Fish and Wildlife Service and the National Marine

Fisheries Service after consultation with the United States Geological Survey.''; and

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A)—

(I) in the first sentence, by striking ''primary purpose'' and inserting ''purposes'';

(II) by striking ''but not limited to additional obligations under the Federal Endangered Species Act'' and inserting ''additional obligations under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.)''; and

(III) by adding at the end the following: ''All Central Valley Project water used for the purposes specified in this paragraph shall be credited to the quantity of Central Valley Project yield dedicated and managed under this paragraph by determining how the dedication and management of that water would affect the delivery capability of the Central Valley Project yield. To the maximum extent practicable and in accordance with section 3411, Central Valley Project water dedicated and managed pursuant to this paragraph shall be reused to fulfill the remaining contractual obligations of the Secretary to provide Central Valley Project water for agricultural or municipal and industrial purposes.''; and

(ii) by striking subparagraph (C) and inserting the following:

''(C) MANDATORY REDUCTION.—If on March 15 of a given year, the quantity of Central Valley Project water forecasted to be made available to water service or repayment contractors in the Delta Division of the Central Valley Project is less than 75 percent of the total quantity of water to be made available under those contracts, the quantity of Central Valley Project yield dedicated and managed for that year under this paragraph shall be reduced by 25 percent.''; and

(2) by adding at the end the following:

''(i) SATISFACTION OF PURPOSES.—In carrying out this section, the Secretary shall be considered to have met the mitigation, protection, restoration, and enhancement purposes of this title.''.

SEC. 716. RESTORATION FUND.

(a) IN GENERAL.—Section 3407(a) of the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4726) is amended—

(1) by striking ''There is hereby'' and inserting the following:

''(1) ESTABLISHMENT.—

''(A) IN GENERAL.—There is'';

(2) in paragraph (1)(A) (as designated by paragraph (1)), by striking ''Not less than 67 percent'' and all that follows through ''Monies'' and inserting the following:

''(B) USE OF DONATED AMOUNTS.—Amounts''; and

(3) by adding at the end the following:

''(2) RESTRICTIONS.—The Secretary may not directly or indirectly require a donation or other payment (including environmental restoration or mitigation fees not otherwise provided by law) to the Restoration Fund—

''(A) as a condition of—

''(i) providing for the storage or conveyance of non-Central Valley Project water pursuant to Federal reclamation laws; or

''(ii) the delivery of water pursuant to section 215 of the Reclamation Reform Act of 1982 (Public Law 97–293; 96 Stat. 1270); or

''(B) for any water that is delivered with the sole intent of groundwater recharge.''.

(b) CERTAIN PAYMENTS.—Section 3407(c)(1) of the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4726) is amended—

(1) by striking ''mitigation and restoration payments, in addition to charges provided for or'' and inserting ''payments, in addition to charges''; and

(2) by striking ''of fish, wildlife'' and all that follows through the period and inserting ''of carrying out this title.''.

(c) ADJUSTMENT AND ASSESSMENT OF MITIGATION AND RESTORATION PAYMENTS.—Section 3407(d) of the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4727) is amended—

(1) in paragraph (2)(A)—

(A) by striking '', and $12 per acre-foot (October 1992 price levels) for municipal and industrial water sold and delivered by the Central Valley Project'' and inserting ''$12 per acre-foot (October 1992 price levels) for municipal and industrial water sold and delivered by the Central Valley Project, and after October 1, 2013, $4 per megawatt-hour for Central Valley Project power sold to power contractors (October 2013 price levels)''; and

(B) by inserting '' but not later than December 31, 2020,'' after ''That upon the completion of the fish, wildlife, and habitat mitigation and restoration actions mandated under section 3406 of this title,''; and

(2) by adding at the end the following:

''(g) REPORT ON EXPENDITURE OF FUNDS.—

''(1) IN GENERAL.—For each fiscal year, the Secretary, in consultation with the Advisory Board, shall submit to Congress a plan for the expenditure of all of the funds deposited in the Restoration Fund during the preceding fiscal year.

''(2) CONTENTS.—The plan shall include an analysis of the cost-effectiveness of each expenditure.

''(h) ADVISORY BOARD.—

''(1) ESTABLISHMENT.—There is established the Restoration Fund Advisory Board (referred to in this section as the 'Advisory Board'), which shall be composed of 12 members appointed by the Secretary.

''(2) MEMBERSHIP.—

''(A) IN GENERAL.—The Secretary shall appoint members to the Advisory Board that represent the various Central Valley Project stakeholders, of whom—

''(i) 4 members shall be agricultural users of the Central Valley Project;

''(ii) 3 members shall be municipal and industrial users of the Central Valley Project;

''(iii) 3 members shall be power contractors of the Central Valley Project; and

''(iv) 2 members shall be appointed at the discretion of the Secretary.

''(B) OBSERVERS.—The Secretary and the Secretary of Commerce may each designate a representative to act as an observer of the Advisory Board.

''(C) CHAIRMAN.—The Secretary shall appoint 1 of the members described in subparagraph (A) to serve as Chairman of the Advisory Board.

''(3) TERMS.—The term of each member of the Advisory Board shall be for a period of 4 years.

''(4) DUTIES.—The duties of the Advisory Board are—

''(A) to meet not less frequently than semiannually to develop and make recommendations to the Secretary regarding priorities and spending levels on projects and programs carried out under this title;

''(B) to ensure that any advice given or recommendation made by the Advisory Board reflects the independent judgment of the Advisory Board;

''(C) not later than December 31, 2013, and annually thereafter, to submit to the Secretary and Congress the recommendations under subparagraph (A); and

''(D) not later than December 31, 2013, and biennially thereafter, to submit to Congress a report that details the progress made in achieving the actions required under section 3406.

''(5) ADMINISTRATION.—With the consent of the appropriate agency head, the Advisory Board may use the facilities and services of any Federal agency.''.

SEC. 717. ADDITIONAL AUTHORITIES.

(a) AUTHORITY FOR CERTAIN ACTIVITIES.—Section 3408 of the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4728) is amended by striking subsection (c) and inserting the following:

''(c) CONTRACTS FOR ADDITIONAL STORAGE AND DELIVERY OF WATER.—

''(1) IN GENERAL.—The Secretary may enter into contracts under the reclamation laws and this title with any Federal agency, California water user or water agency, State agency, or private organization for the exchange, impoundment, storage, carriage, and delivery of nonproject water for domestic, municipal, industrial, fish and wildlife, and any other beneficial purpose.

''(2) LIMITATION.—Nothing in this subsection supersedes section 2(d) of the Act of August 26, 1937 (chapter 832; 50 Stat. 850; 100 Stat. 3051).

''(3) AUTHORITY FOR CERTAIN ACTIVITIES.—The Secretary shall use the authority granted by this subsection in connection with requests to exchange, impound, store, carry, or deliver nonproject water using Central Valley Project facilities for any beneficial purpose.

''(4) RATES.—

''(A) IN GENERAL.—The Secretary shall develop rates not to exceed the amount required to recover the reasonable costs incurred by the Secretary in connection with a beneficial purpose under this subsection.

''(B) ADMINISTRATION.—The rates shall be charged to a party using Central Valley Project facilities for a beneficial purpose, but the costs described in subparagraph (A) shall not include any donation or other payment to the Restoration Fund.

''(5) CONSTRUCTION.—This subsection shall be construed and implemented to facilitate and encourage the use of Central Valley Project facilities to exchange, impound, store, carry, or deliver nonproject water for any beneficial purpose.''.

(b) REPORTING REQUIREMENTS.—Section 3408(f) of the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4729) is amended—

(1) in the first sentence, by striking ''Interior and Insular Affairs and the Committee on Merchant Marine and Fisheries'' and inserting ''Natural Resources'';

(2) in the second sentence, by inserting '', including progress on the plan under subsection (j)'' before the period at the end; and

(3) by adding at the end the following: ''The filing and adequacy of the report shall be personally certified to the Committees by the Regional Director of the Mid-Pacific Region of the Bureau of Reclamation.''.

(c) PROJECT YIELD INCREASE.—Section 3408(j) of the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4730) is amended—

(1) by redesignating paragraphs (1) through (7) as subparagraphs (A) through (G), respectively, and indenting appropriately;

(2) by striking ''In order to minimize adverse effects, if any, upon'' and inserting the following:

''(1) IN GENERAL.—In order to minimize adverse effects upon'';

(3) in the second sentence, by striking ''The plan'' and all that follows through ''options:'' and inserting the following:

''(2) CONTENTS.—The plan shall include recommendations on appropriate cost-sharing arrangements and authorizing legislation or other measures needed to implement the intent, purposes, and provisions of this subsection, as well as a description of how the Secretary intends to use—'';

(4) in paragraph (1) (as designated by paragraph (2))—

(A) by striking ''needs, the Secretary, shall'' and all that follows through ''to the Congress,'' and inserting ''needs, the Secretary, on a priority basis and not later than September 30, 2013, shall submit to Congress''; and

(B) by striking ''increase,'' and all that follows through ''under this title'' and inserting ''increase, as soon as practicable, but not later than September 30, 2016 (except that the construction of new facilities shall not be limited by that deadline), the water of the Central Valley Project by the quantity dedicated and managed for fish and wildlife purposes under this title and otherwise required to meet the purposes of the Central Valley Project, including satisfying contractual obligations'';

(5) in paragraph (2)(A) (as designated by paragraph (1)), by inserting ''and construction of new water storage facilities'' before the semicolon;

(6) in paragraph (2)(F) (as designated by paragraph (1)), by striking ''and'' at the end;

(7) in paragraph (2)(G) (as designated by paragraph (1)), by striking the period and all that follows through the end of the subsection and inserting ''; and''; and

(8) by adding after paragraph (2)(G) the following:

''(H) water banking and recharge.

''(3) IMPLEMENTATION OF PLAN.—

''(A) IN GENERAL.—The Secretary shall implement the plan under paragraph (1) beginning on October 1, 2013.

''(B) COORDINATION.—In carrying out this subsection, the Secretary shall coordinate with the State of California in implementing measures for the long-term resolution of problems in the San Francisco Bay/Sacramento-San Joaquin Delta Estuary.

''(4) FAILURE OF PLAN.—Notwithstanding any other provision of the reclamation laws, if by September 30, 2016, the plan under paragraph (1) fails to increase the annual delivery capability of the Central Valley Project by 800,000 acre-feet, implementation of any nonmandatory action under section 3406(b)(2) shall be suspended until the date on which the plan achieves an increase in the annual delivery capability of the Central Valley Project of 800,000 acre-feet.''.

(d) TECHNICAL CORRECTIONS.—Section 3408(h) of the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4729) is amended—

(1) in paragraph (1), by striking ''paragraph (h)(2)'' and inserting ''paragraph (2)''; and

(2) in paragraph (2), by striking ''paragraph (h)(i)'' and inserting ''paragraph (1)''.

(e) WATER STORAGE PROJECT CONSTRUCTION.—

(1) IN GENERAL.—The Secretary of the Interior, acting through the Commissioner of Reclamation, may partner or enter into an agreement relating to the water storage projects described in section 103(d)(1) of the Water Supply, Reliability, and Environmental Improvement Act (Public Law 108–361; 118 Stat. 1684) with local joint powers authorities formed under State law by irrigation districts and other local governments or water districts within the applicable hydrological region to advance those water storage projects.

(2) NO ADDITIONAL FEDERAL AMOUNTS.—

(A) IN GENERAL.—Subject to subparagraph (B), no additional Federal amounts are authorized to be appropriated to carry out the activities described in clauses (i) through (iii) of sections 103(d)(1)(A) of the Water Supply, Reliability, and Environmental Improvement Act (Public Law 108–361; 118 Stat. 1684) Public Law 108–361.

(B) EXCEPTION.—Additional Federal amounts may be appropriated for construction of a project described in subparagraph (A) if non-Federal amounts are used to finance and construct the project.

SEC. 718. BAY-DELTA ACCORD.

(a) CONGRESSIONAL DIRECTION REGARDING CENTRAL VALLEY PROJECT AND CALIFORNIA STATE WATER PROJECT OPERATIONS.—

(1) IN GENERAL.—The Central Valley Project and the California State Water Project shall be operated strictly in accordance with the water quality standards and operational constraints described in the ''Principles for Agreement on the Bay-Delta Standards Between the State of California and the Federal Government'' dated December 15, 1994.

(2) APPLICABILITY OF OTHER LAW.—The Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) and other applicable law shall not apply to operations described in paragraph (1).

(3) IMPLEMENTATION.—Implementation of the ''Principles for Agreement on the Bay-Delta Standards Between the State of California and the Federal Government'' dated December 15, 1994, shall be in strict compliance with the water rights priority system and statutory protections for areas of origin.

(b) APPLICATION OF LAWS TO OTHERS.—

(1) IN GENERAL.—As a condition of the receipt of Federal amounts for the Central Valley Project and the California State Water Project, the State of California (including any agency or board of the State of California), on any water right obtained pursuant to State law, including a pre-1914 appropriative right, shall not—

(A) impose any condition that restricts the exercise of that water right that is affected by operations of the Central Valley Project or California State Water Project;

(B) restrict under the Public Trust Doctrine any public trust value imposed in order to conserve, enhance, recover, or otherwise protect any species.

(2) FEDERAL AGENCIES.—The prohibition under paragraph (1)(A) shall apply to Federal agencies.

(c) COSTS.—No cost associated with the implementation of this section shall be imposed directly or indirectly on any Central Valley Project contractor, or any other person or entity, unless those costs are incurred on a voluntary basis.

(d) NATIVE SPECIES PROTECTION.—This section preempts any law of the State California law restricting the quantity or size of a nonnative fish that is taken or harvested that preys on 1 or more native fish species that occupy the Sacramento and San Joaquin Rivers and the tributaries of those rivers or the Sacramento-San Joaquin Rivers Delta.

SEC. 719. NATURAL AND ARTIFICIALLY SPAWNED SPECIES.

After the date of enactment of this Act, and regardless of the date of listing, the Secretaries of the Interior and Commerce shall not distinguish between natural-spawned and hatchery-spawned (or otherwise artificially propagated strains of a species) in making any determination under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) that relates to an anadromous fish species present in the Sacramento and San Joaquin Rivers or the tributaries of those rivers and that ascends those rivers and tributaries to reproduce after maturing in San Francisco Bay or the Pacific Ocean.

SEC. 720. AUTHORIZED SERVICE AREA.

(a) IN GENERAL.—The Secretary of the Interior, acting through the Commissioner of Reclamation, shall include in the service area of the Central Valley Project authorized under the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4706) the area within the boundaries of the Kettleman City Community Services District, California, as those boundaries are defined as of the date of enactment of this Act.

(b) LONG-TERM CONTRACT.—

(1) IN GENERAL.—Notwithstanding the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4706) and subject to paragraph (2), the Secretary, in accordance with the reclamation laws, shall enter into a long-term contract with the Kettleman City Community Services District or the delivery of not more than 900 acre-feet of Central Valley Project water for municipal and industrial use.

(2) REDUCTION IN CONTRACT.—The Secretary may temporarily reduce deliveries of the quantity of water made available under paragraph (1) by not more than 25 percent of the total whenever reductions due to hydrologic circumstances are imposed on agricultural deliveries of Central Valley Project water.

(c) ADDITIONAL COST.—If any additional infrastructure or related costs are needed to implement this section, those costs shall be the responsibility of the non-Federal entity.

SEC. 721. REGULATORY STREAMLINING.

(a) DEFINITIONS.—In this section:

(1) CVP.—The term ''CVP'' means the Central Valley Project.

(2) PROJECT.—The term ''project''—

(A) means an activity that—

(i) is undertaken by a public agency, funded by a public agency, or requires the issuance of a permit by a public agency;

(ii) has a potential to result in a physical change to the environment; and

(iii) may be subject to several discretionary approvals by governmental agencies;

(B) may include construction activities, clearing or grading of land, improvements to existing structures, and activities or equipment involving the issuance of a permit; or

(C) has the meaning given the term defined in section 21065 of the California Public Resource Code.

(b) APPLICABILITY OF CERTAIN LAWS.—The filing of a notice of determination or a notice of exemption for any project, including the issuance of a permit under State law, for any project of the CVP or the delivery of water from the CVP in accordance with the California Environmental Quality Act shall be considered to meet the requirements for that project or permit under section 102(2)(C) of the National Environmental Protection Act of 1969 (42 U.S.C. 4332(2)(C)).

(c) CONTINUATION OF PROJECT.—The Bureau of Reclamation shall not be required to cease or modify any major Federal action or other activity for any project of the CVP or the delivery of water from the CVP pending completion of judicial review of any determination made under the National Environmental Protection Act of 1969 (42 U.S.C. 4321 et seq.).

Subtitle B—San Joaquin River Restoration

SEC. 731. REPEAL OF THE SAN JOAQUIN RIVER SETTLEMENT.

As of the date of enactment of this Act, the Secretary shall cease any action to implement the Stipulation of Settlement, Natural Resources Defense Council, Inc. v. Rodgers, No. Civ. S–88–1658 LKK/GGH (E.D. Cal. Sept. 13, 2006).

SEC. 732. PURPOSE.

Section 10002 of the San Joaquin River Restoration Settlement Act (Public Law 111–11; 123 Stat. 1349) is amended by striking ''implementation of the Settlement'' and inserting ''restoration of the San Joaquin River''.

SEC. 733. DEFINITIONS.

Section 10003 of the San Joaquin River Restoration Settlement Act (Public Law 111–11; 123 Stat. 1349) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(2) by striking paragraph (1) and inserting the following:

''(1) CRITICAL WATER YEAR.—The term 'critical water year' means a year in which the

total unimpaired runoff at Friant Dam is less than 400,000 acre-feet, as forecasted as of March 1 of that water year by the California Department of Water Resources.

''(2) RESTORATION FLOWS.—The term 'Restoration Flows' means the additional water released or bypassed from Friant Dam to ensure that the target flow entering Mendota Pool, located approximately 62 river miles downstream from Friant Dam, does not fall below a speed of 50 cubic feet per second.''; and

(3) by striking paragraph (4) (as redesignated by paragraph (1)) and inserting the following:

''(4) WATER YEAR.—The term 'water year' means the period beginning March 1 of a given year and ending on the last day of February of the following calendar year.''.

SEC. 734. IMPLEMENTATION OF RESTORATION.

Section 10004 of the San Joaquin River Restoration Settlement Act (Public Law 111–11; 123 Stat. 1350) is amended—

(1) in subsection (a)—

(A) by striking ''hereby authorized and directed'' and all that follows through ''in the Settlement:'' and inserting ''may carry out the following:'';

(B) by striking paragraphs (1), (2), (4), and (5);

(C) by redesignating paragraph (3) as paragraph (1);

(D) in paragraph (1) (as redesignated by subparagraph (C)), by striking ''paragraph 13 of the Settlement'' and inserting ''this part''; and

(E) by adding at the end the following :

''(2) In each water year, beginning in the water year commencing on March 1, 2013, the Secretary—

''(A) shall modify Friant Dam operations to release the Restoration Flows for that water year, unless the year is a critical water year;

''(B) shall ensure that—

''(i) the release of Restoration Flows are maintained at the level prescribed by this part; and

''(ii) Restoration Flows do not reach downstream of Mendota Pool;

''(C) shall release the Restoration Flows in a manner that improves the fishery in the San Joaquin River below Friant Dam and upstream of Gravelly Ford, Nevada, as in existence on the date of the enactment of the Sacramento and San Joaquin Valleys Water Reliability Act, including the associated riparian habitat; and

''(D) may, without limiting the actions required under subparagraphs (A) and (C) and subject to paragraph (3) and subsection (l), use the Restoration Flows to enhance or restore a warm water fishery downstream of Gravelly Ford, Nevada, including to Mendota Pool, if the Secretary determines that the action is reasonable, prudent, and feasible.

''(3) Not later than 1 year after the date of enactment of the Sacramento and San Joaquin Valleys Water Reliability Act, the Secretary shall develop and implement, in cooperation with the State of California, a reasonable plan—

''(A) to fully recirculate, recapture, reuse, exchange, or transfer all Restoration Flows; and

''(B) to provide the recirculated, recaptured, reused, exchanged, or transferred flows to those contractors within the Friant Division, Hidden Unit, and Buchanan Unit of the Central Valley Project that relinquished the Restoration Flows that were recirculated, recaptured, reused, exchanged, or transferred.

''(4) The plan described in paragraph (3) shall—

''(A) address any impact on groundwater resources within the service area of the Friant Division, Hidden Unit, and Buchanan Unit of the Central Valley Project and mitigation may include groundwater banking and recharge projects;

''(B) not impact the water supply or water rights of any entity outside the Friant Division, Hidden Unit, and Buchanan Unit of the Central Valley Project; and

''(C) be subject to applicable provisions of California water law and the use by the Secretary of the Interior of Central Valley Project facilities to make Project water (other than water released from Friant Dam under this part) and water acquired through transfers available to existing south of Delta Central Valley Project contractors.'';

(2) in subsection (b)—

(A) in paragraph (1), by striking ''the Settlement'' and inserting ''this part''; and

(B) in paragraph (2), by striking ''the Settlement'' and inserting ''this part'';

(3) in subsection (c), by striking ''the Settlement'' and inserting ''this part'';

(4) by striking subsection (d) and inserting the following:

''(d) MITIGATION OF IMPACTS.—

''(1) IN GENERAL.—Not later than October 1, 2013 and subject to paragraph (2), the Secretary shall identify—

''(A) the impacts associated with the release of Restoration Flows prescribed in this part; and

''(B) the measures to be implemented to mitigate impacts on adjacent and downstream water users, landowners, and agencies as a result of Restoration Flows.

''(2) MITIGATION MEASURES.—Before implementing a decision or agreement to construct, improve, operate, or maintain a facility that the Secretary determines is necessary to implement this part, the Secretary shall implement all mitigation measures identified in paragraph (1)(B) before the date on which Restoration Flows are commenced.'';

(5) in subsection (e), by striking ''the Settlement'' and inserting ''this part'';

(6) in subsection (f), by striking ''the Settlement and section 10011'' and inserting ''this part'';

(7) in subsection (g)—

(A) by striking ''the Settlement and''; and

(B) by striking ''or exchange contract'' and inserting ''exchange contract, water rights settlement, or holding contract'';

(8) in subsection (h)—

(A) by striking ''INTERIM'' in the header;

(B) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''Interim Flows under the Settlement'' and inserting ''Restoration Flows under this part'';

(ii) in subparagraph (C)—

(I) in clause (i), by striking ''Interim'' and inserting ''Restoration''; and

(II) in clause (ii), by inserting ''and'' after the semicolon;

(iii) in subparagraph (D), by striking ''and'' at the end; and

(iv) by striking subparagraph (E);

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

''(2) CONDITIONS FOR RELEASE.—The Secretary may release Restoration Flows to the extent that the flows would not exceed existing downstream channel capacities.'';

(D) in paragraph (3), by striking ''Interim'' and inserting ''Restoration''; and

(E) by striking paragraph (4) and inserting the following:

''(4) CLAIMS.—Not later than 60 days after the date of enactment of the Sacramento and San Joaquin Valleys Water Reliability Act, the Secretary shall issue, by regulation, a claims process to address claims, including groundwater seepage, flooding, or levee instability damages caused as a result of, arising out of, or related to implementation of this subtitle.'';

(9) in subsection (i)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''the Settlement and parts I and III'' and inserting ''this part'';

(ii) in subparagraph (A), by inserting ''and'' after the semicolon;

(iii) in subparagraph (B)—

(I) by striking ''additional amounts authorized to be appropriated, including the''; and

(II) by striking ''; and'' and inserting a period; and

(iv) by striking subparagraph (C); and

(B) by striking paragraph (3); and

(10) by adding at the end the following:

''(k) NO IMPACTS ON OTHER INTERESTS.—

''(1) IN GENERAL.—No Central Valley Project or other water (other than San Joaquin River water impounded by or bypassed from Friant Dam) shall be used to implement subsection (a)(2) unless the use is on a voluntary basis.

''(2) INVOLUNTARY COSTS.—No cost associated with the implementation of this section shall be imposed directly or indirectly on any Central Valley Project contractor, or any other person or entity, outside the Friant Division, the Hidden Unit, or the Buchanan Unit, unless the cost is incurred on a voluntary basis.

''(3) REDUCTION IN WATER SUPPLIES.—The implementation of this part shall not directly or indirectly reduce any water supply or water reliability on any Central Valley Project contractor, any State Water Project contractor, or any other person or entity, outside the Friant Division, the Hidden Unit, or the Buchanan Unit, unless the reduction or cost is incurred on a voluntary basis.

''(l) PRIORITY.—Each action taken under this part shall be subordinate to the use by the Secretary of Central Valley Project facilities to make Project water available to Project contractors, other than water released from the Friant Dam under this part.

''(m) APPLICABILITY.—

''(1) IN GENERAL.—Notwithstanding section 8 of the Act of June 17, 1902 (32 Stat. 390, chapter 1093), except as provided in this part and subtitle D of the Sacramento and San Joaquin Valleys Water Reliability Act, this part—

''(A) preempts and supersedes any State law, regulation, or requirement that imposes more restrictive requirements or regulations on the activities authorized under this part; and

''(B) does not alter or modify any obligation of the Friant Division, Hidden Unit, and Buchanan Unit of the Central Valley Project, or other water users on the San Joaquin River, or tributaries of the San Joaquin River, under any order issued by the State Water Resources Control Board under the Porter-Cologne Water Quality Control Act (California Water Code section 13000 et seq.).

''(2) APPLICABILITY.—An order described in paragraph (1)(B) shall be consistent with any congressional authorization for any affected Federal facility relating to the Central Valley Project.

''(n) PROJECT IMPLEMENTATION.—Any project to implement this part shall be phased such that each project shall include—

''(1) the project purpose and need;

''(2) identification of mitigation measures;

''(3) appropriate environmental review; and

''(4) prior to releasing Restoration Flows under this part the completion of the any required mitigation measures and the completion of the project.''.

SEC. 735. DISPOSAL OF PROPERTY; TITLE TO FACILITIES.

Section 10005 of the San Joaquin River Restoration Settlement Act (Public Law 111–11; 123 Stat. 1353) is amended—

(1) in subsection (a), by striking ''the Settlement authorized by this part'' and inserting ''this part'';

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking ''(1) IN GENERAL.—The Secretary'' and inserting ''The Secretary''; and

(ii) by striking ''the Settlement authorized by this part'' and inserting ''this part''; and

(B) by striking paragraph (2); and

(3) in subsection (c)—

(A) in paragraph (1), by striking ''the Settlement'' and inserting ''this part'';

(B) in paragraph (2)—

(i) by striking ''through the exercise of its eminent domain authority''; and

(ii) by striking ''the Settlement'' and inserting ''this part''; and

(C) in paragraph (3), by striking ''section 10009(c)'' and inserting ''section 10009''.

SEC. 736. COMPLIANCE WITH APPLICABLE LAW.

Section 10006 of the San Joaquin River Restoration Settlement Act (Public Law 111–11; 123 Stat. 1354) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting '', unless otherwise provided by this part'' before the period at the end; and

(B) in paragraph (2), by striking ''the Settlement'' and inserting ''this part'';

(2) in subsection (b), by inserting '', unless otherwise provided by this part'' before the period at the end;

(3) in subsection (c)—

(A) in paragraph (2), by striking ''section 10004'' and inserting ''this part''; and

(B) in paragraph (3), by striking ''the Settlement'' and inserting ''this part''; and

(4) in subsection (d)—

(A) by inserting '', including, without limitation, the costs of implementing subsections (d) and (h)(4) of section 10004,'' after ''implementing this part''; and

(B) by striking ''for implementation of the Settlement,''.

SEC. 737. COMPLIANCE WITH CENTRAL VALLEY PROJECT IMPROVEMENT ACT.

Section 10007 of the San Joaquin River Restoration Settlement Act (Public Law 111–11; 123 Stat. 1354) is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking ''the Settlement'' and inserting ''the enactment of this part''; and

(B) by inserting: ''and the obligations of the Secretary and all other parties to protect and keep in good condition any fish that may be planted or exist below Friant Dam, including any obligations under section 5937 of the California Fish and Game Code and the public trust doctrine, and those of the Secretary and all other parties under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.)'' before '', provided''; and

(2) in paragraph (1), by striking '', as provided in the Settlement''.

SEC. 738. NO PRIVATE RIGHT OF ACTION.

Section 10008(a) of the San Joaquin River Restoration Settlement Act (Public Law 111–11; 123 Stat. 1355) is amended—

(1) by striking ''not a party to the Settlement''; and

(2) by striking ''or the Settlement'' and inserting ''unless otherwise provided by this part, but any Central Valley Project long-term water service or repayment contractor within the Friant Division, Hidden unit, or Buchanan unit adversely affected by the failure of the Secretary to comply with section 10004(a)(3) may bring an action against the Secretary for injunctive relief, damages, or both.''.

SEC. 739. IMPLEMENTATION.

Section 10009 of the San Joaquin River Restoration Settlement Act (Public Law 111–11; 123 Stat. 1355) is amended—

(1) in the section heading, by striking ''**; SETTLEMENT FUND**'';

(2) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''the Settlement'' the first place it appears and inserting ''this part'';

(ii) by striking '', estimated to total'' and all that follows through ''subsection (b)(1),''; and

(iii) by striking ''; provided however,'' and all that follows through ''$110,000,000 of State funds'';

(B) in paragraph (2)—

(i) in subparagraph (A), by striking ''(A) IN GENERAL.—The Secretary'' and inserting ''The Secretary''; and

(ii) by striking subparagraph (B); and

(C) in paragraph (3)—

(i) by striking ''Except as provided in the Settlement, to'' and inserting ''To''; and

(ii) by striking ''this Settlement'' and inserting ''this part'';

(3) in subsection (b)(1)—

(A) by striking ''In addition'' and all that follows through ''however, that the'' and inserting ''The'';

(B) by striking ''such additional appropriations only in amounts equal to''; and

(C) by striking ''or the Settlement'';

(4) in subsection (c)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''the Settlement'' and inserting ''this part'';

(ii) in subparagraph (C), by striking ''from the sale of water pursuant to the Settlement, or''; and

(iii) in subparagraph (D), by striking ''the Settlement'' and inserting ''this part'';

(B) in paragraph (2), by striking ''the Settlement and''; and

(5) by striking subsections (d) through (f).

SEC. 740. REPAYMENT CONTRACTS AND ACCELERATION OF REPAYMENT OF CONSTRUCTION COSTS.

Section 10010 of the San Joaquin River Restoration Settlement Act (Public Law 111–11; 123 Stat. 1358) is amended—

(1) in paragraphs (3)(D) and (4)(C) of subsection (a), by striking ''the Settlement and'' each place it appears;

(2) in subsection (c), by striking paragraph (3);

(3) in subsection (d)(1), by striking ''the Settlement'' each place it appears and inserting ''this part'';

(4) in subsection (e)—

(A) in paragraph (1)—

(i) by striking ''Interim Flows or Restoration Flows, pursuant to paragraphs 13 or 15 of the Settlement'' and inserting ''Restoration Flows, pursuant to this part'';

(ii) by striking ''Interim Flows or'' before ''Restoration Flows''; and

(iii) by striking ''the Interim Flows or Restoration Flows or is intended to otherwise facilitate the Water Management Goal, as described in the Settlement'' and inserting ''Restoration Flows''; and

(B) in paragraph (2)—

(i) by striking ''except as provided in paragraph 16(b) of the Settlement''; and

(ii) by striking ''the Interim Flows or Restoration Flows or to facilitate the Water Management Goal'' and inserting ''Restoration Flows''.

SEC. 741. REPEAL.

Section 10011 of the San Joaquin River Restoration Settlement Act (Public Law 111–11; 123 Stat. 1362) is repealed.

SEC. 742. WATER SUPPLY MITIGATION.

Section 10202(b) of the San Joaquin River Restoration Settlement Act (Public Law 111–11; 123 Stat. 1365) is amended—

(1) in paragraph (1), by striking ''the Interim or Restoration Flows authorized in part I of this subtitle'' and inserting ''Restoration Flows authorized in this part'';

(2) in paragraph (2), by striking ''the Interim or Restoration Flows authorized in part I of this subtitle'' and inserting ''Restoration Flows authorized in this part''; and

(3) in paragraph (3)—

(A) in subparagraph (A), by striking ''meet the Restoration Goal as described in part I of this subtitle'' and inserting ''recover Restoration Flows as described in this part'';

(B) in subparagraph (C)—

(i) by striking ''the Interim or Restoration Flows authorized in part I of this subtitle'' and inserting ''Restoration Flows authorized in this part''; and

(ii) by striking '', and for ensuring appropriate adjustment in the recovered water account pursuant to section 10004(a)(5)''.

SEC. 743. ADDITIONAL AUTHORITIES.

Section 10203 of the San Joaquin River Restoration Settlement Act (Public Law 111–11; 123 Stat. 1367) is amended—

(1) in subsection (b)—

(A) by striking ''section 10004(a)(4)'' and inserting ''section 10004(a)(3)''; and

(B) by striking '', provided'' and all that follows through ''section 10009(f)(2)''; and

(2) by striking subsection (c).

Subtitle C—Repayment Contracts and Acceleration of Repayment of Construction Costs

SEC. 751. REPAYMENT CONTRACTS AND ACCELERATION OF REPAYMENT OF CONSTRUCTION COSTS.

(a) CONVERSION OF CONTRACTS.—

(1) CERTAIN CONTRACTS.—

(A) IN GENERAL.—Not later than 1 year after the date enactment of this Act, the Secretary of the Interior, on the request of a contractor, shall convert all existing long-term Central Valley Project contracts entered into under section 9(e) of the Act of August 4, 1939 (53 Stat. 1196, chapter 418), to a contract under section 9(d) of that Act (53 Stat. 1195), under mutually agreeable terms and conditions.

(B) RESTRICTIONS.—A contract converted under subparagraph (A) shall—

(i) require the repayment, either in lump sum or by accelerated prepayment, of the remaining amount of construction costs identified in the most current version of the Central Valley Project Schedule of Irrigation Capital Allocations by Contractor, as adjusted to reflect payments not reflected in that schedule and properly assignable for ultimate return by the contractor, not later than January 31, 2013 (or if made in approximately equal annual installments, not later than January 31, 2016), which amount shall be discounted by the Treasury rate (defined as the 20-year Constant Maturity Treasury rate published by the Department of the Treasury as of October 1, 2012);

(ii) require that, notwithstanding subsection (c)(2), construction costs or other capitalized costs incurred after the effective date of the converted contract or not reflected in the schedule described in clause (i) and properly assignable to that contractor, shall be repaid—

(I) in not more than 5 years after the date on which the contractor is notified of the allocation if that amount is a result of a collective annual allocation of capital costs to the contractors exercising contract conversions under this subsection of less than $5,000,000; or

(II) if the allocation of capital costs described in subclause (I) equal $5,000,000 or more, as provided by applicable reclamation law, subject to the condition that the reference to the amount of $5,000,000 shall not be a precedent in any other context; and

(iii) provide that power revenues will not be available to aid in the repayment of construction costs allocated to irrigation under the contract.

(C) ESTIMATE.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior shall provide to each contractor an estimate of the remaining amount of construction costs under subparagraph (B)(i) as of January 31, 2013, as adjusted.

(2) OTHER CONTRACTS.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, on the request of a contractor, the Secretary may convert any Central Valley Project long-term contract entered into under section 9(c)(2) of the Act of August 4, 1939 (chapter 418; 53 Stat. 1194) to a contract under section 9(c)(1) of that Act, under mutually agreeable terms and conditions.

(B) RESTRICTIONS.—A contract converted under subparagraph (A) shall—

(i) require the repayment in lump sum of the remaining amount of construction costs identified in the most current version of the Central Valley Project Schedule of Municipal and Industrial Water Rates, as adjusted to reflect payments not reflected in that schedule and properly assignable for ultimate return by the contractor, not later than January 31, 2016; and

(ii) require that, notwithstanding subsection (c)(2), construction costs or other capitalized costs incurred after the effective date of the contract or not reflected in the Schedule described in clause (i), and properly assignable to that contractor, shall be repaid—

(I) in not more than 5 years after the date on which the contractor is notified of the allocation if the amount is a result of a collective annual allocation of capital costs to the contractors exercising contract conversions under this subsection of less than $5,000,000; or

(II) if the allocation of capital costs described in subclause (I) equal $5,000,000 or more, as provided by applicable reclamation law, subject to the condition that the reference to the amount of $5,000,000 shall not be a precedent in any other context.

(C) ESTIMATE.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior shall provide to each contractor an estimate of the remaining amount of construction costs under subparagraph (B)(i) as of January 31, 2016, as adjusted.

(b) FINAL ADJUSTMENT.—

(1) IN GENERAL.—The amounts paid pursuant to subsection (a) shall be subject to adjustment following a final cost allocation by the Secretary of the Interior on completion of the construction of the Central Valley Project.

(2) REPAYMENT OBLIGATION.—

(A) IN GENERAL.—If the final cost allocation indicates that the costs properly assignable to the contractor are greater than the amount that has been paid by the contractor, the contractor shall pay the remaining allocated costs.

(B) TERMS.—The term of an additional repayment contract described in subparagraph (A) shall be—

(i) for not less than 1 year and not more than 10 years; and

(ii) based on mutually agreeable provisions regarding the rate of repayment of the amount developed by the parties.

