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Senate

The Senate met at 10 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

The PRESIDING OFFICER. Today's opening prayer will be offered by Rev. Father Marcel Rainville from St. Michael's College in Burlington, VT.

The guest Chaplain offered the following prayer:

With humble hearts, let us pray.

Gracious God, You make us stewards of Your creation so that in all things we may honor the gift of life which You bestow on us each day.

We pray for these our elected officials as they work to perform the sacred mission of service taken up on behalf of all the citizens of this Nation that thirsts for God. Guide them with good judgments in the exercise of their duties. May Your spirit of wisdom abide with them in shaping a more benevolent world according to Your great love, and may the hearts of Your people, especially these present, be open to the needs of all our brothers and sisters.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL 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 13, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

FAMILY AND BUSINESS TAX CUT CERTAINTY ACT OF 2012—MOTION TO PROCEED

Mr. REID. Mr. President, I move to proceed to Calendar No. 499, S. 3521.

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

The legislative clerk read as follows:

Motion to proceed to Calendar No. 499, S. 3521, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions.

Mr. REID. Mr. President, I yield to my friend from Vermont.

The ACTING PRESIDENT pro tempore. The Senator from Vermont is recognized.

GUEST CHAPLAIN FATHER MARCEL RAINVILLE

Mr. SANDERS. Mr. President, I am delighted that Father Marcel Rainville has offered the opening prayer for the Senate this morning, and I thank him very much for joining us in doing so.

Father Rainville is a native of Vermont. He is a distinguished member of the Society of St. Edmund, an order which has a very long history in our State. Established in Vermont first at Keeler's Bay in 1891 and then in Swanton in 1895, the Society of St. Edmund still has its headquarters in Vermont. The society founded St. Michael's College, which was officially incorporated in 1913 as the first Catholic college in the State of Vermont with the authority to grant college degrees. The Edmundites have long stood for justice and civil rights in our country, including in Selma, AL, where they have a mission. The society has established a successful alternative school for African-American boys in New Orleans. The Edmundites have as a major part of their vocation the mission to help those who are most in need, and we appreciate all of the good work they do.

Father Rainville was born in Swanton, VT. He was ordained as a priest in the Society of St. Edmund, and this year marks the 40th anniversary of his ordination. Father Marcel spent part of his life as a priest serving in the Edmundite mission in Venezuela, working with and sustaining the impoverished in a barrio in Caracas. He currently resides in Winooski Park, VT, where he has also served as chaplain. He currently serves as the director of formation for the Society of St. Edmund.

It gives me great pride that he has given the opening prayer today in the Senate, and all of Vermont appreciates the wonderful work he has done. He is a kind and gentle human being and is much beloved in our State. I thank him again for being with us today, and I thank the Chaplain for his help in arranging this visit.

ORDER OF BUSINESS

Mr. REID. Mr. President, last night cloture was filed on the substitute amendment and the underlying bill, the veterans jobs bill. If we are unable to reach an agreement to move up the timing of the cloture vote, then we will have to have these votes as early as we can under rule XXII. Under such a scenario, the first rollcall vote on cloture

on the substitute amendment would occur shortly after 1 a.m. Friday morning, and that is tonight. If there are 60 votes to cut off the filibuster on the substitute amendment, then there will be up to 30 hours postcloture on the substitute amendment prior to a vote on its adoption which would occur at 7:30 a.m. Saturday morning. Immediately following the vote on the adoption of the substitute amendment, the Senate will proceed to the cloture vote on the underlying bill as amended. If cloture is invoked on the bill as amended, then there will be up to 30 hours postcloture prior to a vote on passage of the bill as amended. The vote on passage would occur about 2:30 p.m. Sunday afternoon.

That is for the information of all Senators. Until we get this worked out, everybody better stay right where they are and not go places because we will have votes every day. We will then be able to finish this work on Sunday sometime late in the afternoon, and then, of course, with the Jewish holidays on Monday and Tuesday, we would come back and work on the CR and a couple of other things beginning Wednesday.

SCHEDULE

Mr. President, in the next hour, after I finish my remarks and Senator MCCONNELL finishes his remarks, the majority will control the first half and the Republicans will control the final half. It will be 1 hour that will be equally divided.

VETERANS JOBS CORPS ACT

Mr. President, as we know, it is Thursday, which means Republicans have once again forced the Senate to waste the better part of a week jumping through procedural hoops that do not do have one positive outcome for our country. This week the Senate waited out yet another filibuster. It was the 380th filibuster in the 6 years I have been the leader in the Senate. This time the Republicans are not just obstructing a measure that would create jobs, which they have done many times, they are obstructing the measure that would create jobs for the men and women who risked their lives over the past 11 years to protect our freedom.

Each year 200,000 servicemembers reenter the workforce. The Veterans Jobs Corps Act, which is before this body, would invest in those returning veterans, easing the transition back to civilian life with job-training programs and priority hiring for first responder positions. If young veterans want to continue their service to country and community by becoming police officers, firefighters, or rescue workers, we should do everything we can to help them achieve that goal. This legislation would also create jobs for veterans restoring forests, parks, coasts, and public lands. The least we can do for those who have fought for this country abroad is to ensure they never have to fight for a job when they come home.

The legislation that is before this body should sail through the Senate with bipartisan support. Remember, the substitute amendment is a bipartisan measure worked on by Senator BURR and others on the Republican side, but this worthy legislation has met one Republican stall tactic after another. Not only has this bill faced a strong series of procedural hurdles, the Republicans have larded it up with unrelated ideological amendments. That is what they want to do anyway. While some of these amendments are certainly important, they don't belong in any jobs measure, let alone a jobs measure that would assist returning veterans.

Unfortunately, I am not surprised to see the Grand Old Party blocking a jobs bill. After all, that has been their tactic all this Congress. It has really been their tactic for 4 years. Republican leader MITCH MCCONNELL said so himself. During the darkest days of the great recession, he said his No. 1 goal was to defeat President Obama—not to create jobs, not to do anything to boost the economy, but to defeat President Obama. Obviously, it is still true today. I am dismayed to see them blocking a jobs bill aimed at protecting those who protect this great Nation. This is really a new low for the Republicans. At a time when 175,000 post-9/11 veterans are out of work, and many of them are homeless, we can't afford to waste time with election-year politics.

Less than 3 weeks before his death, President John F. Kennedy wrote:

> As we express our gratitude, we must never forget the highest appreciation is not to utter words, but to live by them.

It is time that the Senate show its gratitude to a new generation of veterans with deeds. It is my hope that my Republican colleagues will find it in themselves to put American veterans first and political aspirations second.

This bill could pass today and we could send it to the House and have the President sign it within a matter of days. It is a shame if that doesn't happen. I have gone over the schedule with everyone within the sound of my voice, and I hope we can move forward.

Mr. President, will you announce the schedule of the day.

RESERVATION OF LEADER TIME

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

ORDER OF BUSINESS

Under the previous order, the next hour will be equally divided and controlled between the two leaders or their designees, with the majority controlling the first half.

Mr. REID. Mr. President, I suggest the absence of a quorum and that the time be equally charged.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. CANTWELL. 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.

Ms. CANTWELL. Mr. President, I ask the indulgence of my colleague from West Virginia. We thought the minority leader was coming to the floor to speak so we have gotten a little behind, but I appreciate his indulgence for me to recognize a very important Washingtonian.

HONORING OUR FOREIGN SERVANTS

However, before I start, I wish to take a moment to say that my thoughts and prayers are with the families of the victims of the horrific attack that happened in Libya, and that it is now time to remember all of the men and women who serve our country abroad at these embassies and to thank them for their service and hope for their protection.

REMEMBERING GEORGE HICKMAN, TUSKEGEE AIRMAN

Ms. CANTWELL. Mr. President, on a chilly day in January of 2009, Americans watched with pride as Barack Obama stood before the Nation and took the Presidential oath of office. For some, that experience was another milestone in a long journey to ensure America lives up to the idea that this country was built for everyone. The election of an African-American President shattered a barrier that many thought would never happen.

The American struggle for civil rights has produced many seminal moments, including Rosa Parks and the Montgomery bus boycott, Martin Luther King at the march on Washington, and Jackie Robinson stepping to the plate for the first time. Before all of these events, however, there were the Tuskegee Airmen.

George Hickman, a Washington resident and a Tuskegee Airman, was truly part of America's ''greatest generation.'' They were a catalyst for an eventual desegregation of the entire U.S. military. On March 19, 1941, the 99th Pursuit Squadron was formed at Tuskegee Institute in Alabama.

When the United States was waging war against tyranny abroad, the members of what became known as the Tuskegee Airmen fought it; they fought the globe for us. Breaking barriers is never easy. At the time, the competence and patriotism of these African-Americans sometimes were openly questioned, but the Tuskegee Airmen didn't listen to those critics. They were fighting for what this country could be, not what it was.

In the first class of graduates there were only five, but before the war ended almost 1,000 pilots went through training at Tuskegee. Of those, 450 flew planes in the 99th Squadron and the 332nd Fighter Group in missions across Europe. They used the steely resolve they had shown in the face of racism to their advantage.

The 99th conducted bomber escort missions with stunning success. They flew 200 of 205 of these missions without a loss of a single bomber to the enemy aircraft.