(3) CREDITS.—If the final cost allocation indicates that the costs properly assignable to the contractor are less than the amount that the contractor has paid, the Secretary of the Interior shall credit the amount of the overpayment as an offset against any outstanding or future obligation of the contractor.

(c) APPLICABILITY OF CERTAIN PROVISIONS.—

(1) IN GENERAL.—Notwithstanding any repayment obligation under subsection (a)(1)(B)(ii) or subsection (b), on the compliance of a contractor with and discharge of the obligation of repayment of the construction costs under that subsection, the ownership and full-cost pricing limitations of any provision of the reclamation laws shall not apply to land in that district.

(2) OTHER CONTRACTS.—Notwithstanding any repayment obligation under paragraph (1)(B)(ii) or (2)(B)(ii) of subsection (a) or subsection (b), on the compliance of a contractor with and discharge of the obligation of repayment of the construction costs under that subsection, the contractor shall continue to pay applicable operation and maintenance costs and other charges applicable to the repayment contracts pursuant to then-current rate-setting policy and applicable law.

(d) CERTAIN REPAYMENT OBLIGATIONS NOT ALTERED.—This section does not—

(1) alter the repayment obligation of any other long-term water service or repayment contractor receiving water from the Central Valley Project; or

(2) shift any costs that would otherwise have been properly assignable to a contractor absent this section, including operations and maintenance costs, construction costs, or other capitalized costs incurred after the date of enactment of this Act, to other contractors.

(e) STATUTORY INTERPRETATION.—Nothing in this subtitle affects the right of any long-term contractor to use a particular type of financing to make the payments required in paragraph (1)(B)(i) or (2)(B)(i) of subsection (a).

Subtitle D—Bay-Delta Watershed Water Rights Preservation and Protection

SEC. 761. WATER RIGHTS AND AREA-OF-ORIGIN PROTECTIONS.

Notwithstanding the provisions of this title, Federal reclamation law, or the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.)—

(1) the Secretary of the Interior shall, in the operation of the Central Valley Project—

(A) strictly adhere to State water rights law governing water rights priorities by honoring water rights senior to those belonging to the Central Valley Project, regardless of the source of priority; and

(B) strictly adhere to and honor water rights and other priorities that are obtained or exist pursuant to the California Water Code, including sections 10505, 10505:5, 11128, 11460, 11463, and 12220; and

(2) any action that affects the diversion of water or involves the release of water from any Central Valley Project water storage facility taken by the Secretary of the Interior or the Secretary of Commerce to conserve, enhance, recover, or otherwise protect any species listed under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) shall be applied in a manner that is consistent with water right priorities established by State law.

SEC. 762. SACRAMENTO RIVER SETTLEMENT CONTRACTS.

(a) IN GENERAL.—In carrying out the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) in the Bay-Delta and on the Sacramento River, the Secretary of the Interior and the Secretary of Commerce shall apply any limitations on the operation of the Central Valley Project or relating to the formulation of any reasonable prudent alternative associated with the operation of the Central Valley Project in a manner that strictly adheres to and applies the water rights priorities for project water and base supply as provided in the Sacramento River Settlement Contracts.

(b) APPLICABILITY.—Article 3(i) of the Sacramento River Settlement Contracts shall not be used by the Secretary of the Interior or any other Federal agency head as means to provide shortages that are different from those provided for in Article 5(a) of the Sacramento River Settlement Contracts.

SEC. 763. SACRAMENTO RIVER WATERSHED WATER SERVICE CONTRACTORS.

(a) EXISTING CENTRAL VALLEY PROJECT AGRICULTURAL WATER SERVICE CONTRACTORS WITHIN SACRAMENTO RIVER WATERSHED.—In this section, the term ''existing Central Valley Project agricultural water service contractors within the Sacramento River Watershed'' means water service contractors within the Shasta, Trinity, and Sacramento River Divisions of the Central Valley Project that have a water service contract in effect on the date of enactment of this Act that provides water for irrigation.

(b) ALLOCATION OF WATER.—Subject to subsection (c) and the absolute priority of the Sacramento River Settlement Contractors to Sacramento River supplies over Central Valley Project diversions and deliveries to other contractors, the Secretary of the Interior shall, in the operation of the Central Valley Project, allocate water provided for irrigation purposes to existing Central Valley Project agricultural water service contractors within the Sacramento River Watershed as follows:

(1) Not less than 100 percent of the contract quantities in a ''Wet'' year (as that term is defined in the Sacramento Valley Water Year Type (40–30–30) Index).

(2) Not less than 100 percent of the contract quantities in an ''Above Normal'' year (as that term is defined in the Sacramento Valley Water Year Type (40–30–30) Index).

(3) Not less than 100 percent of the contract quantities in a ''Below Normal'' year (as that term is defined in the Sacramento Valley Water Year Type (40–30–30) Index).

(4) Not less than 75 percent of the contract quantities in a ''Dry'' year (as that term is defined in the Sacramento Valley Water Year Type (40–30–30) Index).

(5) Not less than 50 percent of the contract quantities in a ''Critically Dry'' year (as that term is defined in the Sacramento Valley Water Year Type (40–30–30) Index).

(c) PROTECTION OF MUNICIPAL AND INDUSTRIAL SUPPLIES.—

(1) IN GENERAL.—Nothing in this section—

(A) modifies any provision of a water service contract that addresses municipal and industrial water shortage policies of the Secretary of the Interior;

(B) affects or limits the authority of the Secretary of the Interior—

(i) to adopt or modify municipal and industrial water shortage policies; or

(ii) to implement municipal and industrial water shortage policies; or

(C) affects allocations to Central Valley Project municipal and industrial contractors pursuant to the water shortage policies of the Secretary of the Interior.

(2) APPLICABILITY.—This section does not constrain, govern, or affect, directly or indirectly, the operations of the American River Division of the Central Valley Project or any deliveries from that Division, including the units and facilities of that Division.

SEC. 764. NO REDIRECTED ADVERSE IMPACTS.

The Secretary of the Interior shall ensure that there are no redirected adverse water supply or fiscal impacts to the State Water Project or to individuals within the Sacramento River or San Joaquin River watershed arising from the operation of the Secretary of the Central Valley Project to meet

legal obligations imposed by or through any Federal or State agency, including—

(1) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(2) this title; and

(3) actions or activities implemented to meet the twin goals of improving water supply and addressing the environmental needs of the Bay-Delta.

Subtitle E—Miscellaneous

SEC. 771. PRECEDENT.

Congress finds that—

(1) coordinated operations between the Central Valley Project and the State Water Project, as consented to and requested by the State of California and the Federal Government, require the assertion of Federal supremacy to protect existing water rights throughout the system, a circumstance that is unique to the State of California; and

(2) this title should not serve as precedent for similar operations in any other State.

TITLE VIII—REDUCING REGULATORY BURDENS

SEC. 801. SHORT TITLE.

This title may be cited as the ''Reducing Regulatory Burdens Act of 2012''.

SEC. 802. USE OF AUTHORIZED PESTICIDES.

Section 3(f) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a(f)) is amended by adding at the end the following:

''(5) USE OF AUTHORIZED PESTICIDES.—Except as provided in section 402(s) of the Federal Water Pollution Control Act (33 U.S.C. 1342(s)), the Administrator or a State may not require a permit under that Act for a discharge from a point source into navigable waters of a pesticide authorized for sale, distribution, or use under this Act, or the residue of the pesticide, resulting from the application of the pesticide.''.

SEC. 803. DISCHARGES OF PESTICIDES.

Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) is amended by adding at the end the following:

''(s) DISCHARGES OF PESTICIDES.—

''(1) NO PERMIT REQUIREMENT.—Except as provided in paragraph (2), a permit shall not be required by the Administrator or a State under this Act for a discharge from a point source into navigable waters of a pesticide authorized for sale, distribution, or use under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.), or the residue of the pesticide, resulting from the application of the pesticide.

''(2) EXCEPTIONS.—Paragraph (1) shall not apply to the following discharges of a pesticide or pesticide residue:

''(A) A discharge resulting from the application of a pesticide in violation of a provision of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.) that is relevant to protecting water quality, if—

''(i) the discharge would not have occurred but for the violation; or

''(ii) the quantity of a pesticide or pesticide residue in the discharge is greater than would have occurred without the violation.

''(B) Stormwater discharges subject to regulation under subsection (p).

''(C) The following discharges subject to regulation under this section:

''(i) Manufacturing or industrial effluent.

''(ii) Treatment works effluent.

''(iii) Discharges incidental to the normal operation of a vessel, including a discharge resulting from ballasting operations or vessel biofouling prevention.''.

TITLE IX—FARM DUST REGULATION PREVENTION

SEC. 901. SHORT TITLE.

This title may be cited as the ''Farm Dust Regulation Prevention Act of 2012''.

SEC. 902. TEMPORARY PROHIBITION AGAINST REVISING ANY NATIONAL AMBIENT AIR QUALITY STANDARD APPLICABLE TO COARSE PARTICULATE MATTER.

Before the date that is 1 year after the date of enactment of this Act, the Administrator of the Environmental Protection Agency (referred to in this title as the ''Administrator'') may not propose, finalize, implement, or enforce any regulation revising the national primary ambient air quality standard or the national secondary ambient air quality standard applicable to particulate matter with an aerodynamic diameter greater than 2.5 micrometers under section 109 of the Clean Air Act (42 U.S.C. 7409).

SEC. 903. NUISANCE DUST.

Part A of title I of the Clean Air Act (42 U.S.C. 7401 et seq.) is amended by adding at the end the following:

''SEC. 132. REGULATION OF NUISANCE DUST PRIMARILY BY STATE, TRIBAL, AND LOCAL GOVERNMENTS.

''(a) DEFINITION OF NUISANCE DUST.—In this section:

''(1) IN GENERAL.—The term 'nuisance dust' means particulate matter that—

''(A) is generated primarily from natural sources, unpaved roads, agricultural activities, earth moving, or other activities typically conducted in rural areas;

''(B) consists primarily of soil, other natural or biological materials, or some combination of those materials;

''(C) is not emitted directly into the ambient air from combustion, such as exhaust from combustion engines and emissions from stationary combustion processes; and

''(D) is not comprised of residuals from the combustion of coal.

''(2) EXCLUSION.—The term 'nuisance dust' does not include radioactive particulate matter produced from uranium mining or processing.

''(b) APPLICABILITY.—Except as provided in subsection (c), this Act does not apply to, and references in this Act to particulate matter are deemed to exclude, nuisance dust.

''(c) EXCEPTION.—Subsection (a) does not apply with respect to any geographical area in which nuisance dust is not regulated under State, tribal, or local law insofar as the Administrator, in consultation with the Secretary of Agriculture, finds that—

''(1) nuisance dust (or any subcategory of nuisance dust) causes substantial adverse public health and welfare effects at ambient concentrations; and

''(2) the benefits of applying standards and other requirements of this Act to nuisance dust (or a subcategory of nuisance dust) outweigh the costs (including local and regional economic and employment impacts) of applying those standards and other requirements to nuisance dust (or a subcategory).''.

SEC. 904. SENSE OF CONGRESS.

It is the sense of Congress that the Administrator should implement an approach to excluding so-called ''exceptional events'', or events that are not reasonably controllable or preventable, from determinations of whether an area is in compliance with any national ambient air quality standard applicable to coarse particulate matter that—

(1) maximizes transparency and predictability for States, Indian tribes, and local governments; and

(2) minimizes the regulatory and cost burdens States, Indian tribes, and local governments bear in excluding those events.

SEC. 905. IMPACTS OF EPA REGULATORY ACTIVITY ON EMPLOYMENT AND ECONOMIC ACTIVITY IN AGRICULTURE COMMUNITY.

(a) DEFINITIONS.—In this section:

(1) COVERED ACTION.—The term ''covered action'' means any of the following actions taken by the Administrator under the Clean Air Act (42 U.S.C. 7401 et seq.) relating to agriculture and the national primary ambient air quality standard or the national secondary ambient air quality standard for particulate matter:

(A) Promulgating or issuing a regulation, policy statement, guidance, response to a petition, or other requirement.

(B) Implementing a new or substantially altered program.

(2) MORE THAN A DE MINIMIS NEGATIVE IMPACT.—The term ''more than a de minimis negative impact'' means—

(A) with respect to employment levels, a loss of more than 100 jobs relating to the agriculture industry, as calculated by excluding consideration of any offsetting job gains that result from the hypothetical creation of new jobs through new technologies or government employment; and

(B) with respect to economic activity, a decrease in agricultural economic activity of more than $1,000,000 over any calendar year, as calculated by excluding consideration of any offsetting economic activity that results from the hypothetical creation of new economic activity through new technologies or government employment.

(b) ANALYSIS OF IMPACTS OF ACTIONS ON EMPLOYMENT AND ECONOMIC ACTIVITY IN THE AGRICULTURE COMMUNITY.—

(1) ANALYSIS.—Before taking a covered action, the Administrator shall analyze the impact, disaggregated by State, of the covered action on—

(A) employment levels in the agriculture industry; and

(B) agricultural economic activity, including estimated job losses and decreased economic activity relating to agriculture.

(2) ECONOMIC MODELS.—

(A) IN GENERAL.—In carrying out paragraph (1), the Administrator shall use the best available economic models.

(B) ANNUAL GAO REPORT.—Not later than December 31 of each year, the Comptroller General of the United States shall submit to Congress a report on the economic models used by the Administrator to carry out this subsection.

(3) AVAILABILITY OF INFORMATION.—With respect to any covered action, the Administrator shall—

(A) post the analysis under paragraph (1) as a link on the main page of the public Internet website of the Environmental Protection Agency;

(B) request the Secretary of Agriculture to post the analysis under paragraph (1) as a link on the main page of the public Internet website of the Department of Agriculture; and

(C) request that the Governor of any State experiencing more than a de minimis negative impact post the analysis on the main page of the public Interest website of the State.

(c) PUBLIC HEARINGS.—

(1) IN GENERAL.—If the Administrator concludes under subsection (a)(1) that a covered action will have more than a de minimis negative impact on agricultural employment levels or agricultural economic activity in a State, the Administrator shall hold a public hearing in each such State at least 30 days before the effective date of the covered action.

(2) TIME, LOCATION, AND SELECTION.—A public hearing required under paragraph (1) shall be held at—

(A) a convenient time and location for impacted residents; and

(B) at such location selected by the Administrator as shall give priority to locations in the State that will experience the greatest number of job losses.

(d) NOTIFICATION.—If the Administrator concludes under subsection (b)(1) that a covered action will have more than a de minimis negative impact on agricultural employment levels or agricultural economic activity in any State, the Administrator shall give notice of the impact to the congressional delegation, Governor, and legislature of the State at least 45 days before the effective date of the covered action.

TITLE X—ENERGY TAX PREVENTION

SEC. 1001. SHORT TITLE.

This title may be cited as the ''Energy Tax Prevention Act of 2012''.

SEC. 1002. NO REGULATION OF EMISSIONS OF GREENHOUSE GASES.

Title III of the Clean Air Act (42 U.S.C. 7601 et seq.) is amended by adding at the end the following:

''SEC. 330. NO REGULATION OF EMISSIONS OF GREENHOUSE GASES.

''(a) DEFINITION.—In this section, the term 'greenhouse gas' means any of the following:

''(1) Water vapor.

''(2) Carbon dioxide.

''(3) Methane.

''(4) Nitrous oxide.

''(5) Sulfur hexafluoride.

''(6) Hydrofluorocarbons.

''(7) Perfluorocarbons.

''(8) Any other substance subject to, or proposed to be subject to, regulation, action, or consideration under this Act to address climate change.

''(b) LIMITATION ON AGENCY ACTION.—

''(1) LIMITATION.—

''(A) IN GENERAL.—The Administrator may not, under this Act, promulgate any regulation concerning, take action relating to, or take into consideration the emission of a greenhouse gas to address climate change.

''(B) AIR POLLUTANT DEFINITION.—The definition of the term 'air pollutant' in section 302(g) does not include a greenhouse gas. Notwithstanding the previous sentence, such definition may include a greenhouse gas for purposes of addressing concerns other than climate change.

''(2) EXCEPTIONS.—Paragraph (1) does not prohibit the following:

''(A) Notwithstanding paragraph (4)(B), implementation and enforcement of the rule entitled 'Light-Duty Vehicle Greenhouse Gas Emission Standards and Corporate Average Fuel Economy Standards' (75 Fed. Reg. 25324 (May 7, 2010) and without further revision) and finalization, implementation, enforcement, and revision of the proposed rule entitled 'Greenhouse Gas Emissions Standards and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles' published at 75 Fed. Reg. 74152 (November 30, 2010).

''(B) Implementation and enforcement of section 211(o).

''(C) Statutorily authorized Federal research, development, and demonstration programs addressing climate change.

''(D) Implementation and enforcement of title VI to the extent such implementation or enforcement only involves one or more class I or class II substances (as such terms are defined in section 601).

''(E) Implementation and enforcement of section 821 (42 U.S.C. 7651k note) of Public Law 101–549 (commonly referred to as the 'Clean Air Act Amendments of 1990').

''(3) INAPPLICABILITY OF PROVISIONS.—Nothing listed in paragraph (2) shall cause a greenhouse gas to be subject to part C of title I (relating to prevention of significant deterioration of air quality) or considered an air pollutant for purposes of title V (relating to air permits).

''(4) CERTAIN PRIOR AGENCY ACTIONS.—The following rules, and actions (including any supplement or revision to such rules and actions) are repealed and shall have no legal effect:

''(A) 'Mandatory Reporting of Greenhouse Gases', published at 74 Fed. Reg. 56260 (October 30, 2009).

''(B) 'Endangerment and Cause or Contribute Findings for Greenhouse Gases under section 202(a) of the Clean Air Act' published at 74 Fed. Reg. 66496 (Dec. 15, 2009).

''(C) 'Reconsideration of the Interpretation of Regulations That Determine Pollutants Covered by Clean Air Act Permitting Programs' published at 75 Fed. Reg. 17004 (April 2, 2010) and the memorandum from Stephen L. Johnson, Environmental Protection Agency (EPA) Administrator, to EPA Regional Administrators, concerning 'EPA's Interpretation of Regulations that Determine Pollutants Covered by Federal Prevention of Significant Deterioration (PSD) Permit Program' (Dec. 18, 2008).

''(D) 'Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule', published at 75 Fed. Reg. 31514 (June 3, 2010).

''(E) 'Action To Ensure Authority To Issue Permits Under the Prevention of Significant Deterioration Program to Sources of Greenhouse Gas Emissions: Finding of Substantial Inadequacy and SIP Call', published at 75 Fed. Reg. 77698 (December 13, 2010).

''(F) 'Action To Ensure Authority To Issue Permits Under the Prevention of Significant Deterioration Program to Sources of Greenhouse Gas Emissions: Finding of Failure to Submit State Implementation Plan Revisions Required for Greenhouse Gases', published at 75 Fed. Reg. 81874 (December 29, 2010).

''(G) 'Action To Ensure Authority To Issue Permits Under the Prevention of Significant Deterioration Program to Sources of Greenhouse Gas Emissions: Federal Implementation Plan', published at 75 Fed. Reg. 82246 (December 30, 2010).

''(H) 'Action To Ensure Authority To Implement Title V Permitting Programs Under the Greenhouse Gas Tailoring Rule', published at 75 Fed. Reg. 82254 (December 30, 2010).

''(I) 'Determinations Concerning Need for Error Correction, Partial Approval and Partial Disapproval, and Federal Implementation Plan Regarding Texas Prevention of Significant Deterioration Program', published at 75 Fed. Reg. 82430 (December 30, 2010).

''(J) 'Limitation of Approval of Prevention of Significant Deterioration Provisions Concerning Greenhouse Gas Emitting-Sources in State Implementation Plans; Final Rule', published at 75 Fed. Reg. 82536 (December 30, 2010).

''(K) 'Determinations Concerning Need for Error Correction, Partial Approval and Partial Disapproval, and Federal Implementation Plan Regarding Texas Prevention of Significant Deterioration Program; Proposed Rule', published at 75 Fed. Reg. 82365 (December 30, 2010).

''(L) Except for action listed in paragraph (2), any other Federal action under this Act occurring before the date of enactment of this section that applies a stationary source permitting requirement or an emissions standard for a greenhouse gas to address climate change.

''(5) STATE ACTION.—

''(A) NO LIMITATION.—This section does not limit or otherwise affect the authority of a State to adopt, amend, enforce, or repeal State laws and regulations pertaining to the emission of a greenhouse gas.

''(B) EXCEPTION.—

''(i) RULE.—Notwithstanding subparagraph (A), any provision described in clause (ii)—

''(I) is not federally enforceable;

''(II) is not deemed to be a part of Federal law; and

''(III) is deemed to be stricken from the plan described in clause (ii)(I) or the program or permit described in clause (ii)(II), as applicable.

''(ii) PROVISIONS DEFINED.—For purposes of clause (i), the term 'provision' means any provision that—

''(I) is contained in a State implementation plan under section 110 and authorizes or requires a limitation on, or imposes a permit requirement for, the emission of a greenhouse gas to address climate change; or

''(II) is part of an operating permit program under title V, or a permit issued pursuant to title V, and authorizes or requires a limitation on the emission of a greenhouse gas to address climate change.

''(C) ACTION BY ADMINISTRATOR.—The Administrator may not approve or make federally enforceable any provision described in subparagraph (B)(ii).''.

SEC. 1003. PRESERVING ONE NATIONAL STANDARD FOR AUTOMOBILES.

Section 209(b) of the Clean Air Act (42 U.S.C. 7543) is amended by adding at the end the following:

''(4) With respect to standards for emissions of greenhouse gases (as defined in section 330) for model year 2017 or any subsequent model year for new motor vehicles and new motor vehicle engines—

''(A) the Administrator may not waive application of subsection (a); and

''(B) no waiver granted prior to the date of enactment of this paragraph may be considered to waive the application of subsection (a).''.

SA 2859. Mr. REID (for Mr. CARDIN) proposed an amendment to the bill S. 1956, to prohibit operators of civil aircraft of the United States from participating in the European Union's emissions trading scheme, and for other purposes.

Beginning on page 5, strike line 14 and all that follows through page 6, line 2, and insert the following:

SEC. 3. NEGOTIATIONS.

(a) IN GENERAL.—The Secretary of Transportation, the Administrator of the Federal Aviation Administration, and other appropriate officials of the United States Government—

(1) should, as appropriate, use their authority to conduct international negotiations, including using their authority to conduct international negotiations to pursue a worldwide approach to address aircraft emissions, including the environmental impact of aircraft emissions; and

(2) shall, as appropriate and except as provided in subsection (b), take other actions under existing authorities that are in the public interest necessary to hold operators of civil aircraft of the United States harmless from the emissions trading scheme referred to under section 2.

(b) EXCLUSION OF PAYMENT OF TAXES AND PENALTIES.—Actions taken under subsection (a)(2) may not include the obligation or expenditure of any amounts in the Airport and Airway Trust Fund established under section 9905 of the Internal Revenue Code of 1986, or amounts otherwise made available to the Department of Transportation or any other Federal agency pursuant to appropriations Acts, for the payment of any tax or penalty imposed on an operator of civil aircraft of the United States pursuant to the emissions trading scheme referred to under section 2.

SA 2860. Mr. REID (for Mr. MERKLEY) proposed an amendment to the bill S.

1956, to prohibit operators of civil aircraft of the United States from participating in the European Union's emissions trading scheme, and for other purposes.

On page 5, between lines 13 and 14, insert the following:

(c) REASSESSMENT OF DETERMINATION OF PUBLIC INTEREST.—The Secretary—

(1) may reassess a determination under subsection (a) that a prohibition under that subsection is in the public interest at any time after making such a determination; and

(2) shall reassess such a determination after—

(A) any amendment by the European Union to the EU Directive referred to in subsection (a);

(B) the adoption of any international agreement pursuant to section 3(1); or

(C) enactment of a public law or issuance of a final rule after formal agency rulemaking, in the United States to address aircraft emissions.

SA 2861. Mr. PRYOR (for Mr. BINGAMAN) proposed an amendment to the bill H.R. 4850, to allow for innovations and alternative technologies that meet or exceed desired energy efficiency goals.

At the end of the bill, add the following:

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

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

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

''(A) DEFINITIONS.—In this paragraph:

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

''(I) a water heater; and

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

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

''(B) PUBLICATION OF FINAL RULE.—Not later than 180 days after the date of enactment of this paragraph, the Secretary shall publish a final rule that establishes a uniform efficiency descriptor and accompanying test methods for covered water heaters.

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

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

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

''(D) EFFECT OF FINAL RULE.—

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

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

''(E) CONVERSION FACTOR.—

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

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

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

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

''(v) PERIOD.—Subclause (E) shall apply during the period—

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

''(II) ending on April 16, 2015.

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

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

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

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

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

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

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

''(iv) a hybrid of descriptors; or

''(v) a new approach.

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

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

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

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

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

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

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

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

(1) in paragraph (1)—

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

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

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

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

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

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

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

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

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

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

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

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

''(A) DEFINITIONS.—In this paragraph:

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

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

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

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

''(I) is not weatherized;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) in subparagraph (C)—

(A) in clause (i)—

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

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

(B) by adding at the end the following:

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

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

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

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

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

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

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

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

SEC. 6. TECHNICAL CORRECTIONS.

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

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

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

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

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

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

(A) in subparagraph (B)—

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

''(i) IN GENERAL.—If the Secretary'';

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

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

(iv) by adding at the end the following:

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

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

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

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

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

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

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

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

''(iii) ADMINISTRATION.—

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

''(II) UNAVAILABILITY.—

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

''(bb) OTHER TYPES OR CLASSES.—The failure of some types (or classes) to meet the criterion established under this subclause shall not affect the determination of the Secretary on whether to prescribe a standard for the other types or classes.''; and

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

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

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

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

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

(C) in subsection (a)—

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

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

(iii) by adding at the end the following:

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

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

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

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

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

(A) in clause (i)—

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

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

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

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

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

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

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

(C) by striking clause (iii).

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

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

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

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

(b) ENERGY POLICY ACT OF 2005.—

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

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

(c) ENERGY POLICY AND CONSERVATION ACT.—

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

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

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

(C) by adding at the end the following:

''(xiii) other motors.''.

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

SA 2862. Mr. PRYOR (for Mrs. SHAHEEN) proposed an amendment to the bill H.R. 4850, to allow for innovations and alternative technologies that meet or exceed desired energy efficiency goals.

At the end of the bill, add the following:

TITLE II—INDUSTRIAL ENERGY EFFICIENCY

SEC. 201. COORDINATION OF RESEARCH AND DEVELOPMENT OF ENERGY EFFICIENT TECHNOLOGIES FOR INDUSTRY.

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

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

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

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

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

SEC. 202. REDUCING BARRIERS TO THE DEPLOYMENT OF INDUSTRIAL ENERGY EFFICIENCY.

(a) DEFINITIONS.—In this section:

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

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

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

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

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

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

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

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

(i) Transmission and distribution interconnection requirements.

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

(iii) Exit fees.

(iv) Life of contract demand ratchets.

(v) Net metering.

(vi) Calculation of avoided cost rates.

(vii) Power purchase agreements.

(viii) Energy market structures.

(ix) Capacity market structures.

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

(B) Examples of —

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

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

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

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

(i) estimated energy and emission reductions;

(ii) direct and indirect jobs saved or created;

(iii) direct and indirect capital investment;

(iv) the gross domestic product; and

(v) trade balance impacts.

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

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

SEC. 203. STUDY OF ADVANCED ENERGY TECHNOLOGY MANUFACTURING CAPABILITIES IN THE UNITED STATES.

(a) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary shall enter into an arrangement with the National Academy of Sciences under which the Academy shall conduct a study of the development of advanced manufacturing capabilities for various energy technologies, including—

(1) an assessment of the manufacturing supply chains of established and emerging industries;

(2) an analysis of—

(A) the manner in which supply chains have changed over the 25-year period ending on the date of enactment of this Act;

(B) current trends in supply chains; and

(C) the energy intensity of each part of the supply chain and opportunities for improvement;

(3) for each technology or manufacturing sector, an analysis of which sections of the supply chain are critical for the United States to retain or develop to be competitive in the manufacturing of the technology;

(4) an assessment of which emerging energy technologies the United States should focus on to create or enhance manufacturing capabilities; and

(5) recommendations on leveraging the expertise of energy efficiency and renewable energy user facilities so that best materials and manufacturing practices are designed and implemented.

(b) REPORT.—Not later than 2 years after the date on which the Secretary enters into the agreement with the Academy described in subsection (a), the Academy shall submit to the Committee on Energy and Natural Resources of the Senate, the Committee on Energy and Commerce of the House of Representatives, and the Secretary a report describing the results of the study required under this section, including any findings and recommendations.

SEC. 204. INDUSTRIAL TECHNOLOGIES STEERING COMMITTEE.

The Secretary shall establish an advisory steering committee that includes national trade associations representing energy-intensive industries or energy service providers to provide recommendations to the Secretary on planning and implementation of the Industrial Technologies Program of the Department of Energy.

TITLE III—FEDERAL AGENCY ENERGY EFFICIENCY

SEC. 301. AVAILABILITY OF FUNDS FOR DESIGN UPDATES.

Section 3307 of title 40, United States Code, is amended—

(1) by redesignating subsections (d) through (h) as subsections (e) through (i), respectively; and

(2) by inserting after subsection (c) the following:

''(d) AVAILABILITY OF FUNDS FOR DESIGN UPDATES.—

''(1) IN GENERAL.—Subject to paragraph (2), for any project for which congressional approval is received under subsection (a) and for which the design has been substantially completed but construction has not begun, the Administrator of General Services may use appropriated funds to update the project design to meet applicable Federal building energy efficiency standards established under section 305 of the Energy Conservation and Production Act (42 U.S.C. 6834) and other requirements established under section 3312.

''(2) LIMITATION.—The use of funds under paragraph (1) shall not exceed 125 percent of the estimated energy or other cost savings associated with the updates as determined by a life-cycle cost analysis under section 544 of the National Energy Conservation Policy Act (42 U.S.C. 8254).''.

SEC. 302. BEST PRACTICES FOR ADVANCED METERING.

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

amended by striking paragraph (3) and inserting the following:

''(3) PLAN.—

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

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

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

''(B) UPDATES.—Reports submitted under subparagraph (A) shall be updated annually.

''(4) BEST PRACTICES REPORT.—

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

''(B) UPDATING.—The report described under subparagraph (A) shall be updated annually.

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

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

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

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

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

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

''(iii) an analysis of—

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

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

SEC. 303. FEDERAL ENERGY MANAGEMENT AND DATA COLLECTION STANDARD.

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

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

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

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

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

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

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

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

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

SEC. 304. FEDERAL PURCHASE REQUIREMENT.

Section 203 of the Energy Policy Act of 2005 (42 U.S.C. 15852) is amended—

(1) in subsections (a) and (b)(2), by striking ''electric energy'' each place it appears and inserting ''electric, direct, and thermal energy'';

(2) in subsection (b)(2)—

(A) by inserting '', or avoided by,'' after ''generated from''; and

(B) by inserting ''(including ground-source, reclaimed, and ground water)''after ''geothermal'';

(3) by redesignating subsection (d) as subsection (e); and

(4) by inserting after subsection (c) the following:

''(d) SEPARATE CALCULATION.—Renewable energy produced at a Federal facility, on Federal land, or on Indian land (as defined in section 2601 of the Energy Policy Act of 1992 (25 U.S.C. 3501))—

''(1) shall be calculated (on a BTU-equivalent basis) separately from renewable energy used; and

''(2) may be used individually or in combination to comply with subsection (a).''.

SEC. 305. STUDY ON FEDERAL DATA CENTER CONSOLIDATION.

(a) IN GENERAL.—The Secretary of Energy shall conduct a study on the feasibility of a government-wide data center consolidation, with an overall Federal target of a minimum of 800 Federal data center closures by October 1, 2015.

(b) COORDINATION.—In conducting the study, the Secretary shall coordinate with Federal data center program managers, facilities managers, and sustainability officers.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the results of the study, including a description of agency best practices in data center consolidation.

SA 2863. Mr. PRYOR (for Mr. DURBIN) proposed an amendment to S. Res. 466, calling for the release from prison of former Prime Minister of Ukraine Yulia Tymoshenko.

On page 9, strike lines 1 through 14 and insert the following:

(2) expresses its deep concern that the politicized nature of prosecutions and detention of Ms. Tymoshenko and other members of her party took place in a country that is scheduled to assume chairmanship of the Organization for Security and Cooperation in Europe (OSCE) in 2013;

(3) expresses its deep concern that the politicized detention of Ms. Tymoshenko threatens to jeopardize ties between the United States and Ukraine;

(4) calls for the Government of Ukraine to release Ms. Tymoshenko from her current incarceration based on politicized charges, to provide Ms. Tymoshenko with timely access to medical care, and to conduct the October parliamentary elections in a fair and transparent manner consistent with OSCE standards; and

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SA 2864. Mr. PRYOR (for Mr. AKAKA) proposed an amendment to the bill S. 3193, to make technical corrections to the legal description of certain land to be held in trust for the Barona Band of Mission Indians, and for other purposes.

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Barona Band of Mission Indians Land Transfer Clarification Act of 2012''.

SEC. 2. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the legal description of land previously taken into trust by the United States for the benefit of the Barona Band of Mission Indians may be interpreted to refer to private, nontribal land;

(2) there is a continued, unresolved disagreement between the Barona Band of Mission Indians and certain off-reservation property owners relating to the causes of diminishing native groundwater;

(3) Congress expresses no opinion, nor should an opinion of Congress be inferred, relating to the disagreement described in paragraph (2); and

(4) it is the intent of Congress that, if the land described in section 121(b) of the Native American Technical Corrections Act of 2004 (118 Stat. 544) (as amended by section 3) is used to bring water to the Barona Indian Reservation, the effort is authorized only if the effort also addresses water availability for neighboring off-reservation land located along Old Barona Road that is occupied as of the date of enactment of this Act by providing guaranteed access to that water supply at a mutually agreeable site on the southwest boundary of the Barona Indian Reservation.

(b) PURPOSES.—The purposes of this Act are—

(1) to clarify the legal description of the land placed into trust for the Barona Band of Mission Indians in 2004; and

(2) to remove all doubt relating to the specific parcels of land that Congress has placed into trust for the Barona Band of Mission Indians.

SEC. 3. LAND TRANSFER.

Section 121 of the Native American Technical Corrections Act of 2004 (Public Law 108–204; 118 Stat. 544) is amended—

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

''(b) DESCRIPTION OF LAND.—The land referred to in subsection (a) is land comprising approximately 86.87 acres in T. 14 S., R. 1 E., San Bernardino Meridian, San Diego County, California, and described more particularly as follows:

''(1) The approximately 69.85 acres located in Section 21 and described as—

''(A) SW¼ SW¼, excepting the north 475 feet;

''(B) W½ SE¼ SW¼, excepting the north 475 feet;

''(C) E½ SE¼ SW¼, excepting the north 350 feet; and

''(D) the portion of W½ SE¼ that lies southwesterly of the following line: Beginning at the intersection of the southerly line of said SE¼ of Section 21 with the westerly boundary of Rancho Canada De San Vicente Y Mesa Del Padre Barona as shown on United States Government Resurvey approved January 21, 1939, and thence northwesterly along said boundary to an intersection with the westerly line of said SE¼.

''(2) The approximately 17.02 acres located in Section 28 and described as NW¼ NW¼, excepting the east 750 feet.''; and

(2) by adding at the end the following:

''(d) CLARIFICATIONS.—

''(1) EFFECT ON SECTION.—The provisions of subsection (c) shall apply to the land described in subsection (b), as in effect on the day after the date of enactment of the Barona Band of Mission Indians Land Transfer Clarification Act of 2012.

''(2) EFFECT ON PRIVATE LAND.—The parcel of private, non-Indian land referenced in subsection (a) and described in subsection (b), as in effect on the day before the date of enactment of the Barona Band of Mission Indians Land Transfer Clarification Act of 2012, but excluded from the revised description of the land in subsection (b) was not intended to be—

''(A) held in trust by the United States for the benefit of the Band; or

''(B) considered to be a part of the reservation of the Band.''.

SA 2865. Mr. PRYOR (for Mr. BLUMENTHAL) proposed an amendment to the bill H.R. 2453, to require the Secretary of the Treasury to mint coins in commemoration of Mark Twain.

On page 7, strike lines 5 through 7 and insert the following:

(2) One-quarter of the surcharges, to the University of California, Berkeley, California, for the benefit of the Mark Twain Project at the Bancroft Library to support programs to study and promote the legacy of Mark Twain.

At the end, add the following:

SEC. 8. NO NET COST.

The Secretary shall take such actions as may be necessary to ensure that—

(1) minting and issuing coins under this Act will not result in any net cost to the United States Government; and

(2) no funds, including applicable surcharges, are disbursed to any recipient designated in section 7 until the total cost of designing and issuing all of the coins authorized by this Act (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping) is recovered by the United States Treasury, consistent with sections 5112(m) and 5134(f) of title 31, United States Code.

SA 2866. Mr. PRYOR (for Mr. LIEBERMAN) proposed an amendment to S. 3315, to repeal or modify certain mandates of the Government Accountability Office.

On page 2, line 11, insert '', the Secretary of the Senate, or the Clerk of the House of Representatives'' after ''House of Representatives''.

On page 5, line 1, insert ''or the Secretary of the Senate'' after ''the Senate''.

SA 2867. Mr. PRYOR (for Mr. ROCKEFELLER) proposed an amendment to the bill H.R. 2838, to authorize appropriations for the Coast Guard for fiscal years 2013 through 2014, and for other purposes.

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Coast Guard Authorization Act of 2012''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—AUTHORIZATION

Sec. 101. Authorization of appropriations.
Sec. 102. Authorized levels of military strength and training.

TITLE II—ORGANIZATION

Sec. 201. Coast Guard authority to operate and maintain Coast Guard assets.
Sec. 202. Clarification of Coast Guard ice operations mission.

TITLE III—PERSONNEL

Sec. 301. Acquisition workforce expedited hiring authority.
Sec. 302. Officers recommended for promotion.
Sec. 303. Original appointment of permanent commissioned officers.
Sec. 304. Academy pay, allowances, and emoluments.
Sec. 305. Academy policy on sexual harassment and sexual violence.
Sec. 306. Coast Guard auxiliarists enrollment eligibility.

TITLE IV—ADMINISTRATION

Sec. 401. Advance procurement funding.
Sec. 402. Multiyear procurement authority for Coast Guard National Security Cutters.
Sec. 403. Requirement to maintain United States polar icebreaking capability.
Sec. 404. National response functions.
Sec. 405. National Response Center notification requirements.
Sec. 406. Conforming amendment.

TITLE V—SHIPPING AND NAVIGATION

Sec. 501. Central Bering Sea potential place of refuge.
Sec. 502. Protection and fair treatment of seafarers.
Sec. 503. Delegation of authority.
Sec. 504. Report on establishment of arctic deep water port.
Sec. 505. Risk analysis of transporting Canadian oil sands.
Sec. 506. Eligibility to receive surplus training equipment.

TITLE VI—MARITIME ADMINISTRATION AUTHORIZATION

Sec. 601. Short title; amendment of title 46, United States Code.
Sec. 602. Marine transportation system.
Sec. 603. Short sea transportation program amendments.
Sec. 604. Maritime environmental and technical assistance program.
Sec. 605. Waiver of navigation and vessel-inspection laws.
Sec. 606. Extension of maritime security fleet program.
Sec. 607. Maritime workforce study.
Sec. 608. Maritime administration vessel recycling contract award practices.
Sec. 609. Requirement for barge design.

TITLE VII—MISCELLANEOUS

Sec. 701. Limitation on availability of funds for procurement of alternative fuel.
Sec. 702. Passenger vessel security and safety requirements.
Sec. 703. Oil spill liability trust fund investment amount.
Sec. 704. Vessel determinations.
Sec. 705. Alteration of bridge obstructing navigation.
Sec. 706. Notice of arrival.
Sec. 707. Waivers.
Sec. 708. Budgetary effects.
Sec. 709. Technical amendments.

TITLE I—AUTHORIZATION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

(a) FISCAL YEAR 2013.—Funds are authorized to be appropriated for fiscal year 2013 for necessary expenses of the Coast Guard as follows:

(1) For the operation and maintenance of the Coast Guard, $7,077,783,000 of which $24,500,000 is authorized to be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)).

(2) For the acquisition, construction, rebuilding, renovation, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $1,421,924,000 of which—

(A) $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)), to remain available until expended;

(B) $642,000,000 is authorized to acquire, effect major repairs to, renovate, or improve vessels, small boats, and related equipment;

(C) $289,000,000 is authorized to acquire, effect major repairs to, renovate, or improve aircraft or increase aviation capability;

(D) $166,140,000 is authorized for other equipment;

(E) $213,692,000 is authorized for shore facilities, aids to navigation facilities, and military housing, of which not more than $14,000,000 shall be derived from the Coast Guard Housing Fund; and

(F) $110,192,000 is authorized for personnel compensation and benefits and related costs.

(3) For research, development, testing, and evaluation of technologies, materials, and human factors directly related to improving the performance of the Coast Guard's mission in search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, $19,779,000.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical and dental care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $1,440,157,000, to remain available until expended.

(5) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Alteration of Bridges Program, $16,000,000.

(6) For environmental compliance and restoration functions under chapter 19 of title 14, United States Code, $16,699,000.

(7) For operation and maintenance of the Coast Guard Reserve program, $136,778,000.

(b) FISCAL YEAR 2014.—Funds are authorized to be appropriated for fiscal year 2014 for necessary expenses of the Coast Guard as follows:

(1) For the operation and maintenance of the Coast Guard, $7,077,783,000 of which $24,500,000 is authorized to be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)).

(2) For the acquisition, construction, rebuilding, renovation, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $1,421,924,000 of which—

(A) $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)), to remain available until expended;

(B) $642,000,000 is authorized to acquire, effect major repairs, renovate, or improve vessels, small boats, and related equipment;

(C) $289,000,000 is authorized to acquire, effect major repairs, renovate, or improve aircraft or increase aviation capability;

(D) $166,140,000 is authorized for other equipment;

(E) $213,692,000 is authorized for shore facilities, aids to navigation facilities, and military housing, of which not more than $14,000,000 shall be derived from the Coast Guard Housing Fund; and

(F) $110,192,000 is authorized for personnel compensation and benefits and related costs.

(3) For research, development, testing, and evaluation of technologies, materials, and human factors directly related to improving the performance of the Coast Guard's mission in search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, $19,779,000.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical and dental care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $1,440,157,000 to remain available until expended.

(5) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Alteration of Bridges Program, $16,000,000.

(6) For environmental compliance and restoration functions under chapter 19 of title 14, United States Code, $16,699,000.

(7) For operation and maintenance of the Coast Guard Reserve program, $136,778,000.

SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

(a) FISCAL YEAR 2013.—

(1) ACTIVE DUTY STRENGTH.—The Coast Guard is authorized an end-of-year strength for active duty personnel of 47,000 for the fiscal year ending on September 30, 2013.

(2) MILITARY TRAINING STUDENT LOADS.—For fiscal year 2013, the Coast Guard is authorized average military training student loads as follows:

(A) For recruit and special training, 2,500 student years.

(B) For flight training, 165 student years.

(C) For professional training in military and civilian institutions, 350 student years.

(D) For officer acquisition, 1,200 student years.

(b) FISCAL YEAR 2014.—

(1) ACTIVE DUTY STRENGTH.—The Coast Guard is authorized an end-of-year strength for active duty personnel of 49,350 for the fiscal year ending on September 30, 2014.

(2) MILITARY TRAINING STUDENT LOADS.—For fiscal year 2014, the Coast Guard is authorized average military training student loads as follows:

(A) For recruit and special training, 2,625 student years.

(B) For flight training, 173 student years.

(C) For professional training in military and civilian institutions, 368 student years.

(D) For officer acquisition, 1,260 student years.

TITLE II—ORGANIZATION

SEC. 201. COAST GUARD AUTHORITY TO OPERATE AND MAINTAIN COAST GUARD ASSETS.

(a) IN GENERAL.—Section 93 of title 14, United States Code, is amended by adding at the end the following:

''(e) OPERATION AND MAINTENANCE OF COAST GUARD ASSETS AND FACILITIES.—All authority, including programmatic budget authority, for the operation and maintenance of Coast Guard vessels, aircraft, systems, aids to navigation, infrastructure, and any other Coast Guard assets or facilities, shall be allocated to and vested in the Coast Guard and the department in which the Coast Guard is operating.''.

SEC. 202. CLARIFICATION OF COAST GUARD ICE OPERATIONS MISSION.

(a) COAST GUARD PROVISION OF FEDERAL ICEBREAKING SERVICES.—Chapter 5 of title 14, United States Code, is amended by inserting after section 86 the following:

''§ 87. Provision of icebreaking services

''(a) IN GENERAL.—Notwithstanding any other provision of law, except as provided in subsection (b), the Coast Guard shall be the sole supplier of icebreaking services, on an advancement or reimbursable basis, to each Federal agency that requires icebreaking services.

''(b) EXCEPTION.—In the event that a Federal agency requires icebreaking services and the Coast Guard is unable to provide the services, the Federal agency may acquire icebreaking services from another entity.''.

(b) PRIORITY OF COAST GUARD MISSIONS IN POLAR REGIONS.—

(1) SECTION 110.—Section 110(b)(2) of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4109(b)(2)) is amended—

(A) by inserting ''to execute the statutory missions of the Coast Guard and'' after ''needed''; and

(B) by inserting ''and all budget authority related to such operations'' after ''projects,''.

(2) SECTION 312.—Section 312(c) of the Antarctic Marine Living Resources Convention Act of 1984 (16 U.S.C. 2441(c)) is amended by inserting ''to execute the statutory missions of the Coast Guard and'' after ''needed''.

(c) CONFORMING AMENDMENT.—The table of contents for chapter 5 of title 14, United States Code, is amended by inserting after the item relating to section 86 the following:

''87. Provision of icebreaking services.''.

TITLE III—PERSONNEL

SEC. 301. ACQUISITION WORKFORCE EXPEDITED HIRING AUTHORITY.

Section 404 of the Coast Guard Authorization Act of 2010 (124 Stat. 2950) is amended—

(1) in subsection (a)(1), by striking ''as shortage category positions'' and inserting ''as positions for which there is a shortage of candidates or a critical hiring need''; and

(2) in subsection (b)—

(A) by striking ''paragraph'' and inserting ''section''; and

(B) by striking ''2012'' and inserting ''2015''.

SEC. 302. OFFICERS RECOMMENDED FOR PROMOTION.

Section 259(c)(1) of title 14, United States Code, is amended by striking ''After selecting'' and inserting ''In selecting''.

SEC. 303. ORIGINAL APPOINTMENT OF PERMANENT COMMISSIONED OFFICERS.

Section 211 of title 14, United States Code, is amended by adding at the end the following:

''(d) For purposes of this section, the term 'original' with respect to the appointment of a member of the Coast Guard refers to the member's most recent appointment in the Coast Guard that is neither a promotion nor a demotion.''.

SEC. 304. ACADEMY PAY, ALLOWANCES, AND EMOLUMENTS.

Section 195 of title 14, United States Code, is amended—

(1) by striking ''person'' each place it appears and inserting ''foreign national''; and

(2) by striking ''pay and allowances'' each place it appears and inserting ''pay, allowances, and emoluments''.

SEC. 305. ACADEMY POLICY ON SEXUAL HARASSMENT AND SEXUAL VIOLENCE.

(a) ESTABLISHMENT.—Chapter 9 of title 14, United States Code, is amended by adding at the end the following:

''§ 200. Policy on sexual harassment and sexual violence

''(a) REQUIRED POLICY.—The Commandant shall direct the Superintendent of the Coast Guard Academy to prescribe a policy on sexual harassment and sexual violence applicable to the cadets and other personnel of the Coast Guard Academy.

''(b) MATTERS TO BE SPECIFIED IN POLICY.—The policy on sexual harassment and sexual violence under this section shall include specification of the following:

''(1) Programs to promote awareness of the incidence of rape, acquaintance rape, and other sexual offenses of a criminal nature that involve cadets or other Academy personnel.

''(2) Information about how the Coast Guard and the Academy will protect the confidentiality of victims, including how any records, statistics, or reports intended for public release will be formatted such that the confidentiality of victims is not jeopardized.

''(3) Procedures that a cadet or other Academy personnel should follow in the case of an occurrence of sexual harassment or sexual violence, including—

''(A) if the cadet or other Academy personnel chooses to report an occurrence of sexual harassment or sexual violence, a specification of the person or persons to whom the alleged offense should be reported and options for confidential reporting, including written information to be given to victims which explains how the Coast Guard and the Academy will protect the confidentiality of victims;

''(B) a specification of any other person whom the victim should contact; and

''(C) procedures on the preservation of evidence potentially necessary for proof of criminal sexual assault.

''(4) Procedures for disciplinary action in cases of criminal sexual assault involving a cadet or other Academy personnel.

''(5) Any other sanction authorized to be imposed in a substantiated case of sexual harassment or sexual violence involving a cadet or other Academy personnel in rape, acquaintance rape, or other criminal sexual offence, whether forcible or nonforcable.

''(6) Required training on the policy for all cadets and other Academy personnel who process allegations of sexual harassment or sexual violence involving a cadet or other Academy personnel.

''(c) ASSESSMENT.—

''(1) IN GENERAL.—The Commandant shall direct the Superintendent to conduct at the Academy during each Academy program year an assessment to determine the effectiveness of the policies of the Academy with respect to sexual harassment and sexual violence involving cadets and other Academy personnel.

''(2) BIENNIAL SURVEY.—For the assessment at the Academy under paragraph (1) with respect to an Academy program year that begins in an odd-numbered calendar year, the Superintendent shall conduct a survey of cadets and other Academy personnel—

''(A) to measure—

''(i) the incidence, during that program year, of sexual harassment and sexual violence events, on or off the Academy reservation, that have been reported to an official of the Academy; and

''(ii) the incidence, during that program year, of sexual harassment and sexual violence, on or off the Academy reservation, that have not been reported to an official of the Academy; and

''(B) to assess the perceptions of the cadets and other Academy personnel of—

''(i) the policies, training, and procedures on sexual harassment and sexual violence involving cadets and other Academy personnel;

''(ii) the enforcement of such policies;

''(iii) the incidence of sexual harassment and sexual violence involving cadets and other Academy personnel; and

''(iv) any other issues relating to sexual harassment and sexual violence involving cadets and other Academy personnel.

''(d) REPORT.—

''(1) IN GENERAL.—The Commandant shall direct the Superintendent of the Coast Guard Academy to submit to the Commandant a report on sexual harassment and sexual violence involving cadets or other Academy personnel for each Academy program year.

''(2) REPORT SPECIFICATIONS.—Each report under paragraph (1) shall include, for the Academy program year covered by the report, the following:

''(A) The number of sexual assaults, rapes, and other sexual offenses involving cadets or

other Academy personnel that have been reported to Coast Guard Academy officials during the Academy program year and, of those reported cases, the number that have been substantiated.

''(B) A plan for the actions that are to be taken in the following Academy program year regarding prevention of and response to sexual harassment and sexual violence involving cadets or other Academy personnel.

''(3) BIENNIAL SURVEY.—Each report under paragraph (1) for an Academy year that begins in an odd-numbered calendar year shall include the results of the survey conducted in that Academy program year under subsection (c)(2).

''(4) TRANSMISSION OF REPORT.—The Commandant shall transmit each report received by the Commandant under this subsection, together with the Commandant's comments on the report to—

''(A) the Committee on Commerce, Science, and Transportation of the Senate; and

''(B) the Committee on Transportation and Infrastructure of the House of Representatives.

''(5) FOCUS GROUPS.—

''(A) IN GENERAL.—In each even-numbered calendar year that the Superintendent is not required to conduct a survey at the Academy under subsection (c)(2), the Commandant shall require focus groups to be conducted at the Academy for the purposes of ascertaining information relating to sexual assault and sexual harassment issues at the Academy.

''(B) INCLUSION IN REPORTS.—Information derived from a focus group under subparagraph (A) shall be included in the Commandant's report under this subsection.

''(e) VICTIM CONFIDENTIALITY.—To the extent that information collected under authority of this section is reported or otherwise made available to the public, such information shall be provided in a form that is consistent with applicable privacy protections under Federal law and does not jeopardize the confidentiality of victims.''.

(b) CONFORMING AMENDMENT.—The table of contents for chapter 9 of title 14, United States Code, is amended by inserting after the item relating to section 199 the following:

''200. Policy on sexual harassment and sexual violence.''.

SEC. 306. COAST GUARD AUXILIARISTS ENROLLMENT ELIGIBILITY.

Section 823 of title 14, United States Code, is amended to read as follows:

''§ 823. Eligibility, enrollments

''The Auxiliary shall be composed of nationals of the United States, as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)), and of aliens lawfully admitted for permanent residence, as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20))—

''(1) who are owners, sole or part, of motorboats, yachts, aircraft, or radio stations; or

''(2) who by reason of their special training or experience are deemed by the Commandant to be qualified for duty in the Auxiliary, and who may be enrolled therein pursuant to applicable regulations.''.

TITLE IV—ADMINISTRATION

SEC. 401. ADVANCE PROCUREMENT FUNDING.

With respect to any Coast Guard vessel for which amounts are appropriated or otherwise made available for vessels for the Coast Guard in any fiscal year, the Secretary may enter into a contract or place an order, in advance of a contract or order for construction of a vessel, for—

(1) materials, parts, components, and effort for the vessel;

(2) advance construction of parts or components for the vessel;

(3) protection and storage of materials, parts, or components for the vessel; and

(4) production planning, design, and other related support services that reduce the overall procurement lead time of the vessel.

SEC. 402. MULTIYEAR PROCUREMENT AUTHORITY FOR COAST GUARD NATIONAL SECURITY CUTTERS.

(a) IN GENERAL.—Beginning with the fiscal year 2013 program year, the Secretary of the department in which the Coast Guard is operating may enter, under section 2306b of title 10, United States Code, into a multiyear contract for the procurement of Coast Guard National Security Cutters and government-furnished equipment associated with the National Security Cutter program.

(b) LIMITATION.—The Secretary may not enter into a contract under subsection (a) until—

(1) the Secretary submits to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a certification that the Secretary has made, with respect to the contract, each of the findings under section 2306b(a) of title 10, United States Code, such as the analysis referred to under subsection (c) of this section; and

(2) a period of 30 days has elapsed after the date that the Secretary submits the certification under paragraph (1).

(c) DETERMINATION OF SUBSTANTIAL SAVINGS.—In conducting an analysis of substantial savings under section 2306b(a)(1) of title 10, United States Code, the Secretary—

(1) may not limit the analysis to a simple percentage-based metric; and

(2) shall employ a full-scale analysis of cost avoidance—

(A) based on a multiyear procurement; and

(B) taking into account the potential benefit any accrued savings might have for future shipbuilding programs if the cost avoidance savings were subsequently utilized for further ship construction.

SEC. 403. REQUIREMENT TO MAINTAIN UNITED STATES POLAR ICEBREAKING CAPABILITY.

(a) CURRENT ICEBREAKER MAINTENANCE.—Until new heavy icebreakers are acquired for operation by the Coast Guard, in order to meet Coast Guard mission requirements, the Commandant of the Coast Guard may not—

(1) transfer, relinquish ownership of, dismantle, or recycle the POLAR SEA or POLAR STAR;

(2) remove any part of the POLAR SEA unless it will be installed on the POLAR STAR before it is put in ''active'' status and the Commandant certifies to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that it is not possible for the POLAR STAR to function properly without doing so;

(3) change the existing homeport of any Coast Guard icebreaker; or

(4) expend any funds—

(A) for any expenses directly or indirectly associated with the decommissioning of either of the vessels, including expenses for dock use or other goods and services;

(B) for any personnel expenses directly or indirectly associated with the decommissioning of either of the vessels, including expenses for a decommissioning officer;

(C) for any expenses associated with a decommissioning ceremony for either of the vessels;

(D) to appoint a decommissioning officer to be affiliated with either of the vessels; or

(E) to place either of the vessels in inactive status.

(b) REIMBURSEMENT.—Nothing in this section shall preclude the Secretary from seeking reimbursement for operation and maintenance costs of the polar icebreakers from other Federal agencies and entities, including foreign governments, that benefit from the use of the polar icebreakers.

SEC. 404. NATIONAL RESPONSE FUNCTIONS.

(a) IN GENERAL.—Section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321) is amended—

(1) in subsection (a)—

(A) by striking paragraph (23); and

(B) redesignating paragraphs (24) through (26) as paragraphs (23) through (25), respectively;

(2) in subsection (j)(2), by striking ''National Response Unit.'' through ''acting through the National Response Unit'' and inserting the following:

''(2) NATIONAL RESPONSE FUNCTIONS.—The Secretary of the department in which the Coast Guard is operating—''; and

(3) in subsection (j)(4)(C)(vi), by striking '', and into operating procedures of the National Response Unit''.

(b) CONFORMING AMENDMENT.—Section 4202(b) of the Oil Pollution Act of 1990 (33 U.S.C. 1321 note) is amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

SEC. 405. NATIONAL RESPONSE CENTER NOTIFICATION REQUIREMENTS.

The Ohio River Valley Water Sanitation Commission, established pursuant to the Ohio River Valley Water Sanitation Compact authorized by House Joint Resolution 377, 74th Congress, agreed to June 8, 1936 (49 Stat. 1490), and consented to and approved by Congress in the Act of July 11, 1940 (54 Stat. 752), is deemed a Government agency for purposes of the notification requirements of section 103 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9603). The National Response Center shall convey notification, including complete and un-redacted incident reports, expeditiously to the Commission regarding each release in or affecting the Ohio River Basin for which notification to all appropriate Government agencies is required.

SEC. 406. CONFORMING AMENDMENT.

Section 210 of the Coast Guard and Maritime Transportation Act of 2006 (14 U.S.C. 93 note) is repealed.

TITLE V—SHIPPING AND NAVIGATION

SEC. 501. CENTRAL BERING SEA POTENTIAL PLACE OF REFUGE.

(a) CONSULTATION.—Not later than 1 year after the date of enactment of this Act, the Commandant of the Coast Guard shall consult with appropriate Federal agencies and with State and local interests to determine what improvements, if any, are necessary to designate existing ice-free facilities (or infrastructure) in the Central Bering Sea as a fully functional, year-round Potential Place of Refuge for vessels with drafts up to 25 feet and lengths overall of up to 450 feet.

(b) PURPOSES.—The purposes of the consultation under subsection (a) shall be to enhance safety of human life at sea and protect the marine environment in the Central Bering Sea.

(c) REPORT.—Not later than 90 days after making the determination under subsection (a), the Commandant shall inform the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives in writing of the findings under subsection (a).

SEC. 502. PROTECTION AND FAIR TREATMENT OF SEAFARERS.

(a) IN GENERAL.—Chapter 111 of title 46, United States Code, is amended by adding at the end the following:

"§ 11113. Protection and fair treatment of seafarers

''(a) PURPOSE.—The purpose of this section shall be to ensure the protection and fair treatment of seafarers.

''(b) SPECIAL FUND.—

''(1) ESTABLISHMENT.—There is established in the Treasury a special fund known as the Support of Seafarers Fund.

''(2) USE OF AMOUNTS IN FUND.—The amounts deposited into the Fund shall be available to the Secretary, without fiscal year limitation, to—

''(A) pay necessary support under subsection (c)(1); and

''(B) reimburse a shipowner for necessary support under subsection (c)(2).

''(3) AMOUNTS CREDITED TO FUND.—Notwithstanding any other provision of law, the Fund may receive—

''(A) any moneys ordered to be paid to the Fund in the form of community service under section 8B1.3 of the United States Sentencing Guidelines Manual or to the extent permitted under paragraph (4); and

''(B) amounts reimbursed or recovered under subsection (e).

''(4) PREREQUISITE FOR COMMUNITY SERVICE CREDITS.—The Fund may receive credits under paragraph (3)(A) if the unobligated balance of the Fund is less than $5,000,000.

''(5) AUTHORIZATION OF APPROPRIATION.—There are authorized to be appropriated, from the Fund, for each fiscal year such sums as may be necessary for the purposes set forth in paragraph (2).

''(6) REPORT REQUIRED.—

''(A) IN GENERAL.—The Secretary shall submit to Congress, concurrent with the President's budget submission for a given fiscal year, a report that describes—

''(i) the amounts credited to the Fund under paragraph (3) for the preceding fiscal year;

''(ii) in detail, the activities for which amounts were charged; and

''(iii) the projected level of expenditures from the Fund for the upcoming fiscal year, based on—

''(I) on-going activities; and

''(II) new cases, derived from historic data.

''(B) EXCEPTION.—Subparagraph (A) shall not apply to obligations during the first fiscal year during which amounts are credited to the Fund.

''(7) FUND MANAGER.—The Secretary shall designate a Fund manager. The Fund manager shall—

''(A) ensure the visibility and accountability of transactions utilizing the Fund;

''(B) prepare the report under paragraph (6);

''(C) monitor the unobligated balance of the Fund; and

''(D) provide notice to the Secretary and the Attorney General whenever the unobligated balance of the Fund is less than $5,000,000.

''(c) AUTHORITY.—The Secretary may—

''(1) pay, from amounts appropriated from the Fund, necessary support of—

''(A) a seafarer that—

''(i) enters, remains, or is paroled into the United States; and

''(ii) is involved in an investigation, reporting, documentation, or adjudication of any matter that is related to the administration or enforcement of any treaty, law, or regulation by the Coast Guard; and

''(B) a seafarer that the Secretary determines was abandoned in the United States; and

''(2) reimburse, from amounts appropriated from the Fund, a shipowner that has provided necessary support of a seafarer who has been paroled into the United States to facilitate an investigation, reporting, documentation, or adjudication of any matter that is related to the administration or enforcement of any treaty, law, or regulation by the Coast Guard, for the costs of necessary support if the Secretary determines that reimbursement is necessary to avoid serious injustice.

''(d) LIMITATION.—Nothing in this section shall be construed—

''(1) to create a right, benefit, or entitlement to necessary support; or

''(2) to compel the Secretary to pay or reimburse the cost of necessary support.

''(e) REIMBURSEMENT; RECOVERY.—

''(1) IN GENERAL.—A shipowner shall reimburse the Fund an amount equal to the total amount paid from the Fund for necessary support of a seafarer plus a surcharge of 25 percent of the total amount if—

''(A) the shipowner—

''(i) during the course of an investigation, reporting, documentation, or adjudication of any matter that the Coast Guard referred to a United States Attorney or the Attorney General, fails to provide necessary support of a seafarer who was paroled into the United States to facilitate the investigation, reporting, documentation, or adjudication; and

''(ii) subsequently receives a criminal penalty; or

''(B) the shipowner, under any circumstance, abandons a seafarer in the United States, as determined by the Secretary.

''(2) ENFORCEMENT.—If a shipowner fails to reimburse the Fund under paragraph (1), the Secretary may—

''(A) proceed in rem against any vessel of the shipowner in the Federal district court for the district in which the vessel is found; and

''(B) withhold or revoke the clearance required under section 60105 of any vessel of the shipowner wherever the vessel is found.

''(3) REMEDY.—A vessel may obtain clearance from the Secretary after it is withheld or revoked under paragraph (2)(B) if the shipowner reimburses the Fund the amount required under paragraph (1).

''(f) BOND AND SURETY.—

''(1) AUTHORITY.—The Secretary may require a bond or a surety satisfactory as an alternative to withholding or revoking clearance under subsection (e) if, in the opinion of the Secretary, the bond or surety satisfactory is necessary to facilitate an investigation, reporting, documentation, or adjudication of any matter that is related to the administration or enforcement of any treaty, law, or regulation by the Coast Guard.

''(2) SURETY CORPORATIONS.—A surety corporation may provide a bond or surety satisfactory under paragraph (1) if the surety corporation is authorized by the Secretary of the Treasury under section 9305 of title 31 to provide surety bonds under section 9304 of title 31.

''(3) APPLICATION.—The authority to require a bond or surety satisfactory or to request the withholding or revocation of the clearance under subsection (e) applies to any investigation, reporting, documentation, or adjudication of any matter that is related to the administration or enforcement of any treaty, law, or regulation by the Coast Guard.

''(g) DEFINITIONS.—In this section:

''(1) ABANDONS; ABANDONED.—The term 'abandons' or 'abandoned' means—

''(A) a shipowner's unilateral severance of ties with a seafarer; or

''(B) a shipowner's failure to provide necessary support of a seafarer.

''(2) BOND OR SURETY SATISFACTORY.—The term 'bond or surety satisfactory' means a negotiated instrument, the terms of which may, at the discretion of the Secretary, include provisions that require a shipowner—

''(A) to provide necessary support of a seafarer who has or may have information pertinent to an investigation, reporting, documentation, or adjudication of any matter that is related to the administration or enforcement of any treaty, law, or regulation by the Coast Guard;

''(B) to facilitate an investigation, reporting, documentation, or adjudication of any matter that is related to the administration or enforcement of any treaty, law, or regulation by the Coast Guard;

''(C) to stipulate to certain incontrovertible facts, including the ownership or operation of the vessel, or the authenticity of documents and things from the vessel;

''(D) to facilitate service of correspondence and legal papers;

''(E) to enter an appearance in United States district court;

''(F) to comply with directions regarding payment of funds;

''(G) to name an agent in the United States for service of process;

''(H) to stipulate in United States district court as to the authenticity of certain documents;

''(I) to provide assurances that no discriminatory or retaliatory measures will be taken against a seafarer involved in an investigation, reporting, documentation, or adjudication of any matter that is related to the administration or enforcement of any treaty, law, or regulation by the Coast Guard;

''(J) to provide financial security in the form of cash, bond, or other means acceptable to the Secretary; and

''(K) to provide for any other appropriate measures as the Secretary considers necessary to ensure the Government is not prejudiced by granting the clearance required under section 60105 of title 46.

''(3) FUND.—The term 'Fund' means the Support of Seafarers Fund established under this section.

''(4) NECESSARY SUPPORT.—The term 'necessary support' means normal wages, lodging, subsistence, clothing, medical care (including hospitalization), repatriation, and any other expense the Secretary considers appropriate.

''(5) SEAFARER.—The term 'seafarer' means an alien crewman who is employed or engaged in any capacity on board a vessel subject to the jurisdiction of the United States. A seafarer is a claimant for the purposes of section 30509.

''(6) SHIPOWNER.—The term 'shipowner' means an individual or entity that owns, has an ownership interest in, or operates a vessel subject to the jurisdiction of the United States.

''(7) VESSEL SUBJECT TO THE JURISDICTION OF THE UNITED STATES.—The term 'vessel subject to the jurisdiction of the United States' has the meaning given the term in section 70502(c), except that it excludes—

''(A) a vessel—

''(i) that is owned by the United States, a State or political subdivision thereof, or a foreign nation; and

''(ii) that is not engaged in commerce; and

''(B) a bareboat—

''(i) that is chartered and operated by the United States, a State or political subdivision thereof, or a foreign nation; and

''(ii) that is not engaged in commerce.

''(h) REGULATIONS.—The Secretary may prescribe regulations to implement this section.''.

(b) CONFORMING AMENDMENT.—The table of contents for chapter 111 of title 46, United States Code, is amended by inserting after the item relating to section 11112 the following:

''11113. Protection and fair treatment of seafarers.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Support of Seafarers Fund $1,500,000 for each of fiscal years 2013 and 2014.

SEC. 503. DELEGATION OF AUTHORITY.

Section 3316 of title 46, United States Code, is amended—

(1) in subsection (b)(2)—

(A) by striking ''and'' at the end of subparagraph (A);

(B) by striking the period at the end of subparagraph (B) and inserting ''; and''; and

(C) by adding at the end the following:

''(C) if the Secretary of State determines that the foreign classification society does not provide comparable services in or for the government of a country designated by the Secretary of State as a State Sponsor of Terrorism.'';

(2) in subsection (d)(2)—

(A) by striking ''and'' at the end of subparagraph (A);

(B) by striking the period at the end of subparagraph (B) and inserting ''; and''; and

(C) by adding at the end the following:

''(C) if the Secretary of State determines that the foreign classification society does not provide comparable services in or for the government of a country designated by the Secretary of State as a State Sponsor of Terrorism.''; and

(3) by adding at the end the following—

''(e) The Secretary shall revoke an existing delegation made to a classification society under subsection (b) or (d) if the Secretary of State determines that the classification society provides comparable services in or for the government of a country designated by the Secretary of State as a State Sponsor of Terrorism.''.

SEC. 504. REPORT ON ESTABLISHMENT OF ARCTIC DEEP WATER PORT.

(a) STUDY.—The Commandant of the Coast Guard shall conduct a study on the feasibility and potential of establishing a deep water sea port in the Arctic to protect and advance strategic United States interests within the Arctic region.

(b) SCOPE.—The study under subsection (a) shall include an analysis of—

(1) the capability that a deep water sea port would provide;

(2) the potential and optimum locations for the port;

(3) the resources needed to establish the port;

(4) the time frame needed to establish the port;

(5) the infrastructure required to support the port; and

(6) any other issues the Secretary considers necessary to complete the study.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Commandant shall submit a report on the findings of the study under subsection (a) to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 505. RISK ANALYSIS OF TRANSPORTING CANADIAN OIL SANDS.

(a) IN GENERAL.—The Commandant of the Coast Guard shall assess the increased vessel traffic in the Salish Sea (including the Puget Sound, the Strait of Georgia, Haro Strait, Rosario Strait, and the Strait of Juan de Fuca), that may occur from the transport of Canadian oil sands oil.

(b) SCOPE.—The analysis required under subsection (a) shall, at a minimum, consider—

(1) the extent to which vessel (barge, tanker, and supertanker) traffic may increase due to Canadian oil sands development;

(2) whether transport of Canadian oil sands within the Salish Sea is likely to require navigation through United States territorial waters;

(3) the rules and regulations that restrict supertanker traffic in United States waters, including an assessment of whether there are methods to bypass those rules in such waterways and adjacent Canadian waters;

(4) the rules and regulations that restrict the amount of oil transported in tankers or barges in United States waters, including an assessment of whether there are methods to bypass those rules in such waterways and adjacent Canadian waters;

(5) the spill response capability throughout the shared water of the United States and Canada, including oil spill response planning requirements for vessels bound for one nation transiting through the waters of the other nation;

(6) the vessel emergency response towing capability at the entrance to the Strait of Juan de Fuca;

(7) the agreement between the United States and Canada that outlines requirements for laden tank vessels to be escorted by tug boats;

(8) whether oil extracted from oil sands has different properties from other types of oil, including toxicity and other properties, which may require different maritime clean up technologies;

(9) a risk assessment of the increasing supertanker, tanker, and barge traffic associated with Canadian oil sands development or expected to be associated with Canadian oil sands development; and

(10) the potential costs and benefits to the U.S. public and the private sector of maritime transportation of oil sands products.

(c) CONSULTATION REQUIREMENT.—In conducting the analysis required under this section, the Commandant shall consult with the State of Washington and affected tribal governments. The Commandant is also strongly encouraged to consult with the Secretary of State.

(d) REPORT.—Not later than 180 days after the date of enactment of this Act, the Commandant shall submit a report based on the analysis required under this section to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 506. ELIGIBILITY TO RECEIVE SURPLUS TRAINING EQUIPMENT.

Section 51103(b)(2)(C) of title 46, United States Code, is amended by inserting ''or a training institution that is an instrumentality of a State, Territory, or Commonwealth of the United States or District of Columbia or a unit of local government thereof'' after ''a non-profit training institution''.

TITLE VI—MARITIME ADMINISTRATION AUTHORIZATION

SEC. 601. SHORT TITLE; AMENDMENT OF TITLE 46, UNITED STATES CODE.

(a) SHORT TITLE.—This title may be cited as the ''Maritime Administration Authorization Act for Fiscal Year 2013''.

(b) AMENDMENT OF TITLE 46, UNITED STATES CODE.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 46, United States Code.

SEC. 602. MARINE TRANSPORTATION SYSTEM.

(a) REPORT ON STATUS OF SYSTEM.—Section 50109(d) is amended to read as follows:

''(d) MARINE TRANSPORTATION SYSTEM.—

''(1) REPORT ON WATERWAYS.—Not later than October 1, 2013, the Secretary, in consultation with the Secretary of Defense and the commanding officer of the Army Corps of Engineers, and with the concurrence of the Secretary of the department in which the Coast Guard is operating, shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Armed Services and the Committee on Transportation and Infrastructure of the House of Representatives on the status of the Nation's coastal and inland waterways that—

''(A) describes the state of the United States' marine transportation infrastructure, including intercoastal infrastructure, intracoastal infrastructure, inland waterway infrastructure, ports, and marine facilities;

''(B) provides estimates of the investment levels required—

''(i) to maintain the infrastructure; and

''(ii) to improve the infrastructure; and

''(C) describes the overall environmental management of the maritime transportation system and the integration of environmental stewardship into the overall system.

''(2) MARINE TRANSPORTATION.—The Secretary may investigate, make determinations concerning, and develop a repository of statistical information relating to marine transportation, including its relationship to transportation by land and air, to facilitate research, assessment, and maintenance of the maritime transportation system. As used in this paragraph, the term 'marine transportation' includes intercoastal transportation, intracoastal transportation, inland waterway transportation, ports, and marine facilities.

''(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this subsection.''.

(b) CONTAINER-ON-BARGE TRANSPORTATION.—

(1) ASSESSMENT AND REPORT.—Not later than 6 months after the date of enactment of this Act, the Maritime Administration shall assess the potential for using container-on-barge transportation on the inland waterways system and submit a report, together with the Administration's findings, conclusions, and recommendations, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Armed Services and the Committee on Transportation and Infrastructure of the House of Representatives. If the Administration determines that it would be in the public interest, the report may include recommendations for a plan to increase awareness of the potential for use of such container-on-barge transportation and recommendations for the development and implementation of such a plan.

(2) FACTORS.—In conducting the assessment, the Administration shall consider—

(A) the environmental benefits of increasing container-on-barge movements on our inland and intracoastal waterways system;

(B) the regional differences in the inland waterways system;

(C) the existing programs established at coastal and Great Lakes ports for establishing awareness of deep sea shipping operations;

(D) the mechanisms to ensure that implementation of the plan will not be inconsistent with antitrust laws; and

(E) the potential frequency of service at inland river ports.

SEC. 603. SHORT SEA TRANSPORTATION PROGRAM AMENDMENTS.

(a) PROGRAM PURPOSE.—Section 55601(a) is amended by inserting ''and to promote more efficient use of the navigable waters of the United States'' after ''congestion''.

(b) DESIGNATION OF ROUTES.—Section 55601(c) is amended by inserting ''and to promote more efficient use of the navigable waters of the United States'' after ''coastal corridors''.

(c) PROJECT DESIGNATION.—Section 55601(d) is amended to read as follows:

''(d) PROJECT DESIGNATION.—The Secretary may designate a project as a short sea transportation project if the Secretary determines that the project—

''(1) mitigates landside congestion; or

''(2) promotes more efficient use of the navigable waters of the United States.''.

(d) DOCUMENTATION.—Section 55605 is amended by striking ''by vessel'' and inserting ''by a documented vessel''.

SEC. 604. MARITIME ENVIRONMENTAL AND TECHNICAL ASSISTANCE PROGRAM.

(a) IN GENERAL.—Chapter 503 is amended by adding at the end the following:

''§ 50307. Maritime environmental and technical assistance program

''(a) IN GENERAL.—The Secretary of Transportation may establish a maritime environmental and technical assistance program to engage in the environmental study, research, development, assessment, and deployment of emerging marine technologies and practices related to the marine transportation system through the use of public vessels under the control of the Maritime Administration or private vessels under Untied States registry, and through partnerships and cooperative efforts with academic, public, private, and non-governmental entities and facilities.

''(b) PROGRAM REQUIREMENTS.—The program shall—

''(1) identify, study, evaluate, test, demonstrate, or improve emerging marine technologies and practices that are likely to achieve environmental improvements by—

''(A) reducing air emissions, water emissions, or other ship discharges;

''(B) increasing fuel economy or the use of alternative fuels and alternative energy (including the use of shore power); or

''(C) controlling aquatic invasive species; and

''(2) be coordinated with the Environmental Protection Agency, the United States Coast Guard, and other Federal, State, local, or tribal agencies, as appropriate.

''(c) PROGRAM COORDINATION.—Program coordination under subsection (b)(2) may include—

''(1) activities that are associated with the development or approval of validation and testing regimes; and

''(2) certification or validation of emerging technologies or practices that demonstrate significant environmental benefits.

''(d) FUNDING AND FEES.—

''(1) IN GENERAL.—In carrying out the maritime environmental and technical assistance program, the Secretary of Transportation may apply such funds as may be appropriated and such funds or resources as may become available by gift, cooperative agreement, or otherwise, including the collection of fees, for the purposes of the program and its administration.

''(2) ESTABLISHMENT OF FEES.—Pursuant to section 9701 of title 31, the Secretary of Transportation may promulgate regulations establishing fees to recover reasonable costs to the Secretary and to academic, public, and non-governmental entities associated with the program.

''(3) FEE DEPOSIT.—Any fees collected under this section shall be deposited in a special fund of the United States Treasury for services rendered under the program, which thereafter shall remain available until expended to carry out the Secretary of Transportation's activities for which the fees were collected.

''(e) REPORT.—The Secretary of Transportation shall report on the activities, expenditures, and results of the maritime environmental and technical assistance program during the preceding fiscal year in the annual budget submission to Congress.''.

(b) CONFORMING AMENDMENT.—The table of contents for chapter 503 is amended by inserting after the item relating to section 50306 the following:

''50307. Maritime environmental and technical assistance program.''.

SEC. 605. WAIVER OF NAVIGATION AND VESSEL-INSPECTION LAWS.

Section 501(b) is amended by adding ''A waiver shall be accompanied by a certification by the individual and the Administrator to the Committee on Commerce, Science, and Transportation and the Committee on Armed Services of the Senate, and the Committee on Transportation and Infrastructure and the Committee on Armed Services of the House of Representatives that it is not possible to use a United States flag vessel or United States flag vessels collectively to meet the national defense requirements.'' after ''prescribes.''.

SEC. 606. EXTENSION OF MARITIME SECURITY FLEET PROGRAM.

(a) Section 53101 is amended—

(1) by amending paragraph (4) to read as follows:

''(4) FOREIGN COMMERCE.—The term 'foreign commerce' means—

''(A) commerce or trade between the United States, its territories or possessions, or the District of Columbia, and a foreign country; and

''(B) commerce or trade between foreign countries.'';

(2) by striking paragraph (5);

(3) by redesignating paragraphs (6) through (13) as paragraphs (5) through (12), respectively; and

(4) by amending paragraph (5), as redesignated, to read as follows:

''(5) PARTICIPATING FLEET VESSEL.—The term 'participating fleet vessel' means any vessel that—

''(A) on October 1, 2015—

''(i) meets the requirements of paragraph (1), (2), (3), or (4) of section 53102(c); and

''(ii) is less than 20 years of age if the vessel is a tank vessel, or is less than 25 years of age for all other vessel types; and

''(B) on December 31, 2014, is covered by an operating agreement under this chapter.''.

(b) Section 53102(b) is amended to read as follows:

''(b) VESSEL ELIGIBILITY.—A vessel is eligible to be included in the Fleet if—

''(1) the vessel meets the requirements of paragraph (1), (2), (3), or (4) of subsection (c);

''(2) the vessel is operated (or in the case of a vessel to be constructed, will be operated) in providing transportation in foreign commerce;

''(3) the vessel is self-propelled and—

''(A) is a tank vessel that is 10 years of age or less on the date the vessel is included in the Fleet; or

''(B) is any other type of vessel that is 15 years of age or less on the date the vessel is included in the Fleet;

''(4) the vessel—

''(A) is suitable for use by the United States for national defense or military purposes in time of war or national emergency, as determined by the Secretary of Defense; and

''(B) is commercially viable, as determined by the Secretary; and

''(5) the vessel—

''(A) is a United States-documented vessel; or

''(B) is not a United States-documented vessel, but—

''(i) the owner of the vessel has demonstrated an intent to have the vessel documented under chapter 121 of this title if it is included in the Fleet; and

''(ii) at the time an operating agreement for the vessel is entered into under this chapter, the vessel is eligible for documentation under chapter 121 of this title.''.

(c) Section 53103 is amended—

(1) by amending subsection (b) to read as follows:

''(b) EXTENSION OF EXISTING OPERATING AGREEMENTS.—

''(1) OFFER TO EXTEND.—Not later than 60 days after the date of enactment of the Maritime Administration Authorization Act for Fiscal Year 2013, the Secretary shall offer, to an existing contractor, to extend, through September 30, 2025, an operating agreement that is in existence on the date of enactment of that Act. The terms and conditions of the extended operating agreement shall include terms and conditions authorized under this chapter, as amended from time to time.

''(2) TIME LIMIT.—An existing contractor shall have not later than 120 days after the date the Secretary offers to extend an operating agreement to agree to the extended operating agreement.

''(3) SUBSEQUENT AWARD.—The Secretary may award an operating agreement to an applicant that is eligible to enter into an operating agreement for fiscal years 2016 through 2025 if the existing contractor does not agree to the extended operating agreement under paragraph (2).''; and

(2) by amending subsection (c) to read as follows:

''(c) PROCEDURE FOR AWARDING NEW OPERATING AGREEMENTS.—The Secretary may enter into a new operating agreement with an applicant that meets the requirements of section 53102(c) (for vessels that meet the qualifications of section 53102(b)) on the basis of priority for vessel type established by military requirements of the Secretary of Defense. The Secretary shall allow an applicant at least 30 days to submit an application for a new operating agreement. After consideration of military requirements, priority shall be given to an applicant that is a U.S. citizen under section 50501 of this title. The Secretary may not approve an application without the consent of the Secretary of Defense. The Secretary shall enter into an operating agreement with the applicant or provide a written reason for denying the application.''.

(d) Section 53104 is amended—

(1) in subsection (c), by striking paragraph (3); and

(2) in subsection (e), by striking ''an operating agreement under this chapter is terminated under subsection (c)(3), or if''.

(e) Section 53105 is amended—

(1) by amending subsection (e) to read as follows:

''(e) TRANSFER OF OPERATING AGREEMENTS.—A contractor under an operating agreement may transfer the agreement (including all rights and obligations under the operating agreement) to any person that is eligible to enter into the operating agreement under this chapter if the Secretary and the Secretary of Defense determine that the transfer is in the best interests of the United States. A transaction shall not be considered a transfer of an operating agreement if the same legal entity with the same vessels remains the contracting party under the operating agreement.''; and

(2) by amending subsection (f) to read as follows:

''(f) REPLACEMENT VESSELS.—A contractor may replace a vessel under an operating agreement with another vessel that is eligible to be included in the Fleet under section 53102(b), if the Secretary, in conjunction with the Secretary of Defense, approves the replacement of the vessel.''.

(f) Section 53106 is amended—

(1) in subsection (a)(1), by striking ''and (C) $3,100,000 for each of fiscal years 2012 through 2025.'' and inserting the following:

''(C) $3,100,000 for each of fiscal years 2012, 2013, 2014, 2015, 2016, 2017, and 2018;

''(D) $3,500,000 for each of fiscal years 2019, 2020, and 2021; and

''(E) $3,700,000 for each of fiscal years 2022, 2023, 2024, and 2025.'';

(2) in subsection (c)(3)(C), by striking ''a LASH vessel.'' and inserting ''a lighter aboard ship vessel.''; and

(3) by striking subsection (f).

(g) Section 53107(b)(1) is amended to read as follows:

''(1) IN GENERAL.—An Emergency Preparedness Agreement under this section shall require that a contractor for a vessel covered by an operating agreement under this chapter shall make commercial transportation resources (including services) available, upon request by the Secretary of Defense during a time of war or national emergency, or whenever the Secretary of Defense determines that it is necessary for national security or contingency operation (as that term is defined in section 101 of title 10, United States Code).''.

(h) Section 53109 is repealed.

(i) Section 53111 is amended—

(1) by striking ''and'' at the end of paragraph (2); and

(2) by striking paragraph (3) and inserting the following:

''(3) $186,000,000 for each of fiscal years 2012, 2013, 2014, 2015, 2016, 2017, and 2018;

''(4) $210,000,000 for each of fiscal years 2019, 2020, and 2021; and

''(5) $222,000,000 for each fiscal year thereafter through fiscal year 2025.''.

(j) AUTHORIZATION OF APPROPRIATIONS; MAINTENANCE AND REPAIR REIMBURSEMENT PILOT PROGRAM.—Section 3517(i) of the Maritime Security Act of 2003 (46 U.S.C. 53101 note) is amended by striking ''2011'' and inserting ''2025''.

(k) EFFECTIVE DATE OF AMENDMENTS.—The amendments made by—

(1) paragraphs (2), (3), and (4) of section 606(a) of this Act take effect on December 31, 2014; and

(2) section 606(f)(2) of this Act take effect on December 31, 2014.

SEC. 607. MARITIME WORKFORCE STUDY.

(a) TRAINING STUDY.—The Comptroller General of the United States shall conduct a study on the training needs of the maritime workforce.

(b) STUDY COMPONENTS.—The study shall—

(1) analyze the impact of training requirements imposed by domestic and international regulations and conventions, companies, and government agencies that charter or operate vessels;

(2) evaluate the ability of the Nation's maritime training infrastructure to meet the current needs of the maritime industry;

(3) evaluate the ability of the Nation's maritime training infrastructure to effectively meet the needs of the maritime industry in the future;

(4) identify trends in maritime training;

(5) compare the training needs of U.S. mariners with the vocational training and educational assistance programs available from Federal agencies to evaluate the ability of Federal programs to meet the training needs of U.S. mariners;

(6) include recommendations for future programs to enhance the capabilities of the Nation's maritime training infrastructure; and

(7) include recommendations for future programs to assist U.S. mariners and those entering the maritime profession achieve the required training.

(c) FINAL REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit a report on the results of the study to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 608. MARITIME ADMINISTRATION VESSEL RECYCLING CONTRACT AWARD PRACTICES.

(a) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the Inspector General of the Department of Transportation shall conduct an assessment of the source selection procedures and practices used to award the Maritime Administration's National Defense Reserve Fleet vessel recycling contracts. The Inspector General shall assess the process, procedures, and practices used for the Maritime Administration's qualification of vessel recycling facilities. The Inspector General shall report the findings to the Committee on Commerce, Science, and Transportation and the Committee on Armed Services of the Senate, and the Committee on Transportation and Infrastructure and the Committee on Armed Services of the House of Representatives.

(b) ASSESSMENT.—The assessment under subsection (a) shall include a review of whether the Maritime Administration's contract source selection procedures and practices are consistent with law, the Federal Acquisition Regulations (FAR), and Federal best practices associated with making source selection decisions.

(c) CONSIDERATIONS.—In making the assessment under subsection (a), the Inspector General may consider any other aspect of the Maritime Administration's vessel recycling process that the Inspector General deems appropriate to review.

SEC. 609. REQUIREMENT FOR BARGE DESIGN.

Not later than 9 months after the date of enactment of this Act, the Administrator of the Maritime Administration shall complete the design for a containerized articulated barge identified in the Dual Use Vessel Study carried out by the Administrator and the Secretary of Defense that is able to utilize roll-on, roll-off or load-on, load-off technology for use in marine highway maritime commerce.

TITLE VII—MISCELLANEOUS

SEC. 701. LIMITATION ON AVAILABILITY OF FUNDS FOR PROCUREMENT OF ALTERNATIVE FUEL.

None of the funds authorized to be appropriated by this Act or otherwise made available during fiscal year 2013 or 2014 for the Coast Guard may be obligated or expended for the production or purchase of any alternative fuel if the cost of producing or purchasing the alternative fuel exceeds the cost of producing or purchasing a traditional fossil fuel that would be used for the same purpose as the alternative fuel.

SEC. 702. PASSENGER VESSEL SECURITY AND SAFETY REQUIREMENTS.

(a) VESSEL DESIGN, EQUIPMENT, CONSTRUCTION, AND RETROFITTING REQUIREMENTS.—Section 3507(a) of title 46, United States Code, is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking ''to which this subsection applies'' and inserting ''to which this section applies'';

(B) in subparagraph (A)—

(i) by striking ''The vessel'' and inserting ''Each exterior deck of a vessel''; and

(ii) by striking the period at the end and inserting ''unless the height requirement would interfere with the deployment of a lifesaving device or other emergency equipment as identified by the Commandant.''; and

(C) in subparagraph (B), by striking ''entry doors that include peep holes or other means of visual identification.'' and inserting ''an entry door that includes a peep hole or other means of visual identification that provides an unobstructed view of the area outside the stateroom or crew cabin. For purposes of this subparagraph, the addition of an optional privacy cover on the interior side of the entry shall not in and of itself constitute an obstruction.''; and

(2) in paragraph (3)—

(A) by striking ''subparagraph (B)'' in subparagraph (A) and inserting ''subparagraphs (B) and (C)''; and

(B) by adding at the end the following:

''(C) SHIP RAIL, ENTRY DOOR, AND TECHNOLOGY REQUIREMENTS.—The requirements of subparagraphs (A) and (B) of paragraph (1) take effect on the date of enactment of the Coast Guard Authorization Act of 2012.''.

(b) VIDEO RECORDING.—Section 3507(b)(1) of title 46, United States Code, is amended to read as follows:

''(1) REQUIREMENT TO MAINTAIN SURVEILLANCE.—

''(A) IN GENERAL.—The owner of a vessel to which this section applies shall maintain a video surveillance system to assist in documenting crimes on the vessel and in providing evidence for the prosecution of such crimes, as determined by the Secretary.

''(B) ASSESSMENT.—Not later than 120 days after the date of enactment of the Coast Guard Authorization Act of 2012, the owner of a vessel to which this section applies shall perform and submit to the Commandant a criminal and passenger safety risk assessment to determine the appropriate placement of video surveillance equipment on the vessel. The assessment shall require consideration of camera placement in areas where video surveillance may assist in documenting crimes on the vessel and in providing evidence of such crimes. The assessment shall make recommendations as to the appropriate placement of video surveillance equipment throughout the vessel, including passenger and crew common areas where there is no expectation of privacy, as to the frequency or infrequency of crimes in areas of the vessel, and as to the use of cameras in areas of perceived higher risk. The Commandant shall have authority to review, modify, and require modifications to the assessment to provide for additional video coverage of a vessel.

''(C) INTERIM RETENTION REQUIREMENTS.—The owner of a vessel to which this section applies shall retain all video images for a voyage for not less than 10 days after the date that the images are recorded. If an incident described in subsection (g)(3)(A)(i) is alleged and reported to law enforcement, all video images for a voyage that the Federal Bureau of Investigation determines relevant shall—

''(i) be provided to the Federal Bureau of Investigation; and

''(ii) be preserved by the vessel owner for not less than 3 years from the date of the Federal Bureau of Investigation's determination.

''(D) RETENTION REQUIREMENTS.—Not later than 3 years after the date of enactment of the Coast Guard Authorization Act of 2012, the Commandant, in consultation with the Federal Bureau of Investigation, shall promulgate standards for the retention of video surveillance records. The Commandant shall consider factors that would aid in the investigation of serious crimes, including crimes that go unreported until after the completion of a voyage. The Commandant shall consider the different types of video surveillance systems and storage requirements in creating standards both for vessels currently in operation and for vessels newly built.''.

(c) SEXUAL ASSAULT.—Section 3507(d)(1) of title 46, United States Code, is amended by

inserting ''(taking into consideration the length of the voyage and the number of passengers and crewmembers that the vessel can accommodate)'' after ''a sexual assault''.

(d) CREW ACCESS TO PASSENGER STATEROOMS.—Section 3507(f)(2) of title 46, United States Code, is amended by striking ''are fully and properly implemented and periodically reviewed.'' and inserting ''are fully and properly implemented, reviewed annually, and updated as necessary.''.

(e) LOG BOOK AND REPORTING REQUIREMENTS.—Section 3507(g) of title 46, United States Code, is amended—

(1) by amending paragraph (1) to read as follows:

''(1) IN GENERAL.—The owner of a vessel to which this section applies shall—

''(A) record in a log book, either electronically or otherwise, a report on—

''(i) all complaints of crimes described in paragraph (3)(A)(i);

''(ii) all complaints of theft of property valued in excess of $1,000; and

''(iii) all complaints of other crimes committed on any voyage that embarks or disembarks passengers in the United States; and

''(B) make the log book and all entries therein available, whether the log book and entries are maintained onboard the vessel or at a centralized location off the vessel, upon request to—

''(i) any agent of the Federal Bureau of Investigation performing official duties in the course and scope of an investigation;

''(ii) any member of the United States Coast Guard performing official duties in the course and scope of an investigation; and

''(iii) any law enforcement officer performing official duties in the course and scope of an investigation.'';

(2) in paragraph (3)(A)—

(A) in clause (i), by striking ''as soon as possible after the occurrence on board the vessel of an incident'' and inserting ''not later than 24 hours after the vessel is notified of an incident on board the vessel''; and

(B) in clause (ii), by striking ''the incident'' and inserting ''each incident under clause (i), including the details under paragraph (2),''; and

(3) in paragraph (4)—

(A) by amending subparagraph (A) to read as follows:

''(A) WEBSITE.—

''(i) IN GENERAL.—The Secretary shall maintain a statistical compilation of all incidents described in paragraph (3)(A)(i) on an Internet site that provides a numerical accounting of the missing persons and alleged crimes recorded in each report filed under paragraph (3)(A)(i). Each such incident shall be included in the statistical compilation regardless of whether the incident is under investigation by the Federal Bureau of Investigation or not, unless the Bureau determines through the investigative process the report to be unfounded. If determined to be unfounded, the incident shall not be included in the statistical compilation or shall be removed when the determination is made. The data shall be updated no less frequently than quarterly, aggregated by cruise line, each cruise line shall be identified by name and each crime and alleged crime shall be identified as to whether it was committed or allegedly committed by a passenger or crew member and against a passenger or crew member. The Secretary shall also include on the Internet site a rate of crime, comparable to that provided under the Uniform Crime Reporting Program, as determined by the Federal Bureau of Investigation. The rate shall take into account the total number of passengers and crew members carried by each reporting cruise line on voyages that embark or disembark in the United States during the reporting period, and shall be adjusted by the Bureau to reflect the average length of time such persons were on board, as documented to the Secretary by each reporting cruise line.

''(ii) DEFINITION OF UNFOUNDED.—For purposes of this subparagraph, the term 'unfounded' means an allegation that is determined through the course of an investigation to be false or baseless.'';

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

(C) by inserting after subparagraph (A) the following:

''(B) REPORTS OF INCIDENTS.—The Federal Bureau of Investigation shall furnish quarterly to the Secretary, the Committee on Commerce, Science, and Transportation and the Committee on Judiciary of the Senate, and the Committee on Transportation and Infrastructure and the Committee on Judiciary of the House of Representatives a numerical accounting of each incident reported to a Federal Bureau of Investigation Field Office under paragraph (3)(A)(i) that quarter.''; and

(D) in subparagraph (C), as redesignated—

(i) by striking ''taking on or discharging'' and inserting ''that takes on or discharges''; and

(ii) by striking ''a link'' and inserting '', on any Internet site that the cruise line maintains to purchase or book cruises on any vessel that the cruise line owns or operates, and to which this section applies, a prominently accessible link''.

(f) PROCEDURES.—Section 3507(i) of title 46, United States Code, is amended by striking ''Within 6 months after the date of enactment of the Cruise Vessel Security and Safety Act of 2010, the'' and inserting ''The''.

(g) REGULATIONS.—Section 3507(j) of title 46, United States Code, is amended by striking ''shall each'' and inserting ''are authorized each to''.

(h) DEFINITIONS.—Section 3507(l) of title 46, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3);

(2) by inserting before paragraph (3), as redesignated, the following:

''(2) EXTERIOR DECK.—The term 'exterior deck' means any exterior weather deck on which a passenger may be present, including passenger stateroom balconies, exterior promenades on passenger decks, muster stations, and similar exterior weather deck areas.''; and

(3) by adding at the end the following:

''(4) TIME-SENSITIVE KEY TECHNOLOGY.—The term 'time-sensitive key technology' means an electronic lock or key, or both that may be programmed to prohibit a person that lacks permission to enter a guest stateroom or crew cabin.''.

SEC. 703. OIL SPILL LIABILITY TRUST FUND INVESTMENT AMOUNT.

Not later than 30 days after the date of enactment of this Act, the Secretary of the Treasury shall increase the amount invested in income producing securities under section 5006(b) of the Oil Pollution Act of 1990 (33 U.S.C. 2736(b)) by $12,851,340.

SEC. 704. VESSEL DETERMINATIONS.

(a) VESSELS DEEMED NEW VESSELS.—The vessel with United States official number 981472 and the vessel with United States official number 988333 shall each be deemed to be a new vessel effective on the date of delivery after January 1, 2008, from a privately owned United States shipyard if no encumbrances are on record with the United States Coast Guard at the time of the issuance of the new vessel certificate of documentation for each vessel.

(b) SAFETY INSPECTION.—Each vessel under subsection (a) shall be subject to the vessel safety and inspection requirements of title 46, United States Code (as in effect on the day before the date of enactment of this Act), applicable to any such vessel.

SEC. 705. ALTERATION OF BRIDGE OBSTRUCTING NAVIGATION.

(a) REQUIREMENT TO COMMENCE ADMINISTRATIVE REVIEW.—Not later than 15 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall certify to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that the Coast Guard has commenced the required interagency administrative review of the pending proposal to alter the bridge that is unreasonably obstructing navigation and that spans the Kill Van Kull, connecting Bayonne, New Jersey, and Staten Island, New York.

(b) EXPEDITED PROCESS.—The Commandant—

(1) shall expedite the interagency administrative review under subsection (a); and

(2) may use any resources offered to the Coast Guard by the bridge owner for the purpose of paragraph (1).

(c) DEADLINE FOR COMPLETION.—Not later than November 30, 2012, the Coast Guard shall complete the interagency administrative review under subsection (a).

SEC. 706. NOTICE OF ARRIVAL.

The regulations required under section 109(a) of the Security and Accountability For Every Port Act of 2006 (33 U.S.C. 1223 note) dealing with notice of arrival requirements for foreign vessels on the Outer Continental Shelf shall not apply to a vessel documented under section 12105 of title 46, United States Code, unless the vessel arrives from a foreign port or place.

SEC. 707. WAIVERS.

(a) F/V TEXAS STAR CASINO.—Notwithstanding subchapter II of chapter 121 and chapter 551 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may issue a fishery endorsement and a license under chapter 121 for the fishing vessel TEXAS STAR CASINO (IMO number 7722047).

(b) RANGER III.—Section 3703a of title 46, United States Code, does not apply to the passenger vessel RANGER III (United States official number 277361), so long as it is owned and operated by the National Park Service.

SEC. 708. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 931 et seq.), 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.

SEC. 709. TECHNICAL AMENDMENTS.

(a) CONTINUATION ON ACTIVE DUTY.—Section 290(a) of title 14, United States Code, is amended in the second sentence by striking ''in the grade of vice admiral'' and inserting ''in or above the grade of vice admiral''.

(b) FAILURE OF SELECTION AND REMOVAL FROM ACTIVE STATUS.—Section 740(d) of title 14, United States Code, is amended by striking ''that appointment'' and inserting ''that Reserve appointment''.

(c) TABLE OF CONTENTS.—The table of contents for chapter 17 of title 14, United States Code, is amended—

(1) by striking the item relating to section 669 and inserting the following:

''669. Telephone installation and charges.''; and

(2) by striking the item relating to section 674 and inserting the following:

''674. Small boat station rescue capability.''.

(d) WAIVER.—Section 7(c) of the America's Cup Act of 2011 (125 Stat. 755) is amended by inserting ''located in Ketchikan, Alaska'' after ''moorage''.

SA 2868. Mr. PRYOR (for Mr. ROCKEFELLER) proposed an amendment to the bill H.R. 2838, supra.

Amend the title so as to read: ''An Act to authorize appropriations for the Coast Guard for fiscal years 2013 through 2014, and for other purposes.''.

SA 2869. Mr. PRYOR (for Mr. BINGAMAN) proposed an amendment to the bill H.R. 2606, to authorize the Secretary of the Interior to allow the construction and operation of natural gas pipeline facilities in the Gateway National Recreation Area, and for other purposes.

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''New York City Natural Gas Supply Enhancement Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) PERMITTEE.—The term ''permittee'' means the Transcontinental Gas Pipeline Company, LLC, (Transco), its successors or assigns.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 3. AUTHORIZATION FOR PERMIT.

(a) IN GENERAL.—The Secretary may issue permits for rights-of-way or other necessary authorizations to allow the permittee to construct, operate, and maintain a natural gas pipeline and related facilities within the Gateway National Recreation Area in New York, as described in Federal Regulatory Commission Docket No. PF09-8.

(b) TERMS AND CONDITIONS.—A permit issued under this section shall be—

(1) consistent with the laws and regulations generally applicable to utility rights-of-way within units of the National Park System; and

(2) subject to such terms and conditions as the Secretary deems appropriate.

(c) FEES.—The Secretary shall charge a fee for any permit issued under this section. The fee shall be based on fair market value and shall also provide for recovery of costs incurred by the National Park Service associated with the processing, issuance, and monitoring of the permit. The Secretary shall retain any fees associated with the recovery of costs.

(d) TERM.—Any permit issued under this section shall be for a term of 10 years. The permit may be renewed at the discretion of the Secretary in accordance with this section.

SEC. 4. LEASE OF HISTORIC BUILDINGS AT FLOYD BENNETT FIELD.

(a) IN GENERAL.—The Secretary may enter into a non-competitive lease with the permittee to allow the occupancy and use of buildings and associated property at Floyd Bennett Field within the Gateway National Recreation Area to house meter and regulating equipment and other equipment necessary to the operation of the natural gas pipeline described in section 3(a).

(b) TERMS AND CONDITIONS.—A lease entered into under this section shall—

(1) be in accordance with section 3(k) of the National Park System General Authorities Act (16 U.S.C. 1a–2(k)), except that the proceeds from rental payments may be used for infrastructure needs, resource protection and restoration, and visitor services at Gateway National Recreation Area; and

(2) provide for the restoration and maintenance of the buildings and associated property in accordance with section 106 of the National Historic Preservation Act (16 U.S.C. 470f) and applicable regulations and programmatic agreements.

SEC. 5. ENFORCEMENT.

The Secretary may impose citations or fines, or suspend or revoke any authority under a permit or lease issued in accordance with this Act for failure to comply with, or a violation of any term or condition of such permit or lease.

SA 2870. Mr. PRYOR (for Mr. ENZI) proposed an amendment to the resolution S. Res. 472, designating October 7, 2012, as ''Operation Enduring Freedom Veterans Day''.

In the fifth whereas clause, strike ''nearly 1,800'' and insert ''some 2,000''.

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Abby Duggan, Anne Berry, and Nikki Hurt of my staff be granted floor privileges for the duration of today's proceedings.

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

ENABLING ENERGY SAVING INNOVATIONS ACT

Mr. PRYOR. Mr. President, I ask unanimous consent the Energy Committee be discharged from further consideration of H.R. 4850, and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4850) to allow for innovations and alternative technologies that meet or exceed desired energy efficiency goals.

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

Mr. PRYOR. I ask unanimous consent a Bingaman amendment, which is at the desk, be agreed to, that a Shaheen-Portman 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 be printed in the RECORD.

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

The amendment (No. 2861) was agreed to.

(The text of the amendment is printed in today's RECORD under ''Text of Amendments.'')

The amendment (No. 2862) was agreed to.

(The text of the amendment is printed in today's RECORD under ''Text of Amendments.'')

The amendments were ordered to be engrossed and the bill read a third time.

The bill (H.R. 4850), as amended, was read the third time and passed, as follows:

H.R. 4850

Resolved, That the bill from the House of Representatives (H.R. 4850) entitled ''An Act to allow for innovations and alternative technologies that meet or exceed desired energy efficiency goals.'', do pass with the following amendment:

At the end of the bill, add the following:

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

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

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

''(A) DEFINITIONS.—In this paragraph:

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

''(I) a water heater; and

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

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

''(B) PUBLICATION OF FINAL RULE.—Not later than 180 days after the date of enactment of this paragraph, the Secretary shall publish a final rule that establishes a uniform efficiency descriptor and accompanying test methods for covered water heaters.

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

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

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

''(D) EFFECT OF FINAL RULE.—

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

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

''(E) CONVERSION FACTOR.—

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

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

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

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

''(v) PERIOD.—Subclause (E) shall apply during the period—

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

''(II) ending on April 16, 2015.

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

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

''(ii) are effectively rated using the thermal efficiency and standby loss descriptors applied (as

of the date of enactment of this paragraph) to the category under section 342(a)(5).

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

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

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

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

''(iv) a hybrid of descriptors; or

''(v) a new approach.

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

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

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

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

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

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

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

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

(1) in paragraph (1)—

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

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

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

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

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

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

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

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

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

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

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

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

''(A) DEFINITIONS.—In this paragraph:

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

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

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

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

''(I) is not weatherized;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) in subparagraph (C)—

(A) in clause (i)—

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

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

(B) by adding at the end the following:

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

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

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

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

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

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

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

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

SEC. 6. TECHNICAL CORRECTIONS.

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

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

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

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

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

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

(A) in subparagraph (B)—

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

''(i) IN GENERAL.—If the Secretary'';

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

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

(iv) by adding at the end the following:

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

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

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

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

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

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

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

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

''(iii) ADMINISTRATION.—

''(I) ENERGY USE AND EFFICIENCY.—The Secretary may not prescribe any amended standard

under this paragraph that increases the maximum allowable energy use, or decreases the minimum required energy efficiency, of a covered product.

''(II) UNAVAILABILITY.—

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

''(bb) OTHER TYPES OR CLASSES.—The failure of some types (or classes) to meet the criterion established under this subclause shall not affect the determination of the Secretary on whether to prescribe a standard for the other types or classes.''; and

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

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

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

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

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

(C) in subsection (a)—

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

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

(iii) by adding at the end the following:

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

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

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

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

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

(A) in clause (i)—

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

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

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

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

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

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

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

(C) by striking clause (iii).

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

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

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

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

(b) ENERGY POLICY ACT OF 2005.—

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

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

(c) ENERGY POLICY AND CONSERVATION ACT.—

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

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

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

(C) by adding at the end the following:

''(xiii) other motors.''.

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

TITLE II—INDUSTRIAL ENERGY EFFICIENCY

SEC. 201. COORDINATION OF RESEARCH AND DEVELOPMENT OF ENERGY EFFICIENT TECHNOLOGIES FOR INDUSTRY.

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

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

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

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

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

SEC. 202. REDUCING BARRIERS TO THE DEPLOYMENT OF INDUSTRIAL ENERGY EFFICIENCY.

(a) DEFINITIONS.—In this section:

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

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

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

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

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

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

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

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

(i) Transmission and distribution interconnection requirements.

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

(iii) Exit fees.

(iv) Life of contract demand ratchets.

(v) Net metering.

(vi) Calculation of avoided cost rates.

(vii) Power purchase agreements.

(viii) Energy market structures.

(ix) Capacity market structures.

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

(B) Examples of—

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

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

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

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

(i) estimated energy and emission reductions;

(ii) direct and indirect jobs saved or created;

(iii) direct and indirect capital investment;

(iv) the gross domestic product; and

(v) trade balance impacts.

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

(3) RECOMMENDATIONS AND GUIDANCE.—The Secretary, in coordination with the industrial

sector, shall develop policy recommendations regarding the deployment of industrial energy efficiency, including proposed regulatory guidance to States and relevant Federal agencies to address barriers to deployment.

SEC. 203. STUDY OF ADVANCED ENERGY TECHNOLOGY MANUFACTURING CAPABILITIES IN THE UNITED STATES.

(a) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary shall enter into an arrangement with the National Academy of Sciences under which the Academy shall conduct a study of the development of advanced manufacturing capabilities for various energy technologies, including—

(1) an assessment of the manufacturing supply chains of established and emerging industries;

(2) an analysis of—

(A) the manner in which supply chains have changed over the 25-year period ending on the date of enactment of this Act;

(B) current trends in supply chains; and

(C) the energy intensity of each part of the supply chain and opportunities for improvement;

(3) for each technology or manufacturing sector, an analysis of which sections of the supply chain are critical for the United States to retain or develop to be competitive in the manufacturing of the technology;

(4) an assessment of which emerging energy technologies the United States should focus on to create or enhance manufacturing capabilities; and

(5) recommendations on leveraging the expertise of energy efficiency and renewable energy user facilities so that best materials and manufacturing practices are designed and implemented.

(b) REPORT.—Not later than 2 years after the date on which the Secretary enters into the agreement with the Academy described in subsection (a), the Academy shall submit to the Committee on Energy and Natural Resources of the Senate, the Committee on Energy and Commerce of the House of Representatives, and the Secretary a report describing the results of the study required under this section, including any findings and recommendations.

SEC. 204. INDUSTRIAL TECHNOLOGIES STEERING COMMITTEE.

The Secretary shall establish an advisory steering committee that includes national trade associations representing energy-intensive industries or energy service providers to provide recommendations to the Secretary on planning and implementation of the Industrial Technologies Program of the Department of Energy.

TITLE III—FEDERAL AGENCY ENERGY EFFICIENCY

SEC. 301. AVAILABILITY OF FUNDS FOR DESIGN UPDATES.

Section 3307 of title 40, United States Code, is amended—

(1) by redesignating subsections (d) through (h) as subsections (e) through (i), respectively; and

(2) by inserting after subsection (c) the following:

''(d) AVAILABILITY OF FUNDS FOR DESIGN UPDATES.—

''(1) IN GENERAL.—Subject to paragraph (2), for any project for which congressional approval is received under subsection (a) and for which the design has been substantially completed but construction has not begun, the Administrator of General Services may use appropriated funds to update the project design to meet applicable Federal building energy efficiency standards established under section 305 of the Energy Conservation and Production Act (42 U.S.C. 6834) and other requirements established under section 3312.

''(2) LIMITATION.—The use of funds under paragraph (1) shall not exceed 125 percent of the estimated energy or other cost savings associated with the updates as determined by a life-cycle cost analysis under section 544 of the National Energy Conservation Policy Act (42 U.S.C. 8254).''.

SEC. 302. BEST PRACTICES FOR ADVANCED METERING.

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

''(3) PLAN.—

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

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

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

''(B) UPDATES.—Reports submitted under subparagraph (A) shall be updated annually.

''(4) BEST PRACTICES REPORT.—

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

''(B) UPDATING.—The report described under subparagraph (A) shall be updated annually.

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

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

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

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

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

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

''(iii) an analysis of—

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

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

SEC. 303. FEDERAL ENERGY MANAGEMENT AND DATA COLLECTION STANDARD.

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

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

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

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

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

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

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

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

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

SEC. 304. FEDERAL PURCHASE REQUIREMENT.

Section 203 of the Energy Policy Act of 2005 (42 U.S.C. 15852) is amended—

(1) in subsections (a) and (b)(2), by striking ''electric energy'' each place it appears and inserting ''electric, direct, and thermal energy'';

(2) in subsection (b)(2)—

(A) by inserting '', or avoided by,'' after ''generated from''; and

(B) by inserting ''(including ground-source, reclaimed, and ground water)''after ''geothermal'';

(3) by redesignating subsection (d) as subsection (e); and

(4) by inserting after subsection (c) the following:

''(d) SEPARATE CALCULATION.—Renewable energy produced at a Federal facility, on Federal land, or on Indian land (as defined in section 2601 of the Energy Policy Act of 1992 (25 U.S.C. 3501))—

''(1) shall be calculated (on a BTU-equivalent basis) separately from renewable energy used; and

''(2) may be used individually or in combination to comply with subsection (a).''.

SEC. 305. STUDY ON FEDERAL DATA CENTER CONSOLIDATION.

(a) IN GENERAL.—The Secretary of Energy shall conduct a study on the feasibility of a government-wide data center consolidation, with an overall Federal target of a minimum of 800 Federal data center closures by October 1, 2015.

(b) COORDINATION.—In conducting the study, the Secretary shall coordinate with Federal data center program managers, facilities managers, and sustainability officers.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the results of the study, including a description of agency best practices in data center consolidation.

JAIME ZAPATA BORDER ENFORCEMENT SECURITY TASK FORCE ACT

Mr. PRYOR. Mr. President, I ask unanimous consent the Senate proceed to consideration of Calendar No. 497, H.R. 915.

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

The legislative clerk read as follows:

A bill (H.R. 915) to establish a Border Enforcement Security Task Force program to enhance border security by fostering coordinated efforts among Federal, State, and local border and law enforcement officials to protect United States border cities and communities from trans-national crime, including violence associated with drug trafficking, arms smuggling, illegal alien trafficking and smuggling, violence, and kidnapping along and across the international borders of the United States, and for other purposes.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Jaime Zapata Border Enforcement Security Task Force Act''.

SEC. 2. FINDINGS AND DECLARATION OF PURPOSES.

Congress finds the following:

(1) The Department of Homeland Security's (DHS) overriding mission is to lead a unified national effort to protect the United States. United

States Immigration and Customs Enforcement (ICE) is the largest investigative agency within DHS and is charged with enforcing a wide array of laws, including laws related to securing the border and combating criminal smuggling.

(2) Mexico's northern border with the United States has experienced a dramatic surge in border crime and violence in recent years due to intense competition between Mexican drug cartels and criminal smuggling organizations that employ predatory tactics to realize their profits.

(3) Law enforcement agencies at the United States northern border also face challenges from transnational smuggling organizations.

(4) In response, DHS has partnered with Federal, State, local, tribal, and foreign law enforcement counterparts to create the Border Enforcement Security Task Force (BEST) initiative as a comprehensive approach to addressing border security threats. These multi-agency teams are designed to increase information-sharing and collaboration among the participating law enforcement agencies.

(5) BEST teams incorporate personnel from ICE, United States Customs and Border Protection (CBP), the Drug Enforcement Administration (DEA), the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATFE), the Federal Bureau of Investigation (FBI), the United States Coast Guard (USCG), and the U.S. Attorney's Office (USAO), along with other key Federal, State and local law enforcement agencies.

(6) Foreign law enforcement agencies participating in BEST include Mexico's Secretaria de Seguridad Publica (SSP), the Canada Border Services Agency (CBSA), the Ontario Provincial Police (OPP), and the Royal Canadian Mounted Police (RCMP).

SEC. 3. BORDER ENFORCEMENT SECURITY TASK FORCE.

(a) IN GENERAL.—Subtitle C of title IV of the Homeland Security Act of 2002 (6 U.S.C. 231 et seq.) is amended by adding at the end the following:

"SEC. 432. BORDER ENFORCEMENT SECURITY TASK FORCE.

''(a) ESTABLISHMENT.—There is established within the Department a program to be known as the Border Enforcement Security Task Force (referred to in this section as 'BEST').

''(b) PURPOSE.—The purpose of BEST is to establish units to enhance border security by addressing and reducing border security threats and violence by—

''(1) facilitating collaboration among Federal, State, local, tribal, and foreign law enforcement agencies to execute coordinated activities in furtherance of border security, and homeland security; and

''(2) enhancing information-sharing, including the dissemination of homeland security information among such agencies.

''(c) COMPOSITION AND ESTABLISHMENT OF UNITS.—

''(1) COMPOSITION.—BEST units may be comprised of personnel from—

''(A) U.S. Immigration and Customs Enforcement;

''(B) U.S. Customs and Border Protection;

''(C) the United States Coast Guard;

''(D) other Department personnel, as appropriate

''(E) other Federal agencies, as appropriate;

''(F) appropriate State law enforcement agencies;

''(G) foreign law enforcement agencies, as appropriate;

''(H) local law enforcement agencies from affected border cities and communities; and

''(I) appropriate tribal law enforcement agencies.

''(2) ESTABLISHMENT OF UNITS.—The Secretary is authorized to establish BEST units in jurisdictions in which such units can contribute to BEST missions, as appropriate. Before establishing a BEST unit, the Secretary shall consider—

''(A) whether the area in which the BEST unit would be established is significantly impacted by cross-border threats;

''(B) the availability of Federal, State, local, tribal, and foreign law enforcement resources to participate in the BEST unit;

''(C) the extent to which border security threats are having a significant harmful impact in the jurisdiction in which the BEST unit is to be established, and other jurisdictions in the country; and

''(D) whether or not an Integrated Border Enforcement Team already exists in the area in which the BEST unit would be established.

''(3) DUPLICATION OF EFFORTS.—In determining whether to establish a new BEST unit or to expand an existing BEST unit in a given jurisdiction, the Secretary shall ensure that the BEST unit under consideration does not duplicate the efforts of other existing interagency task forces or centers within that jurisdiction.

''(d) OPERATION.—After determining the jurisdictions in which to establish BEST units under subsection (c)(2), and in order to provide Federal assistance to such jurisdictions, the Secretary may—

''(1) direct the assignment of Federal personnel to BEST, subject to the approval of the head of the department or agency that employs such personnel; and

''(2) take other actions to assist Federal, State, local, and tribal entities to participate in BEST, including providing financial assistance, as appropriate, for operational, administrative, and technological costs associated with the participation of Federal, State, local, and tribal law enforcement agencies in BEST.

''(e) REPORT.—Not later than 180 days after the date on which BEST is established under this section, and annually thereafter for the following 5 years, the Secretary shall submit a report to Congress that describes the effectiveness of BEST in enhancing border security and reducing the drug trafficking, arms smuggling, illegal alien trafficking and smuggling, violence, and kidnapping along and across the international borders of the United States, as measured by crime statistics, including violent deaths, incidents of violence, and drug-related arrests.''.

(b) CLERICAL AMENDMENT.—The table of contents under section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101(b)) is amended by inserting after the item relating to section 431 the following:

''Sec. 432. Border Enforcement Security Task Force.''.

Mr. PRYOR. I ask unanimous consent the committee-reported substitute amendment be agreed to and the bill as amended be read a third time.

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

The committee amendment in the nature of a substitute was ordered to be engrossed and the bill read a third time.

Mr. PRYOR. I know of no further debate on the bill.

The PRESIDING OFFICER. If there is no further debate, the question is on passage of the measure.

The bill (H.R. 915), as amended, was read the third time and passed.

Mr. PRYOR. I ask unanimous consent the motion to reconsider be laid upon the table with no intervening action or debate and any related statements be printed in the RECORD as if read.

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

AMENDING THE TRADEMARK ACT OF 1946

Mr. PRYOR. Mr. President, I ask unanimous consent the Judiciary Committee be discharged from further consideration of H.R. 6215, 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 legislative clerk read as follows:

A bill (H.R. 6215) to amend the Trademark Act of 1946 to correct an error in the provisions relating to remedies for dilution.

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

Mr. PRYOR. I know of no further debate on this measure.

The PRESIDING OFFICER. If there is no further debate, the question is on passage of the bill.

The bill (H.R. 6215) was ordered to a third reading, was read the third time and passed.

Mr. PRYOR. I ask unanimous consent the motion to reconsider be laid upon the table with no intervening action or debate and any statements related to the bill be printed in the RECORD.

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

BILLFISH CONSERVATION ACT OF 2011

Mr. PRYOR. I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2706, which was received from the House.

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

The legislative clerk read as follows:

A bill (H.R. 2706) to prohibit the sale of billfish.

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

Mr. PRYOR. I know of no further debate on this measure and urge its passage.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the measure.

The bill (H.R. 2706) was ordered to a third reading, was read the third time, and passed.

CALLING FOR THE RELEASE FROM PRISON OF FORMER PRIME MINISTER OF UKRAINE YULIA TYMOSHENKO

Mr. PRYOR. I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 526, S. Res. 466.

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

The legislative clerk read as follows:

A resolution (S. Res. 466) calling for the release from prison of former Prime Minister of Ukraine Yulia Tymoshenko.

There being no objection, the Senate proceeded to consider the resolution which had been reported from the Committee on Foreign Relations with an

amendment and an amendment to the preamble, as follows:

[Strike all after the enacting clause and insert the part printed in italic.]

[Strike the preamble and insert the part printed in italic.]

S. RES. 466

Whereas Ukraine has experienced encouraging growth and reforms since it declared its independence from the former Soviet Union in 1991 and adopted its first constitution in 1996;

Whereas the 1996 constitution provided basic freedoms like the freedom of speech, assembly, religion, and press, but was ultimately too weak to contain the existing corruption-laced political culture inherited from its communist past;

Whereas, as a result of the electoral fraud by which Prime Minister Viktor Yanukovych was declared the winner of the 2004 presidential election, the citizens of the Ukraine organized a series of protests, strikes, and sit-ins, which came to be known as ''The Orange Revolution'';

Whereas the Orange Revolution, in concert with international pressure, forced an unprecedented second run-off election, which resulted in opposition leader Viktor Yushchenko defeating Mr. Yanukovych by a margin of 52 percent to 44 percent;

Whereas, in the 2010 presidential election, incumbent Yushchenko won only 5.5 percent in the first round of voting, which left former Prime Minister Yanukovych and then Prime Minister Yulia Tymoshenko to face one another in the run-off election;

Whereas, Mr. Yanukovych defeated Ms. Tymoshenko by a margin of 49 percent to 44 percent;

Whereas, shortly after the 2010 inauguration of Mr. Yanukovych, the Ukrainian Constitutional Court found most of the 2004 Orange Revolution inspired constitutional reforms unconstitutional;

Whereas, in 2010, President Yanukovych appointed Viktor Pshonka Prosecutor General;

Whereas, since Mr. Pshonka's appointment, more than a dozen political leaders associated with the 2004 Orange Revolution have faced criminal charges under the Abuse of Office and Exceeding Official Powers articles of the Ukrainian Criminal Code;

Whereas, in 2011, Prosecutor General Pshonka brought charges under these Abuse of Office articles against former Prime Minister Yulia Tymoshenko over her decision while in office to conclude a natural gas contract between Ukraine and Russia;

Whereas, on October 11, 2011, Ms. Tymoshenko was found guilty and sentenced to seven years in prison, fined $189,000,000, and banned from holding public office for three years following the completion of her sentence;

Whereas, recognizing the judicial abuses present in Ukraine, the Parliamentary Assembly Council of Europe (PACE) passed Resolution 1862 on January 26, 2012;

Whereas Resolution 1862 declared that the Abuse of Office and Exceeding Official Powers articles under which Ms. Tymoshenko was convicted are ''overly broad in application and effectively allow for ex post facto criminalization of normal political decision making'';

Whereas, since Ms. Tymoshenko's imprisonment, the Prosecutor General's Office has reopened additional cases against her that were previously closed and thought to be sealed under a 10-year statute of limitations;

Whereas, beginning on October 28, 2011, and multiple times since, Ukrainian Deputy Prosecutor General Renat Kuzmin has alleged in television interviews that Tymoshenko was involved in contract killings, but has filed no formal charges;

Whereas, for much of Ms. Tymoshenko's detention, she had limited outside contact and access to needed medical treatment;

Whereas international calls for Ms. Tymoshenko's release, access to outside visitors, and adequate medical treatment were initially ignored even as her health continued to deteriorate;

Whereas, on April 28, 2012, major international news organizations, including the British Broadcast Corporation and Reuters, reported on and produced photos of bruises allegedly received by Ms. Tymoshenko from prison guards on April 20, 2012;

Whereas, in response to her inhumane treatment, Ms. Tymoshenko began a hunger strike on April 20, 2012;

Whereas, amid international outrage, the European Union has delayed indefinitely the signing of a free trade agreement with Ukraine;

Whereas, under international pressure, Ms. Tymoshenko was moved to a hospital in Kharkiv on May 9, 2012, prompting her to end her hunger strike, yet leaving her in poor health; and

Whereas on May 30, 2012, the European Parliament passed a resolution (C153/21) deploring the sentencing of Ms. Tymoshenko: Now, therefore, be it

Resolved, That the Senate—

(1) condemns the selective and politically motivated prosecution and imprisonment of former Prime Minister Yulia Tymoshenko;

(2) expresses its deep concern that the politicized prosecutions and continued detention of Ms. Tymoshenko and other members of her party took place in a country that is scheduled to assume chairmanship of the Organization for Security and Cooperation in Europe (OSCE) in 2013;

(3) expresses its deep concern that the continued detention of Ms. Tymoshenko threatens to jeopardize ties between the United States and Ukraine;

(4) calls for the Government of Ukraine to release Ms. Tymoshenko, to provide her with timely access to medical care, and to conduct the October parliamentary elections in a fair and transparent manner consistent with OSCE standards; and

(5) calls on the Department of State to institute a visa ban against those responsible for the imprisonment and mistreatment of Ms. Tymoshenko and the more than dozen political leaders associated with the 2004 Orange Revolution.

Mr. PRYOR. I further ask that the Durbin amendment which is at the desk be agreed to, the committee-reported substitute amendment, as amended, be agreed to, and the Senate immediately proceed to a voice vote on adoption of the resolution, as amended.

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

The amendment (No. 2863) was agreed to, as follows:

On page 9, strike lines 1 through 14 and insert the following:

(2) expresses its deep concern that the politicized nature of prosecutions and detention of Ms. Tymoshenko and other members of her party took place in a country that is scheduled to assume chairmanship of the Organization for Security and Cooperation in Europe (OSCE) in 2013;

(3) expresses its deep concern that the politicized detention of Ms. Tymoshenko threatens to jeopardize ties between the United States and Ukraine;

(4) calls for the Government of Ukraine to release Ms. Tymoshenko from her current incarceration based on politicized charges, to provide Ms. Tymoshenko with timely access to medical care, and to conduct the October parliamentary elections in a fair and transparent manner consistent with OSCE standards; and

The question is on agreeing to the committee-reported substitute amendment, as amended.

The committee-reported substitute amendment, as amended, was agreed to.

Mr. PRYOR. I further ask the committee-reported amendment to the preamble be agreed to; the preamble, as amended, be agreed to; the motions to reconsider be laid upon the table with no intervening action or debate, and any statements be printed in the RECORD.

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

The committee-reported amendment to the preamble was agreed to.

The preamble, as amended, was agreed to.

(The resolution will be printed in a future edition of the RECORD.)

ROBERT H. JACKSON UNITED STATES COURTHOUSE

Mr. PRYOR. I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 3556, which is at the desk.

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

The legislative clerk read as follows:

A bill (H.R. 3556) to designate the new United States courthouse in Buffalo, New York, as the ''Robert H. Jackson United States Courthouse.''

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

Mr. PRYOR. I further ask the bill be read a third time and passed, the motion to reconsider be made and laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

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

The bill (H.R. 3556) was ordered to a third reading, was read the third time, and passed.

ALTO LEE ADAMS, SR., UNITED STATES COURTHOUSE

Mr. PRYOR. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 445, H.R. 1791.

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

The legislative clerk read as follows:

A bill (H.R. 1791) to designate the United States courthouse under construction at 101 South United States Route 1 in Fort Pierce, Florida, as the ''Alto Lee Adams, Sr., United States Courthouse.''

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

Mr. PRYOR. I further ask the bill be read a third time and passed, the motion to reconsider be made and laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

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

The bill (H.R. 1791) was ordered to a third reading, was read the third time, and passed.

ROBERT BOOCHEVER COURTHOUSE

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senate

proceed to the immediate consideration of H.R. 4347, which is at the desk.

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

The legislative clerk read as follows:

A bill (H.R. 4347) to designate the United States courthouse located at 709 West 9th Street in Juneau, Alaska, as the ''Robert Boochever United States Courthouse.''

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

Mr. PRYOR. Mr. President, I further ask that the bill be read three times and passed, the motion to reconsider be laid on the table, with no intervening action or debate, and any statements related to the measure be printed in the RECORD at the appropriate place.

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

The bill (H.R. 4347) was ordered to a third reading, was read the third time, and passed.

JAMES F. BATTIN COURTHOUSE

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 444, S. 3311.

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

The legislative clerk read as follows:

A bill (S. 3311) to designate the United States courthouse located at 2601 2nd Avenue North, Billings, Montana, as the ''James F. Battin United States Courthouse.''

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

Mr. PRYOR. Mr. President, I further ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be considered made and laid upon the table, with no intervening action or debate, and that any statements related to the measure be printed in the RECORD.

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

The bill (S. 3311) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3311

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

SECTION 1. JAMES F. BATTIN UNITED STATES COURTHOUSE.

(a) IN GENERAL.—

(1) DESIGNATION.—The United States courthouse located at 2601 2nd Avenue North, Billings, Montana, shall be known and designated as the ''James F. Battin United States Courthouse''.

(2) TECHNICAL AMENDMENT.—The ''James F. Battin United States Courthouse'' located at 315 North 26th Street, Billings, Montana, shall no longer be known and designated as the ''James F. Battin United States Courthouse''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in subsection (a)(1) shall be deemed to be a reference to the ''James F. Battin United States Courthouse''.

MULTISTAKEHOLDER GOVERNANCE MODEL

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 529, S. Con. Res. 50.

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

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 50) expressing the sense of Congress regarding actions to preserve and advance the multistakeholder governance model under which the Internet has thrived.

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

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

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

The concurrent resolution (S. Con. Res. 50) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 50

Whereas given the importance of the Internet to the global economy, it is essential that the Internet remain stable, secure, and free from government control;

Whereas the world deserves the access to knowledge, services, commerce, and communication, the accompanying benefits to economic development, education, and health care, and the informed discussion that is the bedrock of democratic self-government that the Internet provides;

Whereas the structure of Internet governance has profound implications for competition and trade, democratization, free expression, and access to information;

Whereas countries have obligations to protect human rights, which are advanced by online activity as well as offline activity;

Whereas the ability to innovate, develop technical capacity, grasp economic opportunities, and promote freedom of expression online is best realized in cooperation with all stakeholders;

Whereas proposals have been put forward for consideration at the 2012 World Conference on International Telecommunications that would fundamentally alter the governance and operation of the Internet;

Whereas the proposals, in international bodies such as the United Nations General Assembly, the United Nations Commission on Science and Technology for Development, and the International Telecommunication Union, would attempt to justify increased government control over the Internet and would undermine the current multistakeholder model that has enabled the Internet to flourish and under which the private sector, civil society, academia, and individual users play an important role in charting its direction;

Whereas the proposals would diminish the freedom of expression on the Internet in favor of government control over content;

Whereas the position of the United States Government has been and is to advocate for the flow of information free from government control; and

Whereas this and past Administrations have made a strong commitment to the multistakeholder model of Internet governance and the promotion of the global benefits of the Internet: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the Secretary of State, in consultation with the Secretary of Commerce, should continue working to implement the position of the United States on Internet governance that clearly articulates the consistent and unequivocal policy of the United States to promote a global Internet free from government control and preserve and advance the successful multistakeholder model that governs the Internet today.

PATENT LAW TREATIES IMPLEMENTATION ACT OF 2012

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 532, S. 3486.

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

The legislative clerk read as follows:

A bill (S. 3486) to implement the provisions of the Hague Agreement and the Patent Law Treaty.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on the Judiciary, 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 ''Patent Law Treaties Implementation Act of 2012''.

TITLE I—HAGUE AGREEMENT CONCERNING INTERNATIONAL REGISTRATION OF INDUSTRIAL DESIGNS

SEC. 101. THE HAGUE AGREEMENT CONCERNING INTERNATIONAL REGISTRATION OF INDUSTRIAL DESIGNS.

(a) IN GENERAL.—Title 35, United States Code, is amended by adding at the end the following:

''PART V—THE HAGUE AGREEMENT CONCERNING INTERNATIONAL REGISTRATION OF INDUSTRIAL DESIGNS

''CHAPTER Sec.
''38. International design applications .. 381.

''CHAPTER 38—INTERNATIONAL DESIGN APPLICATIONS

''Sec.
''381. Definitions.
''382. Filing international design applications.
''383. International design application.
''384. Filing date.
''385. Effect of international design application.
''386. Right of priority.
''387. Relief from prescribed time limits.
''388. Withdrawn or abandoned international design application.
''389. Examination of international design application.
''390. Publication of international design application.

''§ 381. Definitions

''(a) IN GENERAL.—When used in this part, unless the context otherwise indicates—

''(1) the term 'treaty' means the Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Designs adopted at Geneva on July 2, 1999;

''(2) the term 'regulations'—

''(A) when capitalized, means the Common Regulations under the treaty; and

''(B) when not capitalized, means the regulations established by the Director under this title;

''(3) the terms 'designation', 'designating', and 'designate' refer to a request that an international registration have effect in a Contracting Party to the treaty;

''(4) the term 'International Bureau' means the international intergovernmental organization that is recognized as the coordinating body under the treaty and the Regulations;

''(5) the term 'effective registration date' means the date of international registration determined by the International Bureau under the treaty;

''(6) the term 'international design application' means an application for international registration; and

''(7) the term 'international registration' means the international registration of an industrial design filed under the treaty.

''(b) RULE OF CONSTRUCTION.—Terms and expressions not defined in this part are to be taken in the sense indicated by the treaty and the Regulations.

''§ 382. Filing international design applications

''(a) IN GENERAL.—Any person who is a national of the United States, or has a domicile, a habitual residence, or a real and effective industrial or commercial establishment in the United States, may file an international design application by submitting to the Patent and Trademark Office an application in such form, together with such fees, as may be prescribed by the Director.

''(b) REQUIRED ACTION.—The Patent and Trademark Office shall perform all acts connected with the discharge of its duties under the treaty, including the collection of international fees and transmittal thereof to the International Bureau. Subject to chapter 17, international design applications shall be forwarded by the Patent and Trademark Office to the International Bureau, upon payment of a transmittal fee.

''(c) APPLICABILITY OF CHAPTER 16.—Except as otherwise provided in this chapter, the provisions of chapter 16 shall apply.

''(d) APPLICATION FILED IN ANOTHER COUNTRY.—An international design application on an industrial design made in this country shall be considered to constitute the filing of an application in a foreign country within the meaning of chapter 17 if the international design application is filed—

''(1) in a country other than the United States;

''(2) at the International Bureau; or

''(3) with an intergovernmental organization.

''§ 383. International design application

''In addition to any requirements pursuant to chapter 16, the international design application shall contain—

''(1) a request for international registration under the treaty;

''(2) an indication of the designated Contracting Parties;

''(3) data concerning the applicant as prescribed in the treaty and the Regulations;

''(4) copies of a reproduction or, at the choice of the applicant, of several different reproductions of the industrial design that is the subject of the international design application, presented in the number and manner prescribed in the treaty and the Regulations;

''(5) an indication of the product or products that constitute the industrial design or in relation to which the industrial design is to be used, as prescribed in the treaty and the Regulations;

''(6) the fees prescribed in the treaty and the Regulations; and

''(7) any other particulars prescribed in the Regulations.

''§ 384. Filing date

''(a) IN GENERAL.—Subject to subsection (b), the filing date of an international design application in the United States shall be the effective registration date. Notwithstanding the provisions of this part, any international design application designating the United States that otherwise meets the requirements of chapter 16 may be treated as a design application under chapter 16.

''(b) REVIEW.—An applicant may request review by the Director of the filing date of the international design application in the United States. The Director may determine that the filing date of the international design application in the United States is a date other than the effective registration date. The Director may establish procedures, including the payment of a surcharge, to review the filing date under this section. Such review may result in a determination that the application has a filing date in the United States other than the effective registration date.

''§ 385. Effect of international design application

''An international design application designating the United States shall have the effect, for all purposes, from its filing date determined in accordance with section 384, of an application for patent filed in the Patent and Trademark Office pursuant to chapter 16.

''§ 386. Right of priority

''(a) NATIONAL APPLICATION.—In accordance with the conditions and requirements of subsections (a) through (d) of section 119 and section 172, a national application shall be entitled to the right of priority based on a prior international design application that designated at least 1 country other than the United States.

''(b) PRIOR FOREIGN APPLICATION.—In accordance with the conditions and requirements of subsections (a) through (d) of section 119 and section 172 and the treaty and the Regulations, an international design application designating the United States shall be entitled to the right of priority based on a prior foreign application, a prior international application as defined in section 351(c) designating at least 1 country other than the United States, or a prior international design application designating at least 1 country other than the United States.

''(c) PRIOR NATIONAL APPLICATION.—In accordance with the conditions and requirements of section 120, an international design application designating the United States shall be entitled to the benefit of the filing date of a prior national application, a prior international application as defined in section 351(c) designating the United States, or a prior international design application designating the United States, and a national application shall be entitled to the benefit of the filing date of a prior international design application designating the United States. If any claim for the benefit of an earlier filing date is based on a prior international application as defined in section 351(c) which designated but did not originate in the United States or a prior international design application which designated but did not originate in the United States, the Director may require the filing in the Patent and Trademark Office of a certified copy of such application together with a translation thereof into the English language, if it was filed in another language.

''§ 387. Relief from prescribed time limits

''An applicant's failure to act within prescribed time limits in connection with requirements pertaining to an international design application may be excused as to the United States upon a showing satisfactory to the Director of unintentional delay and under such conditions, including a requirement for payment of the fee specified in section 41(a)(7), as may be prescribed by the Director.

''§ 388. Withdrawn or abandoned international design application

''Subject to sections 384 and 387, if an international design application designating the United States is withdrawn, renounced or canceled or considered withdrawn or abandoned, either generally or as to the United States, under the conditions of the treaty and the Regulations, the designation of the United States shall have no effect after the date of withdrawal, renunciation, cancellation, or abandonment and shall be considered as not having been made, unless a claim for benefit of a prior filing date under section 386(c) was made in a national application, or an international design application designating the United States, or a claim for benefit under section 365(c) was made in an international application designating the United States, filed before the date of such withdrawal, renunciation, cancellation, or abandonment. However, such withdrawn, renounced, canceled, or abandoned international design application may serve as the basis for a claim of priority under subsections (a) and (b) of section 386, or under subsection (a) or (b) of section 365, if it designated a country other than the United States.

''§ 389. Examination of international design application

''(a) IN GENERAL.—The Director shall cause an examination to be made pursuant to this title of an international design application designating the United States.

''(b) APPLICABILITY OF CHAPTER 16.—All questions of substance and, unless otherwise required by the treaty and Regulations, procedures regarding an international design application designating the United States shall be determined as in the case of applications filed under chapter 16.

''(c) FEES.—The Director may prescribe fees for filing international design applications, for designating the United States, and for any other processing, services, or materials relating to international design applications, and may provide for later payment of such fees, including surcharges for later submission of fees.

''(d) ISSUANCE OF PATENT.—The Director may issue a patent based on an international design application designating the United States, in accordance with the provisions of this title. Such patent shall have the force and effect of a patent issued on an application filed under chapter 16.

''§ 390. Publication of international design application

''The publication under the treaty of an international design application designating the United States shall be deemed a publication under section 122(b).''.

(b) CONFORMING AMENDMENT.—The table of parts at the beginning of title 35, United States Code, is amended by adding at the end the following:

''V. The Hague Agreement concerning international registration of industrial designs ..... 401''.

SEC. 102. CONFORMING AMENDMENTS.

Title 35, United States Code, is amended—

(1) in section 100(i)(1)(B) (as amended by the Leahy-Smith America Invents Act (Public Law 112–29; 125 Stat. 284)), by striking ''right of priority under section 119, 365(a), or 365(b) or to the benefit of an earlier filing date under section 120, 121, or 365(c)'' and inserting ''right of priority under section 119, 365(a), 365(b), 386(a), or 386(b) or to the benefit of an earlier filing date under section 120, 121, 365(c), or 386(c)'';

(2) in section 102(d)(2) (as amended by the Leahy-Smith America Invents Act (Public Law 112–29; 125 Stat. 284)), by striking ''to claim a right of priority under section 119, 365(a), or 365(b), or to claim the benefit of an earlier filing date under section 120, 121, or 365(c)'' and inserting ''to claim a right of priority under section 119, 365(a), 365(b), 386(a), or 386(b), or to claim the benefit of an earlier filing date under section 120, 121, 365(c), or 386(c)'';

(3) in section 111(b)(7)—

(A) by striking ''section 119 or 365(a)'' and inserting ''section 119, 365(a), or 386(a)''; and

(B) by striking ''section 120, 121, or 365(c)'' and inserting ''section 120, 121, 365(c), or 386(c)'';

(4) in section 115(g)(1) (as amended by the Leahy-Smith America Invents Act (Public Law 112–29; 125 Stat. 284)), by striking ''section 120, 121, or 365(c)'' and inserting ''section 120, 121, 365(c), or 386(c)'';

(5) in section 120, in the first sentence, by striking ''section 363'' and inserting ''section 363 or 385'';

(6) in section 154—

(A) in subsection (a)—

(i) in paragraph (2), by striking ''section 120, 121, or 365(c)'' and inserting ''section 120, 121, 365(c), or 386(c)''; and

(ii) in paragraph (3), by striking ''section 119, 365(a), or 365(b)'' and inserting ''section 119, 365(a), 365(b), 386(a), or 386(b)''; and

(B) in subsection (d)(1), by inserting ''or an international design application filed under the treaty defined in section 381(a)(1) designating the United States under Article 5 of such treaty'' after ''Article 21(2)(a) of such treaty'';

(7) in section 173, by striking ''fourteen years'' and inserting ''15 years'';

(8) in section 365(c)—

(A) in the first sentence, by striking ''or a prior international application designating the United States'' and inserting '', a prior international application designating the United States, or a prior international design application as defined in section 381(a)(6) designating the United States''; and

(B) in the second sentence, by inserting ''or a prior international design application as defined in section 381(a)(6) which designated but did not originate in the United States'' after ''did not originate in the United States''; and

(9) in section 366—

(A) in the first sentence, by striking ''unless a claim'' and all that follows through ''withdrawal.'' and inserting ''unless a claim for benefit of a prior filing date under section 365(c) of this section was made in a national application, or an international application designating the United States, or a claim for benefit under section 386(c) was made in an international design application designating the United States, filed before the date of such withdrawal.''; and

(B) by striking the second sentence and inserting the following: ''However, such withdrawn international application may serve as the basis for a claim of priority under section 365 (a) and (b), or under section 386 (a) or (b), if it designated a country other than the United States.''.

SEC. 103. EFFECTIVE DATE.

(a) IN GENERAL.—The amendments made by this title shall take effect on the later of—

(1) the date that is 1 year after the date of the enactment of this Act; or

(2) the date of entry into force of the treaty with respect to the United States.

(b) APPLICABILITY OF AMENDMENTS.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by this title shall apply only to international design applications, international applications, and national applications filed on and after the effective date set forth in subsection (a), and patents issuing thereon.

(2) EXCEPTION.—Sections 100(i) and 102(d) of title 35, United States Code, as amended by this title, shall not apply to an application, or any patent issuing thereon, unless it is described in section 3(n)(1) of the Leahy-Smith America Invents Act (35 U.S.C. 100 note).

(c) DEFINITIONS.—For purposes of this section—

(1) the terms ''treaty'' and ''international design application'' have the meanings given those terms in section 381 of title 35, United States Code, as added by this title;

(2) the term ''international application'' has the meaning given that term in section 351(c) of title 35, United States Code; and

(3) the term ''national application'' means ''national application'' within the meaning of chapter 38 of title 35, United States Code, as added by this title.

TITLE II—PATENT LAW TREATY IMPLEMENTATION

SEC. 201. PROVISIONS TO IMPLEMENT THE PATENT LAW TREATY.

(a) APPLICATION FILING DATE.—Section 111 of title 35, United States Code, is amended—

(1) in subsection (a), by striking paragraphs (3) and (4) and inserting the following:

''(3) FEE, OATH OR DECLARATION, AND CLAIMS.—The application shall be accompanied by the fee required by law. The fee, oath or declaration, and 1 or more claims may be submitted after the filing date of the application, within such period and under such conditions, including the payment of a surcharge, as may be prescribed by the Director. Upon failure to submit the fee, oath or declaration, and 1 or more claims within such prescribed period, the application shall be regarded as abandoned.

''(4) FILING DATE.—The filing date of an application shall be the date on which a specification, with or without claims, is received in the United States Patent and Trademark Office.'';

(2) in subsection (b), by striking paragraphs (3) and (4) and inserting the following:

''(3) FEE.—The application shall be accompanied by the fee required by law. The fee may be submitted after the filing date of the application, within such period and under such conditions, including the payment of a surcharge, as may be prescribed by the Director. Upon failure to submit the fee within such prescribed period, the application shall be regarded as abandoned.

''(4) FILING DATE.—The filing date of a provisional application shall be the date on which a specification, with or without claims, is received in the United States Patent and Trademark Office.''; and

(3) by adding at the end the following:

''(c) PRIOR FILED APPLICATION.—Notwithstanding the provisions of subsection (a), the Director may prescribe the conditions, including the payment of a surcharge, under which a reference made upon the filing of an application under subsection (a) to a previously filed application, specifying the previously filed application by application number and the intellectual property authority or country in which the application was filed, shall constitute the specification and any drawings of the subsequent application for purposes of a filing date. A copy of the specification and any drawings of the previously filed application shall be submitted within such period and under such conditions as may be prescribed by the Director. A failure to submit the copy of the specification and any drawings of the previously filed application within the prescribed period shall result in the application being regarded as abandoned. Such application shall be treated as having never been filed, unless—

''(1) the application is revived under section 27; and

''(2) a copy of the specification and any drawings of the previously filed application are submitted to the Director.''.

(b) RELIEF IN RESPECT OF TIME LIMITS AND REINSTATEMENT OF RIGHTS.—

(1) IN GENERAL.—Chapter 2 of title 35, United States Code, is amended by adding at the end the following:

''§ 27. Revival of applications; reinstatement of reexamination proceedings

''The Director may establish procedures, including the requirement for payment of the fee specified in section 41(a)(7), to revive an unintentionally abandoned application for patent, accept an unintentionally delayed payment of the fee for issuing each patent, or accept an unintentionally delayed response by the patent owner in a reexamination proceeding, upon petition by the applicant for patent or patent owner.''.

(2) CONFORMING AMENDMENT.—The table of sections for chapter 2 of title 35, United States Code, is amended by adding at the end the following:

''27. Revival of applications; reinstatement of reexamination proceedings.''.

(c) RESTORATION OF PRIORITY RIGHT.—Title 35, United States Code, is amended—

(1) in section 119—

(A) in subsection (a)—

(i) by striking ''twelve'' and inserting ''12''; and

(ii) by adding at the end the following: ''The Director may prescribe regulations, including the requirement for payment of the fee specified in section 41(a)(7), pursuant to which the 12-month period set forth in this subsection may be extended by an additional 2 months if the delay in filing the application in this country within the 12-month period was unintentional.''; and

(B) in subsection (e)—

(i) in paragraph (1)—

(I) by inserting after the first sentence the following: ''The Director may prescribe regulations, including the requirement for payment of the fee specified in section 41(a)(7), pursuant to which the 12-month period set forth in this subsection may be extended by an additional 2 months if the delay in filing the application under section 111(a) or section 363 within the 12-month period was unintentional.''; and

(II) in the last sentence—

(aa) by striking ''including the payment of a surcharge'' and inserting ''including the payment of the fee specified in section 41(a)(7)''; and

(bb) by striking ''during the pendency of the application''; and

(ii) in paragraph (3), by adding at the end the following: ''For an application for patent filed under section 363 in a Receiving Office other than the Patent and Trademark Office, the 12-month and additional 2-month period set forth in this subsection shall be extended as provided under the treaty and Regulations as defined in section 351.''; and

(2) in section 365(b), by adding at the end the following: ''The Director may establish procedures, including the requirement for payment of the fee specified in section 41(a)(7), to accept an unintentionally delayed claim for priority under the treaty and the Regulations, and to accept a priority claim that pertains to an application that was not filed within the priority period specified in the treaty and Regulations, but was filed within the additional 2-month period specified under section 119(a) or the treaty and Regulations.''.

(d) RECORDATION OF OWNERSHIP INTERESTS.—Section 261 of title 35, United States Code, is amended—

(1) in the first undesignated paragraph by adding at the end the following: ''The Patent and Trademark Office shall maintain a register of interests in patents and applications for patents and shall record any document related thereto upon request, and may require a fee therefor.''; and

(2) in the fourth undesignated paragraph by striking ''An assignment'' and inserting ''An interest that constitutes an assignment''.

SEC. 202. CONFORMING AMENDMENTS.

(a) IN GENERAL.—Section 171 of title 35, United States Code, is amended—

(1) by striking ''Whoever'' and inserting ''(a) IN GENERAL.—Whoever'';

(2) by striking ''The provisions'' and inserting ''(b) APPLICABILITY OF THIS TITLE.—The provisions''; and

(3) by adding at the end the following:

''(c) FILING DATE.—The filing date of an application for patent for design shall be the date on which the specification as prescribed by section 112 and any required drawings are filed.''.

(b) RELIEF IN RESPECT OF TIME LIMITS AND REINSTATEMENT OF RIGHT.—Title 35, United States Code, is amended—

(1) in section 41—

(A) in subsection (a), by striking paragraph (7) and inserting the following:

''(7) REVIVAL FEES.—On filing each petition for the revival of an abandoned application for a patent, for the delayed payment of the fee for issuing each patent, for the delayed response by the patent owner in any reexamination proceeding, for the delayed payment of the fee for maintaining a patent in force, for the delayed

submission of a priority or benefit claim, or for the extension of the 12-month period for filing a subsequent application, $1,700.00. The Director may refund any part of the fee specified in this paragraph, in exceptional circumstances as determined by the Director''; and

(B) in subsection (c), by striking paragraph (1) and inserting the following:

''(1) ACCEPTANCE.—The Director may accept the payment of any maintenance fee required by subsection (b) after the 6-month grace period if the delay is shown to the satisfaction of the Director to have been unintentional. The Director may require the payment of the fee specified in subsection (a)(7) as a condition of accepting payment of any maintenance fee after the 6-month grace period. If the Director accepts payment of a maintenance fee after the 6-month grace period, the patent shall be considered as not having expired at the end of the grace period.'';

(2) in section 119(b)(2), in the second sentence, by striking ''including the payment of a surcharge'' and inserting ''including the requirement for payment of the fee specified in section 41(a)(7)'';

(3) in section 120, in the fourth sentence, by striking ''including the payment of a surcharge'' and inserting ''including the requirement for payment of the fee specified in section 41(a)(7)'';

(4) in section 122(b)(2)(B)(iii), in the second sentence, by striking '', unless it is shown'' and all that follows through ''unintentional'';

(5) in section 133, by striking '', unless it be shown'' and all that follows through ''unavoidable'';

(6) by striking section 151 and inserting the following:

''§ 151. Issue of patent

''(a) IN GENERAL.—If it appears that an applicant is entitled to a patent under the law, a written notice of allowance of the application shall be given or mailed to the applicant. The notice shall specify a sum, constituting the issue fee and any required publication fee, which shall be paid within 3 months thereafter.

''(b) EFFECT OF PAYMENT.—Upon payment of this sum the patent may issue, but if payment is not timely made, the application shall be regarded as abandoned.'';

(7) in section 361, by striking subsection (c) and inserting the following:

''(c) International applications filed in the Patent and Trademark Office shall be filed in the English language, or an English translation shall be filed within such later time as may be fixed by the Director.'';

(8) in section 364, by striking subsection (b) and inserting the following:

''(b) An applicant's failure to act within prescribed time limits in connection with requirements pertaining to an international application may be excused as provided in the treaty and the Regulations.''; and

(9) in section 371(d), in the third sentence, by striking '', unless it be shown to the satisfaction of the Director that such failure to comply was unavoidable''.

SEC. 203. EFFECTIVE DATE.

(a) IN GENERAL.—The amendments made by this title—

(1) shall take effect on the date that is 1 year after the date of the enactment of this Act; and

(2) shall apply to—

(A) any patent issued before, on, or after the effective date set forth in paragraph (1); and

(B) any application for patent that is pending on or filed after the effective date set forth in paragraph (1).

(b) EXCEPTIONS.—

(1) SECTION 201(a).—The amendments made by section 201(a) shall apply only to applications that are filed on or after the effective date set forth in subsection (a)(1).

(2) PATENTS IN LITIGATION.—The amendments made by this title shall have no effect with respect to any patent that is the subject of litigation in an action commenced before the effective date set forth in subsection (a)(1).

Mr. PRYOR. Mr. President, I ask unanimous consent that the committee-reported amendment be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

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

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

The bill (S. 3486), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

MAKING TECHNICAL CORRECTIONS TO LEGAL DESCRIPTION OF CERTAIN LAND

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 498, S. 3193.

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

The legislative clerk read as follows:

A bill (S. 3193) to make technical corrections to the legal description of certain land, to be held in trust for the Barona Band of Mission Indians, and for other purposes.

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

Mr. PRYOR. Mr. President, I ask unanimous consent that the Akaka amendment, which is 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, with no intervening action or debate, and that any related statements be printed in the RECORD.

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

The amendment (No. 2864) was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Barona Band of Mission Indians Land Transfer Clarification Act of 2012''.

SEC. 2. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the legal description of land previously taken into trust by the United States for the benefit of the Barona Band of Mission Indians may be interpreted to refer to private, nontribal land;

(2) there is a continued, unresolved disagreement between the Barona Band of Mission Indians and certain off-reservation property owners relating to the causes of diminishing native groundwater;

(3) Congress expresses no opinion, nor should an opinion of Congress be inferred, relating to the disagreement described in paragraph (2); and

(4) it is the intent of Congress that, if the land described in section 121(b) of the Native American Technical Corrections Act of 2004 (118 Stat. 544) (as amended by section 3) is used to bring water to the Barona Indian Reservation, the effort is authorized only if the effort also addresses water availability for neighboring off-reservation land located along Old Barona Road that is occupied as of the date of enactment of this Act by providing guaranteed access to that water supply at a mutually agreeable site on the southwest boundary of the Barona Indian Reservation.

(b) PURPOSES.—The purposes of this Act are—

(1) to clarify the legal description of the land placed into trust for the Barona Band of Mission Indians in 2004; and

(2) to remove all doubt relating to the specific parcels of land that Congress has placed into trust for the Barona Band of Mission Indians.

SEC. 3. LAND TRANSFER.

Section 121 of the Native American Technical Corrections Act of 2004 (Public Law 108–204; 118 Stat. 544) is amended—

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

''(b) DESCRIPTION OF LAND.—The land referred to in subsection (a) is land comprising approximately 86.87 acres in T. 14 S., R. 1 E., San Bernardino Meridian, San Diego County, California, and described more particularly as follows:

''(1) The approximately 69.85 acres located in Section 21 and described as—

''(A) SW¼ SW¼, excepting the north 475 feet;

''(B) W½ SE¼ SW¼, excepting the north 475 feet;

''(C) E½ SE¼ SW¼, excepting the north 350 feet; and

''(D) the portion of W½ SE¼ that lies southwesterly of the following line: Beginning at the intersection of the southerly line of said SE¼ of Section 21 with the westerly boundary of Rancho Canada De San Vicente Y Mesa Del Padre Barona as shown on United States Government Resurvey approved January 21, 1939, and thence northwesterly along said boundary to an intersection with the westerly line of said SE¼.

''(2) The approximately 17.02 acres located in Section 28 and described as NW¼ NW¼, excepting the east 750 feet.''; and

(2) by adding at the end the following:

''(d) CLARIFICATIONS.—

''(1) EFFECT ON SECTION.—The provisions of subsection (c) shall apply to the land described in subsection (b), as in effect on the day after the date of enactment of the Barona Band of Mission Indians Land Transfer Clarification Act of 2012.

''(2) EFFECT ON PRIVATE LAND.—The parcel of private, non-Indian land referenced in subsection (a) and described in subsection (b), as in effect on the day before the date of enactment of the Barona Band of Mission Indians Land Transfer Clarification Act of 2012, but excluded from the revised description of the land in subsection (b) was not intended to be—

''(A) held in trust by the United States for the benefit of the Band; or

''(B) considered to be a part of the reservation of the Band.''.

The bill (S. 3193), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

FINANCIAL ASSISTANCE FOR BURMA

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 6431, which is at the desk.

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

The legislative clerk read as follows:

A bill (H.R. 6431) to provide flexibility with respect to United States support for assistance provided by international financial institutions for Burma, and for other purposes.

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

Mr. PRYOR. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the measure be printed in the RECORD.

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

The bill (H.R. 6431) was ordered to a third reading, was read the third time, and passed.

MARK TWAIN COMMEMORATIVE COIN ACT

Mr. PRYOR. Mr. President, I ask unanimous consent that the Banking Committee be discharged from further consideration of H.R. 2453 and the Senate proceed to its consideration.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2453) to require the Secretary of the Treasury to mint coins in commemoration of Mark Twain.

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

Mr. PRYOR. I ask unanimous consent that the Blumenthal amendment which is 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, 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 amendment (No. 2865) was agreed to, as follows:

On page 7, strike lines 5 through 7 and insert the following:

(2) One-quarter of the surcharges, to the University of California, Berkeley, California, for the benefit of the Mark Twain Project at the Bancroft Library to support programs to study and promote the legacy of Mark Twain.

At the end, add the following:

SEC. 8. NO NET COST.

The Secretary shall take such actions as may be necessary to ensure that—

(1) minting and issuing coins under this Act will not result in any net cost to the United States Government; and

(2) no funds, including applicable surcharges, are disbursed to any recipient designated in section 7 until the total cost of designing and issuing all of the coins authorized by this Act (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping) is recovered by the United States Treasury, consistent with sections 5112(m) and 5134(f) of title 31, United States Code.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 2453), as amended, was read the third time, and passed, as follows:

H.R. 2453

Resolved, That the bill from the House of Representatives (H.R. 2453) entitled ''An Act to require the Secretary of the Treasury to mint coins in commemoration of Mark Twain.'', do pass with the following amendments:

On page 7, strike lines 5 through 7 and insert the following:

(2) One-quarter of the surcharges, to the University of California, Berkeley, California, for the benefit of the Mark Twain Project at the Bancroft Library to support programs to study and promote the legacy of Mark Twain.

At the end, add the following:

SEC. 8. NO NET COST.

The Secretary shall take such actions as may be necessary to ensure that—

(1) minting and issuing coins under this Act will not result in any net cost to the United States Government; and

(2) no funds, including applicable surcharges, are disbursed to any recipient designated in section 7 until the total cost of designing and issuing all of the coins authorized by this Act (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping) is recovered by the United States Treasury, consistent with sections 5112(m) and 5134(f) of title 31, United States Code.

MAKING CORRECTIONS WITH RESPECT TO FOOD AND DRUG ADMINISTRATION USER FEES

Mr. PRYOR. I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 6433 which was received from the House.

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

The legislative clerk read as follows:

A bill (H.R. 6433) to make corrections with respect to Food and Drug Administration user fees.

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

Mr. PRYOR. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be considered made and laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 6433) was ordered to a third reading, was read the third time, and passed.

TO CONFIRM FULL OWNERSHIP RIGHTS FOR CERTAIN UNITED STATES ASTRONAUTS TO ARTIFACTS FROM THE ASTRONAUTS' SPACE MISSIONS

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4158 which was received from the House.

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

The legislative clerk read as follows:

A bill (H.R. 4158) to confirm full ownership rights for certain United States astronauts to artifacts from the astronauts' space missions.

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

Mr. PRYOR. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be considered made and laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 4158) was ordered to a third reading, was read the third time, and passed.

SAFE DOSES ACT

Mr. PRYOR. I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 4223 and the Senate proceed to its consideration.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4223) to amend title 18, United States Code, to prohibit theft of medical products, and for other purposes.

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

Mr. PRYOR. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 4223) was ordered to a third reading, was read the third time, and passed.

VA MAJOR CONSTRUCTION AUTHORIZATION AND EXPIRING AUTHORITIES EXTENSION ACT OF 2012

Mr. PRYOR. I ask unanimous consent that the Senate proceed to the consideration of H.R. 6375 which was received from the House and is at the desk.

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

The legislative clerk read as follows:

A bill (H.R. 6375) to authorize certain Department of Veterans Affairs major medical facility projects, to amend title 38, United States Code, to extend certain authorities of the Secretary of Veterans Affairs, and for other purposes.

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

Mr. PRYOR. I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be 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 (H.R. 6375) was ordered to a third reading, was read the third time, and passed.

GAO MANDATES REVISION ACT OF 2012

Mr. PRYOR. I ask unanimous consent that the Senate proceed to the

consideration of Calendar No. 523, S. 3315.

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

The legislative clerk read as follows:

A bill (S. 3315) to repeal or modify certain mandates of the Government Accountability Office.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with an amendment, as follows:

(Omit the part shown in boldface brackets and insert the part printed in italic.)

S. 3315

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 ''GAO Mandates Revision Act of 2012''.

SEC. 2. REPEALS AND MODIFICATIONS.

(a) CAPITOL PRESERVATION FUND FINANCIAL STATEMENTS.—Section 804 of the Arizona-Idaho Conservation Act of 1988 (2 U.S.C. 2084) is amended by striking ''annual audits of the transactions of the Commission'' and inserting ''periodic audits of the transactions of the Commission, which shall be conducted at least once every 3 years, unless the Chairman or the Ranking Member of the Committee on Rules and Administration of the Senate or the Committee on House Administration of the House of Representatives requests that an audit be conducted at an earlier date,''.

(b) JUDICIAL SURVIVORS' ANNUITIES FUND AUDIT BY GAO.—

(1) IN GENERAL.—Section 376 of title 28, United States Code, is amended—

(A) by striking subsection (w); and

(B) by redesignating subsections (x) and (y) as subsections (w) and (x), respectively.

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 376(h)(2) of title 28, United States Code, is amended by striking ''subsection (x)'' and inserting ''subsection (w)''.

[(c) ONDCP ANNUAL REPORT REQUIREMENT.—Section 203 of the Office of National Drug Control Policy Reauthorization Act of 2006 (21 U.S.C. 1708a) is amended—

(1) by striking ''(a) IN GENERAL.—''; and

(2) by striking subsection (b).**]**

(c) ONDCP ANNUAL REPORT REQUIREMENT.—Section 203 of the Office of National Drug Control Policy Reauthorization Act of 2006 (21 U.S.C. 1708a) is amended—

(1) in subsection (a), by striking ''of each year'' and inserting '', 2013, and every 3 years thereafter,''; and

(2) in subsection (b), in the matter preceding paragraph (1), by striking ''at a frequency of not less than once per year—'' and inserting ''not later than December 31, 2013, and every 3 years thereafter—''.

(d) USERRA GAO REPORT.—Section 105(g)(1) of the Veterans' Benefits Act of 2010 (Public Law 111–275; 38 U.S.C. 4301 note) is amended by striking '', and annually thereafter during the period when the demonstration project is conducted,''.

(e) SEMIPOSTAL PROGRAM REPORTS BY THE GENERAL ACCOUNTING OFFICE.—Section 2 of the Semipostal Authorization Act (Public Law 106–253; 114 Stat. 636; 39 U.S.C. 416 note) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(f) EARNED IMPORT ALLOWANCE PROGRAM REVIEW BY GAO.—Section 231A(b)(4) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703a(b)(4)) is amended—

(1) by striking subparagraph (C); and

(2) by redesignating subparagraph (D) as subparagraph (C).

(g) AMERICAN BATTLE MONUMENTS COMMISSION'S FINANCIAL STATEMENTS AND AUDITS.—Section 2103(h) of title 36, United States Code, is amended—

(1) in paragraph (1), by striking ''of paragraph (2) of this subsection'' and inserting ''of section 3515 of title 31'';

(2) in paragraph (1), by striking ''(1)''; and

(3) by striking paragraph (2).

(h) SENATE PRESERVATION FUND AUDITS.—Section 3(c)(6) of the Legislative Branch Appropriations Act, 2004 (2 U.S.C. 2108(c)(6)) is amended by striking ''annual audits of the Senate Preservation Fund'' and inserting ''periodic audits of the Senate Preservation Fund, which shall be conducted at least once every 3 years, unless the Chairman or the Ranking Member of the Committee on Rules and Administration of the Senate requests that an audit be conducted at an earlier date,''.

Mr. PRYOR. I ask unanimous consent that the committee-reported amendment be agreed to, the Lieberman amendment, which is 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, with no intervening action or debate, and any related statements be printed in the RECORD.

The committee-reported amendment was agreed to.

The amendment (No. 2866) was agreed to, as follows:

On page 2, line 11, insert '', the Secretary of the Senate, or the Clerk of the House of Representatives'' after ''House of Representatives''.

On page 5, line 1, insert ''or the Secretary of the Senate'' after ''the Senate''.

The bill (S. 3315), as amended, was ordered to be engrossed for a third reading, was read the third time and passed, as follows:

S. 3315

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 ''GAO Mandates Revision Act of 2012''.

SEC. 2. REPEALS AND MODIFICATIONS.

(a) CAPITOL PRESERVATION FUND FINANCIAL STATEMENTS.—Section 804 of the Arizona-Idaho Conservation Act of 1988 (2 U.S.C. 2084) is amended by striking ''annual audits of the transactions of the Commission'' and inserting ''periodic audits of the transactions of the Commission, which shall be conducted at least once every 3 years, unless the Chairman or the Ranking Member of the Committee on Rules and Administration of the Senate or the Committee on House Administration of the House of Representatives, the Secretary of the Senate, or the Clerk of the House of Representatives requests that an audit be conducted at an earlier date,''.

(b) JUDICIAL SURVIVORS' ANNUITIES FUND AUDIT BY GAO.—

(1) IN GENERAL.—Section 376 of title 28, United States Code, is amended—

(A) by striking subsection (w); and

(B) by redesignating subsections (x) and (y) as subsections (w) and (x), respectively.

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 376(h)(2) of title 28, United States Code, is amended by striking ''subsection (x)'' and inserting ''subsection (w)''.

(c) ONDCP ANNUAL REPORT REQUIREMENT.—Section 203 of the Office of National Drug Control Policy Reauthorization Act of 2006 (21 U.S.C. 1708a) is amended—

(1) in subsection (a), by striking ''of each year'' and inserting '', 2013, and every 3 years thereafter,''; and

(2) in subsection (b), in the matter preceding paragraph (1), by striking ''at a frequency of not less than once per year—'' and inserting ''not later than December 31, 2013, and every 3 years thereafter—''.

(d) USERRA GAO REPORT.—Section 105(g)(1) of the Veterans' Benefits Act of 2010 (Public Law 111–275; 38 U.S.C. 4301 note) is amended by striking '', and annually thereafter during the period when the demonstration project is conducted,''.

(e) SEMIPOSTAL PROGRAM REPORTS BY THE GENERAL ACCOUNTING OFFICE.—Section 2 of the Semipostal Authorization Act (Public Law 106–253; 114 Stat. 636; 39 U.S.C. 416 note) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(f) EARNED IMPORT ALLOWANCE PROGRAM REVIEW BY GAO.—Section 231A(b)(4) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703a(b)(4)) is amended—

(1) by striking subparagraph (C); and

(2) by redesignating subparagraph (D) as subparagraph (C).

(g) AMERICAN BATTLE MONUMENTS COMMISSION'S FINANCIAL STATEMENTS AND AUDITS.—Section 2103(h) of title 36, United States Code, is amended—

(1) in paragraph (1), by striking ''of paragraph (2) of this subsection'' and inserting ''of section 3515 of title 31'';

(2) in paragraph (1), by striking ''(1)''; and

(3) by striking paragraph (2).

(h) SENATE PRESERVATION FUND AUDITS.—Section 3(c)(6) of the Legislative Branch Appropriations Act, 2004 (2 U.S.C. 2108(c)(6)) is amended by striking ''annual audits of the Senate Preservation Fund'' and inserting ''periodic audits of the Senate Preservation Fund, which shall be conducted at least once every 3 years, unless the Chairman or the Ranking Member of the Committee on Rules and Administration of the Senate or the Secretary of the Senate requests that an audit be conducted at an earlier date,''.

GOVERNMENT CHARGE CARD ABUSE PREVENTION ACT OF 2012

Mr. PRYOR. Mr. President, I ask unanimous consent that the Chair lay before the Senate a message from the House on S. 300.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 300) entitled ''An Act to prevent abuse of Government charge cards,'' do pass with an amendment.

Mr. PRYOR. I ask unanimous consent that the Senate concur in the House amendment, the motion to reconsider be laid upon the table with no intervening action or debate, and any statements relating to the matter be printed in the RECORD.

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

HAZARDOUS WASTE ELECTRONIC MANIFEST ESTABLISHMENT ACT

Mr. PRYOR. Mr. President, I ask the Chair to lay before the Senate a message from the House on S. 710.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 710) entitled ''An Act to amend the Solid Waste Disposal Act to direct the Administrator of the Environmental Protection Agency to establish a hazardous waste electronic manifest system,'' do pass with an amendment.

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senate concur in the House amendment, the motion to reconsider be considered made and laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

COAST GUARD AND MARITIME TRANSPORTATION ACT

Mr. PRYOR. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of H.R. 2838 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 legislative clerk read as follows:

A bill (H.R. 2838) to authorize appropriations for the Coast Guard for fiscal years 2012 through 2015, and for other purposes.

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

Mr. PRYOR. Mr. President, I further ask unanimous consent that the Rockefeller substitute amendment, which is at the desk, be agreed to, the bill, as amended, be read a third time and passed, the title amendment, which is at the desk, be agreed to, the motions to reconsider be made and laid upon the table, with no intervening action or debate, and that any statements relating to the measure be printed in the RECORD.

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

The amendment (No. 2867) in the nature of a substitute was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The bill (H.R. 2838), as amended, was passed.

The amendment (No. 2868) was agreed to, as follows:

(Purpose: To amend the title)

Amend the title so as to read: ''An Act to authorize appropriations for the Coast Guard for fiscal years 2013 through 2014, and for other purposes.''.

QUADRENNIAL DIPLOMACY AND DEVELOPMENT REVIEW ACT OF 2012

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 525, S. 3341.

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

The legislative clerk read as follows:

A bill (S. 3341) to require a quadrennial diplomacy and development review, and for other purposes.

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

Mr. PRYOR. Mr. President, I further ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be considered made and laid upon the table, with no intervening action or debate, and that any statements related to the measure be printed in the RECORD.

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

The bill (S. 3341) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3341

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 ''Quadrennial Diplomacy and Development Review Act of 2012''.

SEC. 2. QUADRENNIAL DIPLOMACY AND DEVELOPMENT REVIEW.

(a) REQUIREMENT.—

(1) QUADRENNIAL REVIEWS REQUIRED.—Under the direction of the President, the Secretary of State shall every four years, during a year following a year evenly divisible by four, conduct a review of United States diplomacy and development (to be known as a ''quadrennial diplomacy and development review'').

(2) SCOPE OF REVIEWS.—Each quadrennial diplomacy and development review shall be a comprehensive examination of the national diplomacy and development policy and strategic framework of the United States for the next four year period until a subsequent review is due under paragraph (1). The review shall include—

(A) recommendations regarding the long-term diplomacy and development policy and strategic framework of the United States;

(B) priorities of the United States for diplomacy and development; and

(C) guidance on the related programs, assets, capabilities, budget, policies, and authorities of the Department of State and United States Agency for International Development.

(3) CONSULTATION.—In conducting each quadrennial diplomacy and development review, after consultation with Department of State and United States Agency for International Development officials, the Secretary of State should consult with—

(A) the heads of other relevant Federal agencies, including the Secretary of Defense, the Secretary of the Treasury, the Secretary of Homeland Security, the Attorney General, the Secretary of Health and Human Services, the Secretary of Agriculture, the Secretary of Commerce, the Chief Executive Officer of the Millennium Challenge Corporation, and the Director of National Intelligence;

(B) any other Federal agency that provides foreign assistance, including at a minimum the Export-Import Bank of the United States and the Overseas Private Investment Corporation;

(C) the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and, as appropriate, other members of Congress; and

(D) other relevant governmental and nongovernmental entities, including private sector representatives, academics, and other policy experts.

(b) CONTENTS OF REVIEW.—Each quadrennial diplomacy and development review shall—

(1) delineate, as appropriate, the national diplomacy and development policy and strategic framework of the United States, consistent with appropriate national, Department of State, and United States Agency for International Development strategies, strategic plans, and relevant presidential directives, including the national security strategy prescribed pursuant to section 108 of the National Security Act of 1947 (50 U.S.C. 404a);

(2) outline and prioritize the full range of critical national diplomacy and development areas, capabilities, and resources, including those implemented across agencies, and address the full range of challenges confronting the United States in this regard;

(3) describe the interagency cooperation, and preparedness of relevant Federal assets, and the infrastructure, budget plan, and other elements of the diplomacy and development policies and programs of the United States required to execute successfully the full range of mission priorities outlined under paragraph (2);

(4) describe the roles of international organizations and multilateral institutions in advancing United States diplomatic and development objectives, including the mechanisms for coordinating and harmonizing development policies and programs with partner countries and among donors;

(5) identify the budget plan required to provide sufficient resources to successfully execute the full range of mission priorities outlined under paragraph (2);

(6) include an assessment of the organizational alignment of the Department of State and the United States Agency for International Development with the national diplomacy and development policy and strategic framework referred to in paragraph (1) and the diplomacy and development mission priorities outlined under paragraph (2);

(7) review and assess the effectiveness of the management mechanisms of the Department of State and the United States Agency for International Development for executing the strategic priorities outlined in the quadrennial diplomacy and development review, including the extent to which such effectiveness has been enhanced since the previous report; and

(8) the relationship between the requirements of the quadrennial diplomacy and development review and the acquisition strategy and expenditure plan within the Department of State and the United States Agency for International Development.

(c) REPORTING.—

(1) IN GENERAL.—Not later than the year following the year in which a quadrennial diplomacy and development review is conducted, but not later than the date on which the President submits the budget for the next fiscal year to Congress under section 1105(a) of title 31, United States Code, the Secretary of State shall submit to Congress a report regarding that quadrennial diplomacy and development review.

(2) CONTENTS OF REPORT.—Each report submitted under paragraph (1) shall include—

(A) the results of the quadrennial diplomacy and development review conducted in accordance with, and based on a detailed assessment of, the provisions of and considerations set out in subsections (a)(2) and (b), addressing each of the key elements identified in such subsections;

(B) a description of the threats to the assumed or defined national security interests

of the United States that were examined for the purposes of that review;

(C) an explanation of any underlying assumptions used in conducting the review; and

(D) any other matters the Secretary of State considers appropriate.

(3) PUBLIC AVAILABILITY.—The Secretary of State shall, consistent with the protection of national security and other sensitive matters, make each report submitted under paragraph (1) publicly available on the Internet Web site of the Department of State.

(d) ESTABLISHMENT.—The Secretary of State may establish within the Department of State an Office of Quadrennial Diplomacy and Development Review, which the Secretary of State may, using only existing resources, staff in a manner to assist in discharging the functions under this section.

(e) FOREIGN AFFAIRS POLICY BOARD REVIEW.—The Secretary of State should apprise the Foreign Affairs Policy Board on an ongoing basis of the work undertaken in the conduct of the quadrennial diplomacy and development review and, upon completion of the review, the Chairman of the Foreign Affairs Policy Board should, on behalf of the Board, prepare and submit to the Secretary an assessment of the review for inclusion in the report submitted under subsection (c).

DIVISIONAL REALIGNMENT ACT OF 2012

Mr. PRYOR. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 5512 and the Senate proceed to its consideration.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5512) to amend title 28, United States Code, to realign divisions within two judicial districts.

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

Mr. PRYOR. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

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

The bill (H.R. 5512) was ordered to a third reading, was read the third time, and passed.

REPORTING EFFICIENCY IMPROVEMENT ACT

Mr. PRYOR. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 6189 and the Senate proceed to its consideration.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 6189) to eliminate unnecessary reporting requirements for unfunded programs under the Office of Justice Programs.

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

Mr. PRYOR. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

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

The bill (H.R. 6189) was ordered to a third reading, was read the third time, and passed.

MINNESOTA CHIPPEWA TRIBE JUDGMENT FUND DISTRIBUTION ACT OF 2012

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 482, H.R. 1272.

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

The legislative clerk read as follows:

A bill (H.R. 1272) to provide for the use and distribution of the funds awarded to the Minnesota Chippewa Tribe, et al., by the United States Court of Federal Claims in Docket Numbers 19 and 188, and for other purposes.

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

Mr. PRYOR. Mr. President, I further ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be made and laid upon the table with no intervening action or debate, and any statements related to the measure be printed in the RECORD.

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

The bill (H.R. 1272) was ordered to a third reading, was read the third time, and passed.

LOWELL NATIONAL HISTORICAL PARK LAND EXCHANGE ACT OF 2012

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 392, H.R. 2240.

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

The legislative clerk read as follows:

A bill (H.R. 2240) to authorize the exchange of land or interest in land between Lowell National Historical Park and the city of Lowell in the Commonwealth of Massachusetts, and for other purposes.

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

Mr. PRYOR. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

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

The bill (H.R. 2240) was ordered to a third reading, was read the third time, and passed.

NEW YORK CITY NATURAL GAS SUPPLY ENHANCEMENT ACT

Mr. PRYOR. Mr. President, I ask unanimous consent that the Energy Committee be discharged from further consideration of H.R. 2606 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 legislative clerk read as follows:

A bill (H.R. 2606) to authorize the Secretary of the Interior to allow the construction and operation of natural gas pipeline facilities in the Gateway National Recreation Area, and for other purposes.

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

Mr. PRYOR. Mr. President, I ask unanimous consent that a Bingaman substitute amendment which is at the desk be agreed to, the bill, as amended, be read a third time and passed, and the motion to reconsider be laid upon the table, with no intervening action or debate and any statements related to the bill be printed in the RECORD.

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

The amendment (No. 2869) was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''New York City Natural Gas Supply Enhancement Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) PERMITTEE.—The term ''permittee'' means the Transcontinental Gas Pipeline Company, LLC, (Transco), its successors or assigns.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 3. AUTHORIZATION FOR PERMIT.

(a) IN GENERAL.—The Secretary may issue permits for rights-of-way or other necessary authorizations to allow the permittee to construct, operate, and maintain a natural gas pipeline and related facilities within the Gateway National Recreation Area in New York, as described in Federal Regulatory Commission Docket No. PF09-8.

(b) TERMS AND CONDITIONS.—A permit issued under this section shall be—

(1) consistent with the laws and regulations generally applicable to utility rights-of-way within units of the National Park System; and

(2) subject to such terms and conditions as the Secretary deems appropriate.

(c) FEES.—The Secretary shall charge a fee for any permit issued under this section. The fee shall be based on fair market value and shall also provide for recovery of costs incurred by the National Park Service associated with the processing, issuance, and monitoring of the permit. The Secretary shall retain any fees associated with the recovery of costs.

(d) TERM.—Any permit issued under this section shall be for a term of 10 years. The permit may be renewed at the discretion of the Secretary in accordance with this section.

SEC. 4. LEASE OF HISTORIC BUILDINGS AT FLOYD BENNETT FIELD.

(a) IN GENERAL.—The Secretary may enter into a non-competitive lease with the permittee to allow the occupancy and use of buildings and associated property at Floyd Bennett Field within the Gateway National Recreation Area to house meter and regulating equipment and other equipment necessary to the operation of the natural gas pipeline described in section 3(a).

(b) TERMS AND CONDITIONS.—A lease entered into under this section shall—

(1) be in accordance with section 3(k) of the National Park System General Authorities Act (16 U.S.C. 1a–2(k)), except that the proceeds from rental payments may be used for infrastructure needs, resource protection and restoration, and visitor services at Gateway National Recreation Area; and

(2) provide for the restoration and maintenance of the buildings and associated property in accordance with section 106 of the National Historic Preservation Act (16 U.S.C. 470f) and applicable regulations and programmatic agreements.

SEC. 5. ENFORCEMENT.

The Secretary may impose citations or fines, or suspend or revoke any authority under a permit or lease issued in accordance with this Act for failure to comply with, or a violation of any term or condition of such permit or lease.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 2606) was read the third time and passed.

LIONS CLUBS INTERNATIONAL CENTURY OF SERVICE COMMEMORATIVE COIN ACT

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2139 which was received from the House.

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

The legislative clerk read as follows:

A bill (H.R. 2139) to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Lions Clubs International.

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

Mr. PRYOR. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements related to the bill be printed in the RECORD.

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

The bill (H.R. 2139) was ordered to a third reading, was read the third time, and passed.

MILITARY COMMERCIAL DRIVER'S LICENSE ACT OF 2012

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3624 introduced earlier today.

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

The legislative clerk read as follows:

A bill (S. 3624) to amend section 31311 of title 49, United States Code, to permit States to issue commercial driver's licenses to members of the Armed Forces whose duty station is located in the State.

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

Mr. PRYOR. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the bill be printed in the RECORD.

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

The bill (S. 3624) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3624

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 ''Military Commercial Driver's License Act of 2012''.

SEC. 2. DOMICILE REQUIREMENT FOR COMMERCIAL DRIVER'S LICENSE.

Section 31311(a)(12) of title 49, United States Code, is amended to read as follows:

''(12)(A) Except as provided in subparagraphs (B) and (C), the State may issue a commercial driver's license only to an individual who operates or will operate a commercial motor vehicle and is domiciled in the State.

''(B) Under regulations prescribed by the Secretary, the State may issue a commercial driver's license to an individual who—

''(i) operates or will operate a commercial motor vehicle; and

''(ii) is not domiciled in a State that issues commercial driver's licenses.

''(C) The State may issue a commercial driver's license to an individual who—

''(i) operates or will operate a commercial motor vehicle;

''(ii) is a member of the active duty military, military reserves, National Guard, active duty United States Coast Guard, or Coast Guard Auxiliary; and

''(iii) is not domiciled in the State, but whose temporary or permanent duty station is located in the State.''.

CHANGING THE EFFECTIVE DATE FOR THE INTERNET PUBLICATION OF CERTAIN INFORMATION

Mr. PRYOR. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. 3625 introduced earlier today.

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

The legislative clerk read as follows:

A bill (S. 3625) to change the effective date for the Internet publication of certain information to prevent harm to the national security or endangering the military officers and civilian employees to whom the publication requirement applies, and for other purposes.

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

Mr. PRYOR. Mr. President, I ask unanimous consent the bill be read three times and passed, the motion to reconsider be laid upon the table with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

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

The bill (S. 3625) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3625

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

SECTION 1. CHANGED EFFECTIVE DATE FOR FINANCIAL DISCLOSURE FORMS OF CERTAIN OFFICERS AND EMPLOYEES.

(a) IN GENERAL.—Except with respect to financial disclosure forms filed by officers and employees referred to in subsection (b), section 8(a)(1) and section 11(a)(1) of the STOCK Act (5 U.S.C. App. 105 note) shall take effect on December 8, 2012.

(b) FINANCIAL DISCLOSURE FORMS NOT SUBJECT TO NEW EFFECTIVE DATE.—Financial disclosure forms filed by the following individuals shall not be subject to the effective date under this section:

(1) The President.

(2) The Vice President.

(3) Any Member of Congress.

(4) Any candidate for Congress.

(5) Any officer occupying a position listed in section 5312 or section 5313 of title 5, United States Code, having been nominated by the President and confirmed by the Senate to that position.

SEC. 2. STUDY AND REPORT.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Director of the Office of Personnel Management shall contract with the National Academy of Public Administration (referred to in this section as the ''National Academy'') to—

(1) conduct a study of issues raised by website publication of financial disclosure forms as is required under the STOCK Act (Public Law 112–105; 126 Stat. 291); and

(2) issue a report containing findings and recommendations.

(b) SCOPE OF STUDY.—The study conducted under subsection (a)(1) shall—

(1) examine the nature, scope, and degree of risk, including risk of harm to national security, law enforcement, or other Federal missions and risk of endangerment, including to personal safety and security, financial security (such as through identity theft), and privacy, of officers and employees and their family members, that may be posed by website and other publication of financial disclosure forms and associated personal information;

(2) examine any harm that may have arisen from the current online availability of financial disclosure forms and associated personal information of employees of the legislative branch, including any harm to national security, law enforcement, or other Federal missions and any endangerment that may have occurred, including to personal safety and security, financial security (such as through identity theft), and privacy, of such legislative branch officers and employees or their family members; and

(3) include any other analysis that the National Academy believes is necessary or desirable on the topic of the study.

(c) REPORT.—Not later than 6 months after the date of enactment of this Act, the National Academy shall submit to Congress and the President a report that contains—

(1) the findings of the study conducted under subsection (a)(1);

(2) recommendations for ways to avoid or mitigate the risks identified in the study conducted under subsection (a)(1), consistent with the goal of providing appropriate public disclosure of potential conflicts of interest or instances of insider trading by Federal officers or employees; and

(3) any other recommendations that the National Academy believes are necessary or desirable.

SEC. 3. PERIODIC TRANSACTION REPORTS FOR TRANSACTIONS OF SPOUSES AND CHILDREN.

(a) IN GENERAL.—

(1) DATE REPORTING REQUIREMENT COMMENCES IN HOUSE OF REPRESENTATIVES AND

EXECUTIVE BRANCH.—Section 2 of the Act entitled ''An Act to prevent harm to the national security or endangering the military officers and civilian employees to whom internet publication of certain information applies, and for other purposes'', approved August 16, 2012 (5 U.S.C. App. 103 note), is amended by striking ''September 30, 2012'' and inserting ''January 1, 2013''.

(2) EXTENSION TO EXECUTIVE BRANCH.—Section 2 of the Act entitled ''An Act to prevent harm to the national security or endangering the military officers and civilian employees to whom internet publication of certain information applies, and for other purposes'', approved August 16, 2012 (5 U.S.C. App. 103 note), is amended by striking ''for reporting individuals'' and all that follows through ''House of Representatives''.

(3) TECHNICAL AND CONFORMING AMENDMENT.—Section 2 of the Act entitled ''An Act to prevent harm to the national security or endangering the military officers and civilian employees to whom internet publication of certain information applies, and for other purposes'', approved August 16, 2012 (5 U.S.C. App. 103 note), is amended by striking ''such section 101'' and inserting ''section 101 of such Act (5 U.S.C. App. 101)''.

(b) EFFECTIVE DATE; RULE OF CONSTRUCTION.—

(1) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on January 1, 2013.

(2) RULE OF CONSTRUCTION.—Before January 1, 2013, the amendments made by subsection (a) shall not affect the applicability of section 2 of the Act entitled ''An Act to prevent harm to the national security or endangering the military officers and civilian employees to whom internet publication of certain information applies, and for other purposes'', approved August 16, 2012 (5 U.S.C. App. 103 note), as in effect on the day before the effective date under paragraph (1).

(c) SAVINGS CLAUSE.—Nothing in the amendments made by subsection (a) shall be construed as affecting any requirement with respect to the House of Representatives or the executive branch in effect before January 1, 2013, with respect to the inclusion of transaction information for a report under section 103(1) of the Ethics in Government Act of 1978 (5 U.S.C. App. 103(1)).

(d) NO CHANGE TO EXISTING SENATE REQUIREMENTS.—Nothing in this section or the amendments made this section shall be construed as affecting the requirement that took effect with respect to the Senate on July 3, 2012, which mandates the inclusion of transaction information for spouses and dependent children for a report under section 103(1) of the Ethics in Government Act of 1978 (5 U.S.C. App. 103(1)).

RECOGNIZING THE 100TH ANNIVERSARY OF HADASSAH

Mr. PRYOR. Mr. President, I ask unanimous consent the Judiciary Committee be discharged from further consideration of S. Res. 448 and the Senate proceed to its immediate consideration.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 448) recognizing the 100th anniversary of Hadassah, the Women's Zionist Organization of America, Inc.

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

Mr. PRYOR. Mr. President, I ask unanimous consent the resolution be agreed to, the motion to reconsider be 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 resolution (S. Res. 448) was agreed to, as follows:

S. RES. 448

Whereas Hadassah, the Women's Zionist Organization of America, Inc. (referred to in this preamble as ''Hadassah'') was established by Henrietta Szold on February 24, 1912;

Whereas Hadassah is now the largest Zionist organization for Jewish women, with more than 300,000 active members;

Whereas Hadassah celebrated the 100th anniversary of its founding on February 24, 2012;

Whereas, since its founding, Hadassah has consistently promoted the unity of the Jewish people and worked for the betterment of communities in the United States and what is now present-day Israel;

Whereas Hadassah was nominated for the 2005 Nobel Peace Prize for its ongoing initiatives to use medicine as a bridge to peace;

Whereas Hadassah conducts a wide variety of training programs for medical personnel and students throughout the world;

Whereas, in Israel, Hadassah initiates and supports pace-setting health care, education, and youth institutions;

Whereas the world-class Hadassah Medical Organization in Israel is renowned for cutting-edge medical research;

Whereas the Hadassah Medical Organization is constructing the Sarah Wetsman Davidson Hospital Tower at Hadassah Medical Center as a gift to Israel, to be officially dedicated at the Hadassah Centennial Convention in October 2012;

Whereas, in the United States, Hadassah—

(1) enhances the quality of American and Jewish life through education and Zionist youth programs;

(2) promotes health awareness; and

(3) provides personal enrichment and growth for members; and

Whereas Hadassah helps support young people by providing scholarships for students and educating disadvantaged children: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates Hadassah, the Women's Zionist Organization of America, Inc. on its 100th anniversary; and

(2) recognizes the important contributions that Hadassah, the Women's Zionist Organization of America, Inc. has made to medical research and care, the health of communities, the relationship between the United States and Israel, and the continuity of Jewish heritage.

OPERATION ENDURING FREEDOM VETERANS DAY

Mr. PRYOR. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of and the Senate now proceed to S. Res. 472.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 472) designating October 7, 2012, as ''Operation Enduring Freedom Veterans Day.''

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

Mr. PRYOR. Mr. President, I ask unanimous consent that the Enzi amendment at the desk be agreed to, that the resolution be agreed to, the preamble, as amended, be agreed to, and the motion to reconsider be laid upon the table.

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

The amendment (No. 2870) was agreed to, as follows:

(Purpose: To update the number of patriots in the United States Armed Forces who have made the ultimate sacrifice while serving in Afghanistan)

In the fifth whereas clause, strike ''nearly 1,800'' and insert ''some 2,000''.

The resolution (S. Res. 472) was agreed to.

The preamble, as amended, was agreed to.

The resolution, with its preamble, as amended, reads as follows:

S. RES. 472

Whereas the initial volley of Operation Enduring Freedom took place in Afghanistan on October 7, 2001, and October 7, 2012, marks the eleventh anniversary of the war;

Whereas Operation Enduring Freedom, launched in response to the terrorist attacks committed against the United States on September 11, 2001, targeted al-Qaida and the Taliban protectors of al-Qaida in Afghanistan;

Whereas Operation Enduring Freedom is the longest ongoing war in which the United States is involved;

Whereas the wounded warriors who have served in Operation Enduring Freedom carry the scars of war, both seen and unseen;

Whereas some 2,000 patriots in the United States Armed Forces have made the ultimate sacrifice while serving in Afghanistan;

Whereas the war in Afghanistan should not fade from the hearts and minds of the people of the United States; and

Whereas the ongoing sacrifices made by the men and women of the Armed Forces should be recognized and honored: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 7, 2012, as ''Operation Enduring Freedom Veterans Day'';

(2) honors the brave men and women who gave their lives while serving the United States in Operation Enduring Freedom; and

(3) encourages the people of the United States to salute the more than half a million men and women who have served bravely in Afghanistan to preserve our shared security and freedom.

CONGRATULATING THE ATHLETES FROM THE STATE OF NEVADA AND THROUGHOUT THE UNITED STATES

Mr. PRYOR. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of S. Res. 558 and the Senate proceed to its immediate consideration.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 558) congratulating the athletes from the State of Nevada and throughout the United States who participated in the 2012 Olympic and Paralympic

Games as members of the United States Olympic and Paralympic Teams.

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

RECOGNIZING MICHIGAN'S 2012 PARALYMPIANS

Mr. LEVIN. Mr. President, a moving 11-day journey recently came to an end. Nearly 4,300 athletes from 166 countries traveled to London, England, to fulfill their dream of representing their country at the 2012 Paralympic games. I congratulate each of these athletes on a job well done and for their hard work, determination and triumph. Their accomplishments inspired us all and help to broaden our sense of what is possible for individuals living with a disability.

Shortly after the 2012 Olympic games concluded, Olympic officials worked feverishly to transform the Olympic venues for the upcoming Paralympic games. Their task was formidable, and their work was impressive. And once again, London proved to be an exceedingly welcoming host. In fact, more than 2.7 million spectators attended the games, shattering the previous mark and making these games the best attended in history. Many venues were filled to capacity. The energy and excitement of the fans was impressive and a wonderful inspiration for these athletes to showcase their talents. While the world watched with joy and amazement, the athletes competed fiercely, setting an astonishing 251 world records in the process.

Those in attendance and audiences around the world were treated to many dazzling performances and were introduced to some truly inspiring personal stories. One such story is that of LT. Brad Synder. Almost 1 year ago to the day, Lieutenant Synder was bravely serving his country in Afghanistan when a bomb exploded, rendering him blind. One year later, he stood in London, again representing his country, with two gold medals and a silver in swimming around his neck and a world record in his grasp. In the face of such a tragic and life-altering injury, this brave soldier refused to let this injury define him and forged ahead, setting his sights on a new goal. There is also LCDR Steven Peace who began cycling during rehabilitation from a stroke he suffered during Active Duty and competed for Team USA in that event. And there is Scot Severn, another former soldier, who won bronze in shot put at these games after recovering from injuries sustained from a lighting strike while on duty. These are but a few of the seemingly endless stories of perseverance and strength that define the lives of these athletes and enrich the lives of all of us.

It was in 1948 that the seed of what would grow to become the second largest sporting event in the world was planted in London. Sir Ludwig Guttman sought to inspire recently wounded World War II veterans by organizing a sporting event to raise their spirits and aid their rehabilitation. After years of increasing participation and awareness, this sporting event, which was conceived to parallel the Olympic games, would formally become known as the Paralympic games in 1960. In 2012, 227 athletes represented the United States in London.

There were many Paralympic athletes with ties to Michigan on Team USA. They represented their Nation and Michigan admirably. They include Steve Peace in cycling, Asya Miller in goalball, Robin Theryoung in goalball, Tucker Dupree in swimming, Scott Severn in track and field, Bryan Barten in wheelchair tennis, and Mackenzie Soldan in wheelchair tennis. Along with these impressive athletes, I also congratulate the legions of coaches, trainers, officials, support staff, family and friends who played indispensable roles for these athletes and helped to make their performances possible.

There are more than 24 million Americans living with a disability and many more who face some sort of physical, visual or mental challenge. The athletes who competed in London sent a strong, compelling signal that, while their circumstance may seem daunting, there are many mountains to climb and races to win if they are determined and willing to pursue excellence in whatever field they choose, whether it be the track, a classroom or any other worthy pursuit. These games also bring greater awareness and more resources to efforts to increase the availability of physical activity for disabled Americans across the Nation, the benefits of which have been well-documented in recent years.

The 2012 Paralympic games dazzled us with impressive athletic feats, inspired us with stories of courage and perseverance, and reminded us that we can all overcome adversity and pursue excellence both in competition and in life. The 2012 summer Paralympic games, like the Olympic games that preceded it, was a stage on which athletes from across the globe came together in friendly competition. Barb and I salute every athlete who represented Team USA in London. As one organizer eloquently stated, ''The Paralympians have lifted the cloud of limitation.'' For that, we owe them a deep debt of gratitude.

2012 PARALYMPIC ATHLETES

Mr. BLUMENTHAL. Mr. President, today I rise to recognize three of our Nation's inspiring Paralympians, with Connecticut roots, who competed, along with 227 American teammates and more than 4,000 athletes from over 160 countries, in this year's Paralympic games in London. During these games, which took place from August 29 to September 9, the United States brought home 98 medals, including 31 gold medals. The exceptional drive, discipline, and dreams of these athletes are as extraordinary as the medals. Their personal stories of sacrifice and hard work, effort and energy, and aspirations turned into realities, despite setbacks and adversity, are truly remarkable.

In 1948 at Aylesbury, England's Stoke Mandeville Hospital, the idea of the Paralympics was formed, and so it is historically significant that England hosted this year's Paralympic games. Sir Ludwig Guttmann envisioned including disabled veterans in international sports competition, and in 1948 his dream was realized in the International Wheelchair Games. In 1960, Rome hosted the first official Paralympic games as we know them today. As we look back at this year's games—one of the largest Paralympics in historya—we celebrate this legacy. We are reminded of how important these games were for the rehabilitation of our disabled World War II veterans.

For Tara Profitt of Newington, CT, and member of the 2012 U.S. Paralympic Table Tennis Team, England as host country is personally significant. Ms. Profitt competed in the women's singles competition at the 1984 Paralympics hosted in Stoke Mandeville, England, but always hoped to have the opportunity to play alongside her college friend and fellow table tennis champion, Pamela Fontaine, in the women's team class. This year, in addition to participating individually in the women's single class events, Ms. Profitt and Ms. Fontaine were selected to represent the United States together in the women's team event, reuniting again on familiar territory. Ms. Profitt has credited Ms. Fontaine with inspiring her to become the athlete she is today, encouraging her to engage in sports again after the diving injury that she suffered as a teenager. They have worked hard to qualify over the past few years, traveling around the world to compete, and this year achieved the goal that they have held dearly for decades: to play together, celebrating their country and friendship on an international stage.

Representing the United States in track and field, three-time gold medalist Paul Nitz traveled from Bloomfield, CT, to participate in his third Paralympic games. This year, he was given the tremendous honor of serving as track captain for the U.S. Paralympic Track and Field team, inspiring both first-time and veteran athletes. Mr. Nitz has an accomplished athletic record: He won the Gold in the 100m event in 1992, 1996, and 2000 and broke the 100m world record during the 2012 Swiss Series. This year, I am proud to announce that he brought home the bronze in the 100m. Equally commendable, Mr. Nitz works in his community—as an employee of the Hartford Insurance Group—to positively change public perception regarding disability. In addition to his impressive athletic achievements, through his efforts at the Hartford, he has led great strides across the Nation in dispelling prejudice, misconception, and judgment.

I also applaud the Hartford Insurance Group for their commitment to the Paralympic games: Since 2003, it has been a founding partner of the U.S. Paralympics, an official division of the U.S. Olympic Committee.

Five-time Paralympian Scott Danberg calls Stamford his hometown, and Connecticut has been proud to follow him throughout his impressive athletic career. Recently, as a well-known and regarded member of the U.S. Paralympic track and field team, he competed in the men's discus event, throwing his personal best for this season in London. And this year he was nominated by his fellow track and field members and then chosen by a vote by the U.S. paralympic team as our Nation's flag bearer during opening ceremonies. He adds this tremendous honor to his past accomplishments, including the bronze at the 2011 IPC World Championships, the gold at the 2010 U.S. Paralympics Track & Field National Championships in both discus and shot put, and the silver in javelin at the 1998 Paralympic games.

I hope that Connecticut's Paralympians can continue to promote international and national awareness and engagement and we can continue to come together as a nation, recognizing what unites us. Thank you for joining me in applauding our amazing American athletes and those around the world who have shown the athleticism, stamina, and national identity that transcends differences.

RECOGNIZING MISSISSIPPI'S OLYMPIANS

Mr. WICKER. Mr. President, I rise today to recognize the gifted athletes from my home State of Mississippi who represented the United States in the 2012 London Olympic games and Paralympic games. They join an extraordinary legacy built by generations of great American Olympians and Paralympians, and their historic successes on the world stage are a proud moment for Mississippi.

In the London Olympic games, Gulfport native Brittney Reese became the first American woman to win a gold medal in long jump since Jackie Joyner-Kersee, who won it more than two decades ago in the Seoul games. The Olympic title tops an impressive career for the former University of Mississippi standout and four-time world champion, who has become an unmatched competitor over the past several years.

Particularly heartfelt and inspiring was Reese's dedication of her gold-medal success to the people of Mississippi and those still recovering from Hurricane Katrina, which damaged her family's home 7 years ago. As she told reporters, ''This is a great way for me to bring something home and show them we can all do this together.''

Bianca Knight of Ridgeland helped lead the women's 4x100-meter relay team to a gold-medal win in an incredible 40.82 seconds—besting the world record set by East Germany in 1985. The performance earned the United States its first Olympic gold medal in the women's relay event since 1996 in Atlanta.

In the men's 4x100-meter relay, Coldwater sprinter Trell Kimmons and his teammates blazed through to a silver-medal finish—setting a new American record. Former Jackson State University track star Michael Tinsley also won silver in the 400-meter hurdles. Isiah Young, a talented athlete at the University of Mississippi, made his Olympic debut in the exciting 200-meter dash, advancing to the semifinals with an impressive run against decorated Jamaican sprinter Usain Bolt.

One Mississippian continued her Olympic success this time as a coach for the U.S. women's basketball team. Assistant coach Jennifer Gillom, an Ole Miss graduate from Abbeville, helped lead the team to a gold-medal victory in London. She won gold as a player during the Seoul Games and is the first person in Ole Miss women's basketball history to be part of multiple medal wins.

Like the Olympics, the London Paralympic games were also a spectacular display of athleticism and perseverance. The international sports event for athletes with disabilities began shortly after World War II as a way for those with war injuries to enhance their quality of life. More than 4,000 athletes competed in this year's Paralympic games—including four Mississippians who captivated the world with outstanding performances.

Shaquille Vance of Houston set a new American record in the men's 200-meter-T42 event—earning the silver medal. Richard Browne of Jackson sprinted to a silver-medal finish in the highly anticipated 100-meter-T44 race. Top-ranked competitors Ryan Estep and Joseph Brinson of Florence showcased their expertise as part of the U.S. wheelchair fencing team, with Estep competing in the epee-style event and Brinson in the saber-style competition.

I thank the family and friends who have supported and encouraged these athletes throughout this incredible journey. The Olympics and Paralympics are a dream for athletes around the world and a life-changing experience for those who participate. I congratulate these inspiring Mississippians on their remarkable accomplishments. They have worked hard and made us proud.

Mr. PRYOR. Mr. President, I further ask that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be considered made and laid upon the table, with no intervening action or debate, and any statements related to the measure be printed in the RECORD.

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

The resolution (S. Res. 558) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 558

Whereas the 2012 Olympic Games were held in London, England from July 27, 2012, to August 12, 2012, and the 2012 Paralympic Games were held in London, England from August 29, 2012, to September 9, 2012;

Whereas 532 Olympians and 227 Paralympians competed on behalf of Team USA in London, England;

Whereas the great State of Nevada contributed 4 athletes to the United States Olympic Team and 1 athlete to the United States Paralympic Team;

Whereas the Olympians and Paralympian from the State of Nevada proudly represented the United States in competition and displayed an admirable dedication to the spirit of the Olympic Games;

Whereas Amanda Bingson of Las Vegas, Nevada, competed in the Olympic Women's Hammer Throw event;

Whereas Jacob Dalton of Reno, Nevada, competed in the Olympic Men's Gymnastics Floor Exercise and Men's Team events;

Whereas Connor Fields of Las Vegas, Nevada, competed in the Olympic Men's BMX event;

Whereas Michael Hunter II of Las Vegas, Nevada, competed in the Olympic Men's Heavyweight Boxing event;

Whereas Cortney Jordan of Henderson, Nevada, competed in the Paralympic Women's 400m Freestyle, 100m Breaststroke, 100m Backstroke, 200m Individual Medley, 50m Freestyle, and 100m Freestyle events;

Whereas Ms. Jordan won silver medals in the 400m Freestyle, 50m Freestyle, and 100m Freestyle, and a bronze medal in the 100m Backstroke;

Whereas the citizens of the State of Nevada and the people of the United States stand united in respect and admiration for the Nevadan Olympians and Paralympian, and the athletic accomplishments, sportsmanship, and dedication of those athletes to excellence in the 2012 Olympics and Paralympics;

Whereas the many accomplishments of the Nevadan Olympians and Paralympian would not have been possible without the hard work and dedication of many others, including the United States Olympic Committee, the relevant United States National Governing Bodies, and the many administrators, coaches, and family members who provided critical support for the athletes: Now, therefore, be it

Resolved, That the Senate extends sincere congratulations for the accomplishments and gratitude for the sacrifices of the athletes from the State of Nevada and throughout the United States on the United States Olympic and Paralympic Teams and to everyone who supported the efforts of those athletes at the 2012 Olympics and Paralympics.

NATIONAL SAVE FOR RETIREMENT WEEK

Mr. PRYOR. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. Res. 555 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 555) supporting the goals and ideals of ''National Save for Retirement Week,'' including raising public

awareness of the various tax-preferred retirement vehicles and increasing personal financial literacy.

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

Mr. PRYOR. I further ask that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be made and laid upon the table, with no intervening action or debate, and any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 555) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 555

Whereas people in the United States are living longer, and the cost of retirement is increasing significantly;

Whereas Social Security remains the bedrock of retirement income for the great majority of the people of the United States but was never intended by Congress to be the sole source of retirement income for families;

Whereas recent data from the Employee Benefit Research Institute indicates that, in the United States, less than ⅗ of workers or their spouses are currently saving for retirement, and the actual amount of retirement savings of workers is much less than the amount needed to adequately fund their retirement years;

Whereas the financial literacy of workers in the United States is important to their understanding of the need to save for retirement;

Whereas saving for retirement is a key component to overall financial health and security during retirement years, and the importance of financial literacy in planning for retirement must be advocated;

Whereas many workers may not be aware of their options in saving for retirement or may not have focused on the importance of, and need for, saving for retirement;

Whereas many employees have available to them, through their employers, access to defined benefit and defined contribution plans to assist them in preparing for retirement, yet many of those employees may not be taking advantage of those plans at all or to the full extent allowed by Federal law;

Whereas the need to save for retirement is important even during economic downturns or market declines, which make continued contributions all the more important;

Whereas all workers, including public and private sector employees, employees of tax-exempt organizations, and self-employed individuals, can benefit from developing personal budgets and financial plans that include retirement savings strategies and taking advantage of tax-preferred retirement savings vehicles; and

Whereas October 21 through October 27, 2012, has been designated as ''National Save for Retirement Week'': Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of ''National Save for Retirement Week'', including raising public awareness of the importance of saving adequately for retirement;

(2) supports the need to raise public awareness of the availability of a variety of ways to save for retirement which are favored under the Internal Revenue Code of 1986 and are utilized by many people in the United States, but which should be utilized by more; and

(3) calls on the States, localities, schools, universities, nonprofit organizations, businesses, other entities, and the people of the United States to observe National Save for Retirement Week with appropriate programs and activities, with the goal of increasing the retirement savings and personal financial literacy of all people in the United States.

100TH ANNIVERSARY OF HADASSAH

Mr. PRYOR. Mr. President, I ask unanimous consent that the preamble of S. Res. 448 be agreed to.

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

The preamble was agreed to.

NATIONAL NATIVE AMERICAN HERITAGE MONTH

Mr. PRYOR. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be discharged from further consideration of S. Res. 561 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 561) recognizing National Native American Heritage Month and celebrating the heritages and cultures of Native Americans and the contributions of Native Americans to the United States.

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

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

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

The resolution (S. Res. 561) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 561

Whereas from November 1, 2012, through November 30, 2012, the United States celebrates National Native American Heritage Month;

Whereas Native Americans are descendants of the original, indigenous inhabitants of what is now the United States;

Whereas the United States Bureau of the Census estimated in 2009 that there were almost 5,000,000 individuals in the United States of Native American descent;

Whereas Native Americans maintain vibrant cultures and traditions and hold a deeply rooted sense of community;

Whereas Native Americans have moving stories of tragedy, triumph, and perseverance that need to be shared with future generations;

Whereas Native Americans speak and preserve indigenous languages, which have contributed to the English language by being used as names of individuals and locations throughout the United States;

Whereas Congress has recently reaffirmed its support of tribal self-governance and its commitment to improving the lives of all Native Americans by enhancing health care services, increasing law enforcement resources, and approving settlements of litigation involving Indian tribes and the United States;

Whereas Congress is committed to improving the housing conditions and socioeconomic status of Native Americans;

Whereas the United States is committed to strengthening the government-to-government relationship that it has maintained with the various Indian tribes;

Whereas Congress has recognized the contributions of the Iroquois Confederacy, and its influence on the Founding Fathers in the drafting of the Constitution of the United States with the concepts of freedom of speech, the separation of governmental powers, and the system of checks and balances between the branches of government;

Whereas with the enactment of the Native American Heritage Day Act of 2009 (Public Law 111–33; 123 Stat. 1922), Congress—

(1) reaffirmed the government-to-government relationship between the United States and Native American governments; and

(2) recognized the important contributions of Native Americans to the culture of the United States;

Whereas Native Americans have made distinct and important contributions to the United States and the rest of the world in many fields, including the fields of agriculture, medicine, music, language, and art, and Native Americans have distinguished themselves as inventors, entrepreneurs, spiritual leaders, and scholars;

Whereas Native Americans have served with honor and distinction in the Armed Forces of the United States, and continue to serve in the Armed Forces in greater numbers per capita than any other group in the United States;

Whereas the United States has recognized the contribution of the Native American code talkers in World War I and World War II, who used indigenous languages as an unbreakable military code, saving countless Americans; and

Whereas the people of the United States have reason to honor the great achievements and contributions of Native Americans and their ancestors: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the month of November 2012 as National Native American Heritage Month;

(2) recognizes the Friday after Thanksgiving as ''Native American Heritage Day'' in accordance with the Native American Heritage Day Act of 2009 (Public Law 111–33; 123 Stat. 1922); and

(3) urges the people of the United States to observe National Native American Heritage Month and Native American Heritage Day with appropriate programs and activities.

RESOLUTIONS SUBMITTED TODAY

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration en bloc of the following resolutions which were submitted earlier today: S. Res. 576, S. Res. 577, S. Res. 578, S. Res. 579, S. Res. 580, S. Res. 581, S. Res. 582, S. Res. 583, S. Res. 584, S. Res. 585, S. Res. 586, S. Res. 587, S. Res. 588, and S. Res. 589.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. PRYOR. I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, the motions to reconsider be laid upon the

table en bloc, with no intervening action or debate, and any statements related to the resolutions be printed in the RECORD.

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

The resolutions were agreed to.

The preambles were agreed to.

The resolutions, with their preambles, read as follows:

S. RES. 576

Whereas October 10, 2012, marks the 50th anniversary of the signing of Public Law 87–788 (commonly known as the ''McIntire-Stennis Cooperative Forestry Act'') (16 U.S.C. 582a et seq.), which authorized the Secretary of Agriculture to encourage and assist States in conducting a program of forestry research;

Whereas the McIntire-Stennis Cooperative Forestry Act was named for the 2 primary, bipartisan sponsors of the Act, Representative Clifford G. McIntire of Maine and Senator John C. Stennis of Mississippi, who recognized that research in forestry is the ''driving force behind progress in developing and utilizing the Nation's forests'';

Whereas the McIntire-Stennis Cooperative Forestry Act recognized that forestry research would be more effective nationwide if efforts among State-supported institutions of higher education were partnered and more closely coordinated with forestry research activities in the Federal Government;

Whereas Congressman McIntire and Senator Stennis stated a clear intent to address the important need of the United States for increased numbers of highly trained forestry scientists and other research professionals;

Whereas the McIntire-Stennis Cooperative Forestry Act has provided 5 decades of base funding to establish and strengthen research and training capacity in forestry at State-supported institutions of higher education;

Whereas funds provided by the Act to State-supported institutions of higher education are highly leveraged with non-Federal funds;

Whereas university-based forestry research has provided an accumulated wealth of science-based knowledge, skills, and technologies that have been critical for sustaining United States forests for economic, ecological, and social benefits;

Whereas funds provided by the McIntire-Stennis Cooperative Forestry Act for forestry research at State-supported institutions of higher education have provided significant graduate student support over the last 50 years, resulting in 8,500 master's degrees and 2,600 doctoral degrees;

Whereas the State-supported institutions of higher education that receive funds under the McIntire-Stennis Cooperative Forestry Act conduct forestry research in all 50 States and 4 territories of the United States, and disseminate the results of those efforts locally, regionally, nationally, and globally for the betterment of the communities of the institutions, the United States, and the world; and

Whereas many State-supported institutions of higher education are celebrating and commemorating the 50th anniversary of the signing of the McIntire-Stennis Cooperative Forestry Act: Now, therefore, be it

Resolved, That the Senate—

(1) celebrates the 50th anniversary of the signing of Public Law 87–788 (commonly known as the ''McIntire-Stennis Cooperative Forestry Act'') (16 U.S.C. 582a et seq.) by President John F. Kennedy;

(2) encourages the people of the United States to observe and celebrate the 50th anniversary of the signing of the McIntire-Stennis Cooperative Forestry Act with appropriate ceremonies and activities;

(3) affirms the continuing importance and vitality of the State-supported institutions of higher education conducting forestry research and training supported by the McIntire-Stennis Cooperative Forestry Act; and

(4) respectfully requests that the Secretary of the Senate transmit to the National Association of University Forest Resources Programs an enrolled copy of this resolution for appropriate display.

S. RES. 577

Whereas the First Special Service Force (referred to in this preamble as the ''Force''), a military unit composed of volunteers from the United States and Canada, was activated in July 1942 at Fort Harrison near Helena, Montana;

Whereas the Force was initially intended to target military and industrial installations that were supporting the German war effort, including important hydroelectric plants, which would severely limit the production of strategic materials used by the Axis powers;

Whereas, from July 1942 through June 1943, volunteers of the Force trained in hazardous, arctic conditions in the mountains of western Montana, and in the waterways of Camp Bradford, Virginia;

Whereas the combat echelon of the Force totaled 1,800 soldiers, half from the United States and half from Canada;

Whereas the Force also contained a service battalion, composed of 800 members from the United States, that provided important support for the combat troops;

Whereas a special bond developed between the Canadian and United States soldiers, who were not segregated by country, although the commander of the Force was a United States colonel;

Whereas the Force was the only unit formed during World War II that consisted of troops from Canada and the United States;

Whereas, in October 1943, the Force went to Italy, where it fought in battles south of Cassino, including Monte La Difensa and Monte Majo, two mountain peaks that were a critical anchor of the German defense line;

Whereas, during the night of December 3, 1943, the Force ascended to the top of the precipitous face of Monte La Difensa, where the Force suffered heavy casualties and overcame fierce resistance to overtake the German line;

Whereas, after the battle for La Difensa, the Force continued to fight tough battles at high altitudes, in rugged terrain, and in severe weather;

Whereas, after battles on the strongly defended Italian peaks of Sammucro, Vischiataro, and Remetanea, the size of the Force had been reduced from 1,800 soldiers to fewer than 500;

Whereas, for 4 months in 1944, the Force engaged in raids and aggressive patrols at the Anzio Beachhead;

Whereas, on June 4, 1944, members of the Force were among the first Allied troops to liberate Rome;

Whereas, after liberating Rome, the Force moved to southern Italy and prepared to assist in the liberation of France;

Whereas, during the early morning of August 15, 1944, members of the Force made silent landings on Les Iles D'Hyeres, small islands in the Mediterranean Sea along the southern coast of France;

Whereas the Force faced a sustained and withering assault from the German garrisons as the Force progressed from the islands to the Franco-Italian border;

Whereas, after the Allied forces secured the Franco-Italian border, the United States Army ordered the disbandment of the Force on December 5, 1944, in Nice, France;

Whereas, during 251 days of combat, the Force suffered 2,314 casualties, or 134 percent of its authorized strength, captured thousands of prisoners, won 5 United States campaign stars and 8 Canadian battle honors, and never failed a mission;

Whereas the United States is forever indebted to the acts of bravery and selflessness of the troops of the Force, who risked their lives for the cause of freedom;

Whereas the efforts of the Force along the seas and skies of Europe were critical in repelling the advance of Nazi Germany and liberating numerous communities in France and Italy;

Whereas the bond between the members of the Force from the United States and those from Canada has endured over the decades, as the members meet every year for a reunion, alternating between the United States and Canada; and

Whereas the traditions and honors exhibited by the Force are carried on by 2 outstanding active units of 2 great democracies, the Special Forces of the United States and the Canadian Special Operations Regiment: Now, therefore, be it

Resolved, That the Senate recognizes and honors the superior service of the First Special Service Force during World War II.

S. RES. 578

Whereas the Red Ribbon Campaign was established to commemorate the service of Enrique ''Kiki'' Camarena, a special agent of the Drug Enforcement Administration for 11 years who was murdered in the line of duty in 1985 while engaged in the battle against illicit drugs;

Whereas the Red Ribbon Campaign was established by the National Family Partnership to preserve the memory of Special Agent Camarena and further the cause for which he gave his life;

Whereas the Red Ribbon Campaign has been nationally recognized since 1988 and is now the oldest and largest drug prevention program in the United States, reaching millions of young people each year during Red Ribbon Week;

Whereas the Drug Enforcement Administration, established in 1973, aggressively targets organizations involved in the growing, manufacturing, and distribution of controlled substances and has been a steadfast partner in commemorating Red Ribbon Week;

Whereas the Governors and attorneys general of the States, the National Family Partnership, Parent Teacher Associations, Boys and Girls Clubs of America, PRIDE Youth Programs, Young Marines, the Drug Enforcement Administration, and hundreds of other organizations throughout the United States annually celebrate Red Ribbon Week during the period of October 23 through October 31;

Whereas the objective of Red Ribbon Week is to promote the creation of drug-free communities through drug prevention efforts, education, parental involvement, and community-wide support;

Whereas drug abuse is one of the major challenges that the United States faces in securing a safe and healthy future for families in the United States;

Whereas drug abuse and alcohol abuse contribute to domestic violence and sexual assault and place the lives of children at risk;

Whereas emerging drug threats and growing epidemics demand attention, with a particular focus on prescription medications, the second most abused drug by young people in the United States, and synthetic drugs;

Whereas, since the majority of teenagers abusing prescription medications get the medications from family, friends, and home medicine cabinets, the Drug Enforcement

Administration will host a National Take Back Day on September 29, 2012, for the public to safely dispose of unused or expired prescription medications that can lead to accidental poisoning, overdose, and abuse;

Whereas synthetic marijuana, also known as ''K2'' or ''Spice'', has become especially popular, particularly among teenagers and young adults, and in 2011 poison centers across the United States responded to about 6,960 calls related to synthetic marijuana, up from approximately 2,900 calls in 2010;

Whereas Congress recently enacted the Food and Drug Administration Safety and Innovation Act (Public Law 112–144; 126 Stat. 993), which adds 26 synthetic drugs to the Controlled Substances Act (21 U.S.C. 801 et seq.), including the drugs commonly found in products marketed as K2, Spice, and bath salts; and

Whereas parents, young people, schools, businesses, law enforcement agencies, religious institutions, service organizations, senior citizens, medical and military personnel, sports teams, and individuals throughout the United States will demonstrate their commitment to healthy, productive, and drug-free lifestyles by wearing and displaying red ribbons during the week-long celebration of Red Ribbon Week: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of Red Ribbon Week, 2012;

(2) encourages children and teenagers to choose to live drug-free lives; and

(3) encourages the people of the United States—

(A) to promote the creation of drug-free communities; and

(B) to participate in drug prevention activities to show support for healthy, productive, and drug-free lifestyles.

S. RES. 579

Whereas there are 105 historically Black colleges and universities in the United States;

Whereas historically Black colleges and universities provide the quality education essential to full participation in a complex, highly technological society;

Whereas historically Black colleges and universities have a rich heritage and have played a prominent role in the history of the United States;

Whereas historically Black colleges and universities allow talented and diverse students, many of whom represent underserved populations, to attain their full potential through higher education; and

Whereas the achievements and goals of historically Black colleges and universities are deserving of national recognition: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of September 24 through September 28, 2012, as ''National Historically Black Colleges and Universities Week''; and

(2) calls on the people of the United States and interested groups to observe the week with appropriate ceremonies, activities, and programs to demonstrate support for historically Black colleges and universities in the United States.

S. RES. 580

Whereas, in 1903, President Theodore Roosevelt established the first national wildlife refuge on Florida's Pelican Island;

Whereas, in 2012, the National Wildlife Refuge System, administered by the Fish and Wildlife Service, is the premier system of lands and waters to conserve wildlife in the world, and has grown to more than 150,000,000 acres, 558 national wildlife refuges, and 38 wetland management districts in every State and territory of the United States;

Whereas national wildlife refuges are important recreational and tourism destinations in communities across the United States, and these protected lands offer a variety of recreational opportunities, including 6 wildlife-dependent uses that the National Wildlife Refuge System manages: hunting, fishing, wildlife observation, photography, environmental education, and interpretation;

Whereas more than 360 units of the National Wildlife Refuge System have hunting programs and more than 300 units of the National Wildlife Refuge System have fishing programs, averaging more than 2,500,000 hunting visits and more than 7,000,000 fishing visits each year;

Whereas the National Wildlife Refuge System experienced more than 30,000,000 wildlife observation visits during fiscal year 2012;

Whereas national wildlife refuges are important to local businesses and gateway communities;

Whereas, for every $1 appropriated, national wildlife refuges generate $4 in economic activity;

Whereas the National Wildlife Refuge System experiences approximately 47,000,000 visits each year, which generated nearly $2,100,000,000 and more than 35,000 jobs in local economies during fiscal year 2012;

Whereas the National Wildlife Refuge System encompasses every kind of ecosystem in the United States, including temperate, tropical, and boreal forests, wetlands, deserts, grasslands, arctic tundras, and remote islands, and spans 12 time zones from the Virgin Islands to Guam;

Whereas national wildlife refuges are home to more than 700 species of birds, 220 species of mammals, 250 species of reptiles and amphibians, and more than 1,000 species of fish;

Whereas national wildlife refuges are the primary Federal lands that foster production, migration, and wintering habitat for waterfowl;

Whereas, since 1934, the sale of the Federal Duck Stamp to outdoor enthusiasts has generated more than $850,000,000 in funds, which has enabled the purchase or lease of more than 5,500,000 acres of waterfowl habitat in the National Wildlife Refuge System;

Whereas 59 refuges were established specifically to protect imperiled species, and of the more than 1,300 federally listed threatened and endangered species in the United States, 280 species are found on units of the National Wildlife Refuge System;

Whereas national wildlife refuges are cores of conservation for larger landscapes and resources for other agencies of the Federal Government and State governments, private landowners, and organizations in their efforts to secure the wildlife heritage of the United States;

Whereas more than 42,000 volunteers and approximately 220 national wildlife refuge ''Friends'' organizations contribute nearly 1,600,000 hours annually, the equivalent of 766 full-time employees, and provide an important link to local communities;

Whereas national wildlife refuges provide an important opportunity for children to discover and gain a greater appreciation for the natural world;

Whereas, because there are national wildlife refuges located in several urban and suburban areas and 1 refuge located within an hour's drive of every metropolitan area in the United States, national wildlife refuges employ, educate, and engage young people from all backgrounds in exploring, connecting with, and preserving the natural heritage of the United States;

Whereas, since 1995, refuges across the United States have held festivals, educational programs, guided tours, and other events to celebrate National Wildlife Refuge Week during the second full week of October;

Whereas the Fish and Wildlife Service will continue to seek stakeholder input on the implementation of ''Conserving the Future: Wildlife Refuges and the Next Generation'', an update to the strategic plan of the Fish and Wildlife Service for the future of the National Wildlife Refuge System;

Whereas the week beginning on October 14, 2012, has been designated as ''National Wildlife Refuge Week'' by the Fish and Wildlife Service; and

Whereas the designation of National Wildlife Refuge Week by the Senate would recognize more than a century of conservation in the United States, raise awareness about the importance of wildlife and the National Wildlife Refuge System, and celebrate the myriad recreational opportunities available to enjoy this network of protected lands: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning on October 14, 2012, as ''National Wildlife Refuge Week'';

(2) encourages the observance of National Wildlife Refuge Week with appropriate events and activities;

(3) acknowledges the importance of national wildlife refuges for their recreational opportunities and contribution to local economies across the United States;

(4) pronounces that national wildlife refuges play a vital role in securing the hunting and fishing heritage of the United States for future generations;

(5) identifies the significance of national wildlife refuges in advancing the traditions of wildlife observation, photography, environmental education, and interpretation;

(6) recognizes the importance of national wildlife refuges to wildlife conservation and the protection of imperiled species and ecosystems, as well as compatible uses;

(7) acknowledges the role of national wildlife refuges in conserving waterfowl and waterfowl habitat pursuant to the Migratory Bird Treaty Act (40 Stat. 755, chapter 128);

(8) reaffirms the support of the Senate for wildlife conservation and the National Wildlife Refuge System; and

(9) expresses the intent of the Senate—

(A) to continue working to conserve wildlife; and

(B) to manage the National Wildlife Refuge System for current and future generations.

S. RES. 581

Whereas more than 2,500,000 people serve as members of the United States Armed Forces;

Whereas several hundred thousand members of the Armed Forces rotate each year through deployments to 150 countries in every region of the world;

Whereas more than 2,300,000 members of the Armed Forces have deployed to the area of operations of the United States Central Command since the September 11, 2001, terrorist attacks;

Whereas the United States is kept strong and free by the loyal military personnel who protect our precious heritage through their positive declaration and actions;

Whereas members of the Armed Forces serving at home and abroad have courageously answered the call to duty to defend the ideals of the United States and to preserve peace and freedom around the world;

Whereas members of the Armed Forces personify the virtues of patriotism, service, duty, courage, and sacrifice;

Whereas the families of members of the Armed Forces make important and significant sacrifices for the United States;

Whereas in 2010, 40 States designated October 26 as ''Day of the Deployed'' following

the first recognition of a ''Day of the Deployed'' by North Dakota on October 26, 2006; and

Whereas the Senate designated October 26, 2011, as ''Day of the Deployed'': Now, therefore, be it

Resolved, That the Senate—

(1) honors the members of the United States Armed Forces who are deployed;

(2) calls on the people of the United States to reflect on the service of those members of the United States Armed Forces, wherever they serve, past, present, and future;

(3) designates October 26, 2012, as ''Day of the Deployed''; and

(4) encourages the people of the United States to observe ''Day of the Deployed'' with appropriate ceremonies and activities.

S. RES. 582

Whereas beginning on September 15, 2012, through October 15, 2012, the United States celebrates Hispanic Heritage Month;

Whereas the Census Bureau estimates the Hispanic population in the United States at over 52,000,000 people, making Hispanic Americans the largest racial or ethnic minority group within the United States overall and in 25 individual States;

Whereas Latinos accounted for over ½ of all population growth from July 1, 2010, to July 1, 2011;

Whereas the Hispanic population in the United States is projected to grow to 132,800,000 by July 1, 2050, at which point the Hispanic population will comprise 30 percent of the total population in the United States;

Whereas nearly 1 in 4 United States public school students is Hispanic, and the total number of Hispanic students enrolled in public schools in the United States is expected to reach 28,000,000 by 2050;

Whereas 16.5 percent of all college students between the age of 18 and 24 years old are Hispanics, making Hispanics the largest racial or ethnic minority group on college campuses in the United States, including both 2-year community colleges and 4-year colleges and universities;

Whereas the purchasing power of Hispanic Americans was $1,000,000,000,000 in 2010 and is expected to grow 50 percent to $1,500,000,000 by 2015;

Whereas there are approximately 2,300,000 Hispanic-owned firms in the United States, supporting millions of employees nationwide and greatly contributing to the economic sector, especially retail trade, wholesale trade, food services, and construction;

Whereas as of June 2012, nearly 25,000,0000 Hispanic workers represented 16 percent of the total labor force in the United States, with the share of Latino labor force participation expected to grow to 18 percent by 2018;

Whereas Hispanic Americans serve in all branches of the Armed Forces and have bravely fought in every war in the history of the United States;

Whereasas of July 2012, 143,054 Hispanic active duty service members served with distinction in the United States Armed Forces in fiscal year 2012;

Whereas as of June 30, 2012, there were 19,752 Hispanics serving in Afghanistan;

Whereas as of May 7, 2012, 645 United States military fatalities in Iraq and Afghanistan have been Hispanic;

Whereas more than 80,000 Hispanics served in the Vietnam War, representing 5.5 percent of individuals who made the ultimate sacrifice for their country in that conflict even though Hispanics comprised only 4.5 percent of the United States population at the time;

Whereas 140,000 Hispanic soldiers served in the Korean War;

Whereas as of September 2012, there are approximately 1,300,000 living Hispanic veterans of the United States Armed Forces;

Whereas 44 Hispanic Americans have received the Congressional Medal of Honor, the highest award for valor in action against an enemy force that can be bestowed on an individual serving in the United States Armed Forces;

Whereas Hispanic Americans are dedicated public servants, holding posts at the highest levels of government, including 1 seat on the Supreme Court, 2 seats in the Senate, 29 seats in the House of Representatives, and 2 seats in the Cabinet; and

Whereas Hispanic Americans harbor a deep commitment to family and community, an enduring work ethic, and a perseverance to succeed and contribute to society: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the celebration of Hispanic Heritage Month from September 15, 2012, through October 15, 2012;

(2) esteems the integral role of Latinos and the manifold heritage of Latinos in the economy, culture, and identity of the United States; and

(3) urges the people of the United States to observe Hispanic Heritage Month with appropriate programs and activities that appreciate the cultural contributions of Latinos to American life.

S. RES. 583

Whereas a terrorist attack, natural disaster, or other emergency could strike any part of the United States at any time;

Whereas natural and manmade emergencies disrupt hundreds of thousands of lives each year, costing lives and causing serious injuries and billions of dollars in property damage;

Whereas Federal, State, and local officials, as well as private and nonprofit organizations, are working to mitigate against, prevent, and respond to all types of emergencies;

Whereas the people of the United States can help promote the overall emergency preparedness of the United States by being prepared for all types of emergencies;

Whereas National Preparedness Month provides an opportunity to highlight the importance of public emergency preparedness and to encourage the people of the United States to take steps to be better prepared for emergencies at home, work, and school;

Whereas the people of the United States can prepare for emergencies by taking steps, such as assembling emergency supply kits, creating family emergency plans, staying informed about possible emergencies, and obtaining reasonable levels of insurance; and

Whereas additional information about public emergency preparedness may be obtained through the Ready Campaign of the Department of Homeland Security at www.ready.gov or the American Red Cross at www.redcross.org/prepare: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 2012 as ''National Preparedness Month''; and

(2) encourages the Federal Government, States, localities, schools, nonprofit organizations, businesses, and other applicable entities, along with the people of the United States, to observe National Preparedness Month with appropriate events and activities to promote emergency preparedness.

S. RES. 584

Whereas Jumpstart, a national early education organization, is working to ensure that every child in the United States enters school prepared to succeed;

Whereas Jumpstart delivers a year-round research-based and cost-effective program by training college students and community volunteers to serve preschool age children in low-income neighborhoods, helping them to develop the language and literacy skills necessary to succeed in school and in life;

Whereas, since 1993, Jumpstart has trained nearly 25,000 college students and community volunteers to transform the lives of more than 42,000 preschool children in communities across the United States;

Whereas Jumpstart's Read for the Record, presented in partnership with the Pearson Foundation, is a national campaign that culminates in one day of the year when millions of people in the United States come together to celebrate literacy and support Jumpstart in its efforts to promote early childhood education;

Whereas the goals of the campaign are to raise awareness in the United States of the importance of early childhood education, support Jumpstart's early education programs in preschools in low-income neighborhoods through donations and sponsorship, and celebrate the commencement of Jumpstart's program year;

Whereas October 4, 2012, is an appropriate date to designate as ''Jumpstart's Read for the Record Day'' because it is the date Jumpstart aims to set the world record for the largest shared reading experience; and

Whereas Jumpstart hopes to engage more than 2,200,000 children in reading ''Ladybug Girl and the Bug Squad'' by David Soman and Jacky Davis during this record-breaking celebration of reading and service, all in support of preschool children in the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 4, 2012, as ''Jumpstart's Read for the Record Day'';

(2) commends Jumpstart's Read for the Record on its seventh year;

(3) encourages adults, including grandparents, parents, teachers, and college students—

(A) to join children in creating the world's largest shared reading experience; and

(B) to show their support for literacy and Jumpstart's early education programming for young children in low-income communities; and

(4) requests the Secretary of the Senate to transmit a copy of this resolution to Jumpstart, one of the leading nonprofit organizations in the United States in the field of early childhood education.

S. RES. 585

Whereas New Mexico has a rich heritage and history, dating as far back as 11,000 B.C. when the Clovis people left the earliest evidence of human existence in what is now New Mexico;

Whereas Santa Fe, the capital of New Mexico, was established in 1610 and is the oldest capital city in the United States, as well as the highest in elevation at 7,000 feet above sea level;

Whereas, on September 9, 1850, the portion of the Compromise of 1850 (9 Stat. 446) that created the New Mexico Territory was enacted;

Whereas, on January 6, 1912, President William Howard Taft signed the proclamation making New Mexico the 47th State of the Union;

Whereas the nickname of New Mexico is the ''Land of Enchantment'' because of its scenic beauty and rich history and culture;

Whereas the natural wonder of New Mexico is preserved by a broad range of national parks, forests, wilderness areas, and wildlife refuge centers;

Whereas the diverse cultural roots of New Mexico come from the many different groups of people who have inhabited the State, notably the strong tribal and Hispanic cultural influences in the State;

Whereas New Mexico has one of the richest indigenous tribal populations in the United

States, including 19 Pueblo nations, 2 Apache nations, and the Navajo Nation;

Whereas the Hispanic population of New Mexico has rich and distinct cultural roots in its historic land grants as recognized by the Treaty of Peace, Friendship, Limits, and Settlement between the United States and Mexico, signed at Guadalupe Hidalgo February 2, 1848, and entered into force May 30, 1848 (9. Stat. 922) (commonly referred to as the ''Treaty of Guadalupe Hidalgo'');

Whereas New Mexico continues to derive strength from the new Hispanic communities in the State with roots in Latin America;

Whereas New Mexico has an extensive variety of prehistoric, tribal, and Hispanic archaeological ruins;

Whereas New Mexico has a long tradition of artistic expression inspired by its natural beauty, unique architecture, and diverse people;

Whereas the people of New Mexico have a proud history of military service, predating and continuing after statehood, including the participation of the people of New Mexico in every major war of the United States since the Civil War, with notable participation by the people of New Mexico in Teddy Roosevelt's Rough Riders, the Navajo Code Talkers, the defense of Bataan and Corregidor, the wars in Korea and Vietnam, and the wars in Iraq and Afghanistan;

Whereas New Mexico is a center for scientific innovation and laboratory research, serving as the home to the Los Alamos National Laboratory and Sandia National Laboratories;

Whereas, on July 16, 1945, the United States Army conducted the Trinity test, the first test of a nuclear weapon, which was developed at Los Alamos National Laboratory and tested at the White Sands Proving Ground in New Mexico;

Whereas, in 1980, New Mexico dedicated the Very Large Array, one of the world's premier astronomical radio observatories that studies the history of the universe;

Whereas, in October 2011, New Mexico dedicated Spaceport America, propelling New Mexico into the future with the first commercial spaceport;

Whereas New Mexico is home to the Albuquerque International Balloon Fiesta, the largest hot air balloon event in the world, which is also considered to be the most photographed event in the world;

Whereas New Mexico has a long history of agricultural sustainability and productivity, supporting cattle and dairy, as well as many crops, including chile, corn, wheat, onions, peanuts, pistachios, pecans, hay, cotton, and beans;

Whereas the Hatch Valley of New Mexico, known as the ''Chile Capital of the World'', is recognized worldwide for its bountiful chile crop; and

Whereas New Mexico celebrated the centennial anniversary of its admission to the Union as the 47th State of the United States on January 6, 2012: Now, therefore, be it

Resolved, That the Senate recognizes the extraordinary history and heritage of the State of New Mexico, and honors and commends the State of New Mexico and its people on its centennial anniversary.

S. RES. 586

Whereas the term ''infant mortality'' refers to the death of a baby before the first birthday of the baby;

Whereas the United States ranks 49th among countries in the rate of infant mortality;

Whereas high rates of infant mortality are especially prevalent in African American, Native American, Alaskan Native, Latino, Asian, and Hawaiian and other Pacific Islander communities, communities with high rates of unemployment and poverty, and communities with limited access to safe housing and medical providers;

Whereas premature birth is a leading cause of infant mortality;

Whereas, according to the Institute of Medicine of the National Academies, premature birth costs the United States more than $26,000,000,000 annually;

Whereas infant mortality can be substantially reduced through community-based services, such as outreach, home visitation, case management, health education, and interconceptional care;

Whereas support for community-based programs to reduce infant mortality may result in lower future spending on medical interventions, special education, and other social services that may be needed for infants and children who are born with a low birth weight;

Whereas the Department of Health and Human Services, acting through the Office of Minority Health, has implemented the ''A Healthy Baby Begins With You'' campaign;

Whereas the Maternal and Child Health Bureau of the Health Resources and Services Administration has provided national leadership on the issue of infant mortality;

Whereas the Advisory Committee on Infant Mortality provides advice and recommendations to the Secretary of Health and Human Services on reducing infant mortality and improving the health status of infants and pregnant women;

Whereas the Advisory Committee on Infant Mortality provides advice and recommendations to the Secretary of Health and Human Services with respect to developing a national strategy for reducing infant mortality;

Whereas public awareness and education campaigns on infant mortality are held during the month of September each year; and

Whereas September 2012 has been designated as ''National Infant Mortality Awareness Month'': Now, therefore, be it

Resolved, That the Senate—

(1) supports—

(A) the goals and ideals of National Infant Mortality Awareness Month, 2012;

(B) efforts to educate people in the United States about infant mortality and the factors that contribute to infant mortality; and

(C) efforts to reduce infant deaths, low birth weight, pre-term births, and disparities in perinatal outcomes;

(2) recognizes the critical importance of including efforts to reduce infant mortality and the factors that contribute to infant mortality as part of prevention and wellness strategies; and

(3) calls on the people of the United States to observe National Infant Mortality Awareness Month with appropriate programs and activities.

S. RES. 587

Whereas high-quality afterschool programs provide safe, challenging, engaging, and fun learning experiences that help children and youth develop social, emotional, physical, cultural, and academic skills;

Whereas high-quality afterschool programs support working families by ensuring that the children in those families are safe and productive after the regular school day ends;

Whereas high-quality afterschool programs build stronger communities by involving students, parents, business leaders, and adult volunteers in the lives of children in the United States, thereby promoting positive relationships among children, youth, families, and adults;

Whereas high-quality afterschool programs engage families, schools, and diverse community partners in advancing the well-being of children in the United States;

Whereas ''Lights On Afterschool'', a national celebration of afterschool programs held on October 18, 2012, highlights the critical importance of high-quality afterschool programs in the lives of children, their families, and their communities;

Whereas more than 28,000,000 children in the United States have parents who work outside the home and approximately 15,100,000 children in the United States have no place to go after school; and

Whereas nearly 2 in 5 afterschool programs report that their budgets are in worse condition today than at the height of the recession in 2008, and more than 3 in 5 afterschool programs report that their level of funding is lower than it was 3 years ago, making it difficult for afterschool programs across the United States to keep their doors open and their lights on: Now, therefore, be it

Resolved, That the Senate supports ''Lights On Afterschool'', a national celebration of afterschool programs held on October 18, 2012.

S. RES. 588

Whereas on September 11, 2012, 4 American public servants, United States Ambassador to Libya John Christopher Stevens, Sean Smith, Tyrone Woods, and Glen Doherty, were killed in a reprehensible and vicious attack on the United States consulate in Benghazi, Libya;

Whereas Ambassador Stevens—

(1) was a courageous and exemplary representative of the United States;

(2) had spent 21 years in the Foreign Service;

(3) was deeply passionate about representing the United States through his diplomatic service; and

(4) was an ardent friend of the Libyan people;

Whereas Ambassador Stevens served as Special Envoy to the Libyan Transitional National Council in Benghazi during the 2011 Libyan revolution;

Whereas Ambassador Stevens was a dear friend of the Senate, having served on the staff of the Committee on Foreign Relations of the Senate in 2006 and 2007 as a distinguished Pearson Fellow;

Whereas Foreign Service Information Management Officer Sean Smith—

(1) was a husband and a father of 2 children;

(2) joined the Department of State 10 years ago after serving in the United States Air Force; and

(3) had served in the Foreign Service, before arriving in Benghazi, in Baghdad, Pretoria, Montreal, and The Hague;

Whereas Tyrone Woods was a husband and a father of three children, who, after two decades of service as a Navy SEAL that included tours in Iraq and Afghanistan, began working with the Department of State to protect United States diplomatic personnel;

Whereas Glen Doherty, after 12 years of service as a Navy SEAL that included tours in Iraq and Afghanistan, began working with the Department of State to protect United States diplomatic personnel;

Whereas the 4 Americans who perished in the Benghazi attack made great sacrifices and showed bravery in taking on a difficult post in Libya;

Whereas the violence in Benghazi coincided with an attack on the United States Embassy in Cairo, Egypt, which was also swarmed by an angry mob of protesters on September 11, 2012;

Whereas on a daily basis, United States diplomats, military personnel, and other public servants risk their lives to serve the American people; and

Whereas throughout this Nation's history, thousands of Americans have sacrificed their

lives for the ideals of freedom, democracy, and partnership with nations and people around the globe.

Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the dedicated service and deep commitment of Ambassador John Christopher Stevens, Sean Smith, Tyrone Woods, and Glen Doherty in assisting the Libyan people as they navigate the complex currents of democratic transition marked in this case by profound instability;

(2) praises Ambassador Stevens, who represented the highest tradition of American public service, for his extraordinary record of dedication to the United States' interests in some of the most difficult and dangerous posts around the globe;

(3) sends its deepest condolences to the families of those American public servants killed in Benghazi;

(4) commends the bravery of Foreign Service Officers, United States Armed Forces, and public servants serving in harm's way around the globe and recognizes the deep sacrifices made by their families; and

(5) condemns, in the strongest possible terms, the despicable attacks on American diplomats and public servants in Benghazi and calls for the perpetrators of such attacks to be brought to justice.

S. RES. 589

Whereas small businesses represent 99.7 percent of all businesses having employees (commonly referred to as ''employer firms'') in the United States;

Whereas small businesses employ ½ of the employees in the private sector in the United States;

Whereas small businesses pay 44 percent of the total payroll of the employees in the private sector in the United States;

Whereas small businesses are responsible for more than 50 percent of the private, nonfarm product of the gross domestic product;

Whereas small businesses generated 65 percent of net new jobs during the last 17 years;

Whereas small businesses generate 60 to 80 percent of all new jobs annually;

Whereas small businesses focus on 2 key strategies: deepening relationships with customers and creating value for customers;

Whereas, for every $100 spent with locally owned, independent stores, $68 returns to the community through local taxes, payroll, and other expenditures;

Whereas 92 percent of consumers in the United States agree that the success of small businesses is critical to the overall economic health of the United States;

Whereas 93 percent of consumers in the United States agree that small businesses contribute positively to the local community by supplying jobs and generating tax revenue;

Whereas 91 percent of consumers in the United States have small businesses in their community that the consumers would miss if the small businesses closed;

Whereas 99 percent of consumers in the United States agree that it is important to support the small businesses in their community; and

Whereas 90 percent of consumers in the United States are willing to pledge support for a ''buy local'' movement: Now, therefore, be it

Resolved, That the Senate—

(1) designates November 24, 2012, as ''Small Business Saturday''; and

(2) supports efforts—

(A) to encourage consumers to shop locally; and

(B) to increase awareness of the value of locally owned small businesses and the impact of locally owned small businesses on the economy of the United States.

S. RES. 585

Mr. BINGAMAN. Mr. President, I rise today to introduce a resolution, along with my colleague Senator TOM UDALL, recognizing the centennial anniversary of New Mexico's statehood.

For over 100 years, New Mexico, the ''Land of Enchantment,'' has enriched the Nation with its magnificent landscapes, diverse people, and unique culture. New Mexico's road to statehood began in 1850 when the New Mexico Territory was established. Statehood was finally achieved on January 6, 1912 when President William Howard Taft signed the proclamation making New Mexico the 47th State of the Union. New Mexico's history long predates this, though, with the State's earliest inhabitants dating as far back as 11,000 B.C. The State's capitol, Santa Fe, is the oldest capital city in the United States, having been established by the Spanish in 1610.

New Mexico's beautiful deserts and mountains have been a magnet for visitors. It is no wonder that our State has inspired artists beginning with our earliest inhabitants. New Mexicans have a proud history of military service, and the State has served as a center for scientific innovation for over half a century through the national laboratories based there. Among New Mexico's agricultural products, its chile crop makes it the ''Chile Capital of the World.''

Given New Mexico's many contributions and accomplishments in its first 100 years as a State, and even before then, I am proud to introduce this resolution recognizing the extraordinary history and heritage of the State, and commending the State and its people on this centennial anniversary.

SIGNING AUTHORITY

Mr. PRYOR. Mr. President, I ask unanimous consent that from Saturday, September 22, through Tuesday, November 13, the majority leader and Senator LIEBERMAN be authorized to sign duly enrolled bills or joint resolutions.

The PRESIDING OFFICER. Without objection it is so ordered.

APPOINTMENTS AUTHORITY

Mr. PRYOR. Mr. President, I ask unanimous consent that notwithstanding the upcoming recess or adjournment of the Senate, the President of the Senate, the President pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

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

AUTHORITY FOR COMMITTEES TO REPORT

Mr. PRYOR. Mr. President, I ask unanimous consent that notwithstanding the Senate's recess, committees be authorized to report legislation and executive matters on Friday, November 2, from 10 a.m. to 12 noon.

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

ORDERS FOR TUESDAY, SEPTEMBER 25, 2012, THROUGH TUESDAY, NOVEMBER 13, 2012

Mr. PRYOR. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn and convene for pro forma sessions only, with no business conducted on the following dates and times, and that following each pro forma session, the Senate adjourn until the next pro forma session: Tuesday, September 25, at 9:30 a.m.; Friday, September 28, at 10 a.m.; Tuesday, October 2, at 11 a.m.; Friday, October 5, at 1 p.m.; Tuesday, October 9, at 11 a.m.; Friday, October 12, at 10:30 a.m.; Tuesday, October 16, at 10 a.m.; Friday, October 19, at 11 a.m.; Tuesday, October 23, at 1 p.m.; Friday, October 26, at 1 p.m.; Tuesday, October 30, at 10 a.m.; Friday, November 2, at 11 a.m.; Tuesday, November 6, at 11 a.m.; Friday, November 9, at 10 a.m.; and that the Senate adjourn on Friday, November 9, until 2 p.m. on Tuesday, November 13; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired and the time for the two leaders be reserved for their use later in the day; and that at 5:30 p.m. all postcloture time on the motion to proceed to S. 3525, the Sportsmen's Act, be yielded back and the Senate proceed to a vote on the motion to proceed.

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

PROGRAM

Mr. PRYOR. Mr. President, the next rollcall vote will be at 5:30 p.m. on Tuesday, November 13, 2012.

ADJOURNMENT UNTIL TUESDAY, SEPTEMBER 25, 2012, AT 9:30 A.M.

Mr. PRYOR. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 4:03 a.m., adjourned until Tuesday, September 25, 2012, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

TENNESSEE VALLEY AUTHORITY

MARILYN A. BROWN, OF GEORGIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR A TERM EXPIRING MAY 18, 2017. (REAPPOINTMENT)

VERA LYNN EVANS, OF TENNESSEE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR A TERM EXPIRING MAY 18, 2017, VICE WILLIAM H. GRAVES, TERM EXPIRED.

MICHAEL MCWHERTER, OF TENNESSEE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR A TERM EXPIRING MAY 18, 2016, VICE DENNIS BOTTORFF, TERM EXPIRED.

JOE H. RITCH, OF ALABAMA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR A TERM EXPIRING MAY 18, 2016, VICE THOMAS C. GILLILAND, TERM EXPIRED.

DEPARTMENT OF THE INTERIOR

VINCENT G. LOGAN, OF NEW YORK, TO BE SPECIAL TRUSTEE, OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS, DEPARTMENT OF THE INTERIOR, VICE ROSS OWEN SWIMMER, RESIGNED.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

OLGA VISO, OF MINNESOTA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2018, VICE WILLIAM FRANCIS PRICE, JR., TERM EXPIRED.

DEPARTMENT OF DEFENSE

ALAN F. ESTEVEZ, OF THE DISTRICT OF COLUMBIA, TO BE A PRINCIPAL DEPUTY UNDER SECRETARY OF DEFENSE, VICE FRANK KENDALL III.

DISCHARGED NOMINATIONS

COAST GUARD NOMINATION OF KENNETH T. BOYT, TO BE LIEUTENANT COMMANDER.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH MICHAEL LEWIS AND ENDING WITH CAROLYN SHUCKEROW, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 10, 2012.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH BRIDGET C. BITTLE AND ENDING WITH DAVID J. ZANNI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 10, 2012.

ROBERT STEPHEN BEECROFT, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF IRAQ.

FEDERAL CAMPAIGN CONTRIBUTION REPORT

Nominee: Robert Stephen Beecroft

Post: Baghdad

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: Anne Tisdel Beecroft: None.

3. Children and Spouses: Blythe A. Beecroft: None. Robert Warren Beecroft: None. Sterling S. Beecroft: None. Grace A. Beecroft: None.

4. Parents: Robert L. Beecroft—deceased; Emma Lou Beecroft: None.

5. Grandparents: Irl R. Beecroft—deceased; Ruth V. Beecroft—deceased; John E. Warren—deceased; Emma Warren—deceased.

6. Brothers and Spouses: Warren E. Beecroft: $100, May 2012, Romney; $100, June 2012, Romney; Frances Beecroft: None. Edward R. Beecroft: None. JoAn Stopa Beecroft; None. Collin J. Beecroft: $2,500, December 2011, Romney. Melinda K. Beecroft: None.

7. Sisters and Spouses: Robyn R. Ryskamp, None. Barry Ryskamp: None.

CONFIRMATIONS

Executive nominations confirmed by the Senate Friday, September 21, 2012:

AMTRAK BOARD OF DIRECTORS

ALBERT DICLEMENTE, OF DELAWARE, TO BE A DIRECTOR OF THE AMTRAK BOARD OF DIRECTORS FOR A TERM OF FIVE YEARS.

THE JUDICIARY

GONZALO P. CURIEL, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF CALIFORNIA.

ROBERT J. SHELBY, OF UTAH, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF UTAH.

DEPARTMENT OF DEFENSE

HEIDI SHYU, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF THE ARMY .

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. CHRISTOPHER C. BOGDAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. JON A. WEEKS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. ANDREW M. MUELLER

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be major general

BRIG. GEN. DONALD P. DUNBAR

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be brigadier general

COL. GERARD F. BOLDUC, JR.

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be brigadier general

COL. MATTHEW P. JAMISON

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be brigadier general

COLONEL DAVID O. SMITH

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

MICHAELENE A. KLOSTER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. GARRETT S. YEE

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIG. GEN. DEBORAH A. ASHENHURST

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIG. GEN. JUDD H. LYONS
BRIG. GEN. LEE E. TAFANELLI

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIG. GEN. KENDALL W. PENN

To be brigadier general

COL. KEITH A. KLEMMER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. MICHAEL R. SMITH

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. DAVID J. CONBOY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. FREDERICK B. HODGES

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. MARK S. BOWMAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. URAL D. GLANVILLE

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. (LH) JAMES D. SYRING

DEPARTMENT OF STATE

SHARON ENGLISH WOODS VILLAROSA, OF TEXAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MAURITIUS, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SEYCHELLES.

DAWN M. LIBERI, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BURUNDI.

STEPHEN D. MULL, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF POLAND.

WALTER NORTH, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO PAPUA NEW GUINEA, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE SOLOMON ISLANDS AND AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF VANUATU.

RICHARD G. OLSON, OF NEW MEXICO, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ISLAMIC REPUBLIC OF PAKISTAN.

JOSEPH E. MACMANUS, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE VIENNA OFFICE OF THE UNITED NATIONS , WITH THE RANK OF AMBASSADOR.

JOSEPH E. MACMANUS, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE INTERNATIONAL ATOMIC ENERGY AGENCY, WITH THE RANK OF AMBASSADOR.

UNITED NATIONS

JOHN HARDY ISAKSON, OF GEORGIA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-SEVENTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

PATRICK J. LEAHY, OF VERMONT, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-SEVENTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

DEPARTMENT OF STATE

DEPARTMENT OF STATE NOMINATIONS BEGINNING WITH WILLIAM R. BROWNFIELD AND ENDING WITH THOMAS ALFRED SHANNON, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 27, 2012.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

EMIL J. KANG, OF NORTH CAROLINA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2018.

DEPARTMENT OF THE INTERIOR

KEVIN K. WASHBURN, OF NEW MEXICO, TO BE AN ASSISTANT SECRETARY OF THE INTERIOR.

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING WITH ADAM D. AASEN AND ENDING WITH MARK C. ZWYGHUIZEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 23, 2012.

AIR FORCE NOMINATIONS BEGINNING WITH LANCE A. AIUMOPAS AND ENDING WITH ROBERT S. ZAUNER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 25, 2012.

AIR FORCE NOMINATIONS BEGINNING WITH JAMES H. ABBOTT AND ENDING WITH MARIO F. ZUNIGA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 25, 2012.

AIR FORCE NOMINATION OF MICHAEL F. WENDELKEN, TO BE MAJOR.

AIR FORCE NOMINATIONS BEGINNING WITH MICHAEL M. HOWARD AND ENDING WITH PATRICK E. KNOESTER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 2, 2012.

AIR FORCE NOMINATIONS BEGINNING WITH KARYN J. AYERS AND ENDING WITH JOHN M. TUDELA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 2, 2012.

AIR FORCE NOMINATIONS BEGINNING WITH KIMBERLY A. DALE AND ENDING WITH CHRISTOPHER B. VOGLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 2, 2012.

AIR FORCE NOMINATION OF STEPHEN P. ROBERTS, TO BE COLONEL.

AIR FORCE NOMINATIONS BEGINNING WITH JEFFREY R. ALTHOFF AND ENDING WITH GREGORY T. MCCAIN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 10, 2012.

IN THE ARMY

ARMY NOMINATION OF GREGORY S. ULMA, TO BE MAJOR.

ARMY NOMINATION OF PATRICK P. METKE, TO BE MAJOR.

ARMY NOMINATION OF DREW D. DUKETT, TO BE COLONEL.

ARMY NOMINATION OF DAVID A. CORTESE, TO BE LIEUTENANT COLONEL.

ARMY NOMINATION OF JEFFREY T. WHORTON, TO BE MAJOR.

ARMY NOMINATION OF CHARLES J. ROMERO, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH TANASHA N. BENNETT AND ENDING WITH REIES M. FLORES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 2, 2012.

ARMY NOMINATIONS BEGINNING WITH BRAD D. BEKKEDAHL AND ENDING WITH WILLIAM L. ZANA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 2, 2012.

ARMY NOMINATION OF GEORGE C. STURGES, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH DAVID W. ACKER AND ENDING WITH D003093, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 10, 2012.

ARMY NOMINATION OF JOSEPH R. NEWCOMB, TO BE MAJOR.

ARMY NOMINATION OF MOROHUNRANTI O. OGUNTOYE, TO BE MAJOR.

ARMY NOMINATION OF AUGUST SEEBER, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH ERIC J. ALBERTSON AND ENDING WITH D011234, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 10, 2012.

ARMY NOMINATIONS BEGINNING WITH STUART N. BURRUSS AND ENDING WITH ROBERT J. QUINKER III, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 10, 2012.

ARMY NOMINATIONS BEGINNING WITH ANDRE B. ABADIE AND ENDING WITH G001060, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 10, 2012.

ARMY NOMINATIONS BEGINNING WITH JOHN J. ACEVEDO AND ENDING WITH D010397, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 10, 2012.

ARMY NOMINATIONS BEGINNING WITH JEFFREY S. BELL AND ENDING WITH MARK R. THORNTON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 10, 2012.

ARMY NOMINATIONS BEGINNING WITH STEVEN E. BATTLE AND ENDING WITH LUZMIRA A. TORRES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 10, 2012.

ARMY NOMINATIONS BEGINNING WITH ANTHONY H. ADRIAN AND ENDING WITH JOHN F. WOYTE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 10, 2012.

ARMY NOMINATIONS BEGINNING WITH FREDRIC N. AMIDON AND ENDING WITH ANNE E. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 10, 2012.

ARMY NOMINATIONS BEGINNING WITH ELIZABETH A. BAKER AND ENDING WITH IAN J. TOLMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 10, 2012.

ARMY NOMINATIONS BEGINNING WITH PATRICK M. ARIDA AND ENDING WITH ALI S. ZAZA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 10, 2012.

IN THE NAVY

NAVY NOMINATION OF ALAN T. WAKEFIELD, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF TASSOS J. SFONDOURIS, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATIONS BEGINNING WITH GLEN CABARCAS AND ENDING WITH RICARDO A. FERRA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 2, 2012.

NAVY NOMINATIONS BEGINNING WITH CHUCK J. BROWDER AND ENDING WITH CHRISTOPHER K. TUGGLE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 2, 2012.

NAVY NOMINATIONS BEGINNING WITH DANIEL ARANDA AND ENDING WITH CHAD J. STUEWE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 2, 2012.

NAVY NOMINATIONS BEGINNING WITH MATTHEW R. ALLEN AND ENDING WITH BRIAN T. WIERZBICKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 2, 2012.

NAVY NOMINATIONS BEGINNING WITH WILLIAM E. BLANKS AND ENDING WITH JEREMY J. WAGNER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 2, 2012.

NAVY NOMINATIONS BEGINNING WITH BRADLEY H. ABRAMOWITZ AND ENDING WITH ERIC A. WEISS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 2, 2012.

NAVY NOMINATIONS BEGINNING WITH CHARITY A. BREIDENBACH AND ENDING WITH PHILLIP A. ZAMARRIPA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 2, 2012.

NAVY NOMINATIONS BEGINNING WITH HENRY L. BUSH AND ENDING WITH STANLEY C. WARE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 2, 2012.

NAVY NOMINATIONS BEGINNING WITH KYLE R. ALCOCK AND ENDING WITH SHEREE T. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 2, 2012.

NAVY NOMINATIONS BEGINNING WITH JEREMIAH P. ANDERSON AND ENDING WITH AARON L. WOOLSEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 2, 2012.

NAVY NOMINATIONS BEGINNING WITH MARK J. AID, JR. AND ENDING WITH BRIAN L. ZIMMERMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 2, 2012.

NAVY NOMINATIONS BEGINNING WITH BRYCE D. ABBOTT AND ENDING WITH MAXWELL V. ZUJEWSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 2, 2012.

NAVY NOMINATIONS BEGINNING WITH DEMETRIA L. AARON AND ENDING WITH AMY J. ZWETTLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 10, 2012.

NAVY NOMINATIONS BEGINNING WITH TIMOTHY M. FRENCH AND ENDING WITH BRYAN E. WOOLDRIDGE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 10, 2012.

NAVY NOMINATIONS BEGINNING WITH CEDRIC J. ABRON AND ENDING WITH CHADWICK Y. YASUDA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 10, 2012.

NAVY NOMINATIONS BEGINNING WITH AMY H. ADAIR AND ENDING WITH DONAVON A. YAPSHING, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 10, 2012.

NAVY NOMINATIONS BEGINNING WITH VINCENT M. J. AMBROSINO AND ENDING WITH MARK VERHOVSHEK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 10, 2012.

NAVY NOMINATIONS BEGINNING WITH KORY A. ANGLESEY AND ENDING WITH ADAM G. ZAJAC, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 10, 2012.

NAVY NOMINATIONS BEGINNING WITH EVAN D. ADAMS AND ENDING WITH HAROLD B. WOODRUFF, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 10, 2012.

NAVY NOMINATIONS BEGINNING WITH WALTER B. BLACKWELL AND ENDING WITH JAMES P. ZAKAR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 10, 2012.

NAVY NOMINATIONS BEGINNING WITH ELIZABETH A. ABAN AND ENDING WITH ELIZABETH M. ZULOAGA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 10, 2012.

NAVY NOMINATIONS BEGINNING WITH THOMAS M. BROWN AND ENDING WITH RALPH G. S. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 10, 2012.

FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING WITH JOELLE-ELIZABETH BEATRICE BASTIEN AND ENDING WITH KENNETH R. PROPP, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 12, 2012.

PUBLIC HEALTH SERVICE

PUBLIC HEALTH SERVICE NOMINATIONS BEGINNING WITH MELINDA ASTRAN AND ENDING WITH CHELSEA TRUE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 25, 2012.

PUBLIC HEALTH SERVICE NOMINATIONS BEGINNING WITH DONALD S. AHRENS AND ENDING WITH DIAMOND E. ZUCHLINSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 25, 2012 .

IN THE COAST GUARD

COAST GUARD NOMINATION OF KENNETH T. BOYT, TO BE LIEUTENANT COMMANDER.

DEPARTMENT OF STATE

ROBERT STEPHEN BEECROFT, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF IRAQ.

FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING WITH MICHAEL LEWIS AND ENDING WITH CAROLYN SHUCKEROW, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 10, 2012.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH BRIDGET C. BITTLE AND ENDING WITH DAVID J. ZANNI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 10, 2012.