The 332nd group achieved just as much. The Red Tail fighters came to be feared in the skies because of the feats like the one Lieutenant Pierson pulled off when he took out a German destroyer in the Harbor of Trieste, Italy, with just a 50-caliber machine gun.

Equally important were the Tuskegee pilots who broke barriers at home. They may not have participated in combat, but they proved they were instrumental in powering the American military that eventually won the war. Amidst jeers and insults, the Tuskegee Airmen quietly went about their job with grace. Through grit and determination they barreled through dead ends and blocked doors and shined a light for others to follow.

President Obama acknowledged as much when he said: ''My career in public service was made possible by the path heroes like the Tuskegee Airmen trail-blazed.''

These important Tuskegee Airmen were pioneers, and among them was George Hickman from Seattle, proud and smiling as always, as we can see in this photograph.

So I rise today to honor the life of this American hero and loyal Washingtonian. George Hickman passed away on August 19 at the age of 88. We owe George Hickman a great deal because beneath that big smile lay a quiet determination and courageous spirit that helped him make America a better place for all.

George grew up in St. Louis, MO. He loved building model planes which he bought for 10 cents at Woolworth's, and he dreamed of becoming a pilot. At age 18 he pursued that dream.

When he graduated from high school in 1943, George trained with the Army's all African-American 99th Pursuit Squadron in Tuskegee, AL. He was a Tuskegee Airman and one of our Nation's first African-American pilots.

George's passion for aviation continued after his service was up, and as a mechanic with the Tuskegee Airmen he developed skills that allowed him to succeed in and graduate from college. Eventually George brought his expertise to Boeing when he moved to Seattle in 1955. Over a 29-year history he rose through the ranks at Boeing, but that is not where this story ends.

George was also an uplifting spirit, and he had the most radiant smile. We can see that from this picture. That smile was there for his community, his family, and everyone who met him. George became a well-known figure at Seattle sporting events for the University of Washington Huskies and the Seattle Seahawks. In fact, people called him ''our lucky charm.''

For more than 40 years, he served as a press attendant and usher at UW sporting events. George never missed a game, including Rose Bowls, and he was there to give moral support to everyone. He even went to the basketball and volleyball games and gave high fives to everyone on the court.

As the University of Washington basketball coach Lorenzo Romar put it: ''He is a guy that is selfless. He is always trying to lift someone else up.''

I also wondered, seeing this picture of George many times before today, if it was the steely reserve of being an airman that grounded him for what he considered to be really important in life; that is, lifting up other people. That is exactly what George did. The University of Washington community lifted up George too. They helped collect enough money so he could travel to Washington, DC, to be part of President Obama's inauguration, along with 188 other Tuskegee Airmen. Some estimates are that more than half of those Tuskegee Airmen who attended the inauguration are no longer with us.

With George's passing, certainly there is one more angel in heaven with a very big smile on his face, but here on Earth we have one fewer American hero from the Tuskegee Airmen days to tell his story. So, today, I encourage all Americans to learn about the story of the Tuskegee Airmen. For those in the Pacific Northwest, I encourage people to visit the Museum of Flight in Seattle and the Northwest African American Museum because they both have exhibits on display that showcase this epic story. It is a great opportunity to reflect on the people who inspired our Nation's founding ideals and who ended up changing the course of American history.

George Hickman may no longer be with us, but he will always be remembered for that very big smile, especially by those he touched in his life. His spirit will live on. It is almost as if he is saying in that picture: You can get it done. We can get it done.

His legacy lives on through his children Regena, Sheri, Vincent, and Shauniel, as well as his grandchildren and great-grandchildren. We will all carry on this legacy with the U.S. military and the trailblazing Tuskegee Airmen. George's spirit will also carry on back home at Husky Stadium and at Hec Edmundson Pavilion. Many people, including the Seattle City Council, those at the university, and the Seahawks have all honored him in their special ways.

So on behalf of a grateful nation, it is my pleasure to submit a resolution to honor the life of an American hero, a great Washingtonian, George Hickman. As his wife Doris summed it up: ''George loved his family and enjoyed life to the fullest.''

George Hickman was a true American hero and an inspiration for all of us. I hope we agree to this resolution.

Ms. CANTWELL. Thank you, Mr. President. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

VETERANS JOBS CORPS ACT OF 2012

Mr. MANCHIN. Mr. President, first of all, I wish to thank my colleague and good friend from the State of Washington, Senator CANTWELL, for honoring and recognizing a true American hero. We have had so many of them, and we still have so many, and I wish to thank her for that.

As the country mourns for those we have lost in Libya and those who remain in harm's way to keep us all safe, we are reminded of the sacred debt we owe the men and women who put their lives on the line for us every day. No matter the generation and no matter the war, America's soldiers, sailors, marines, and airmen are always tough, always determined, and always victorious. Even when we have asked the impossible of them, they have served us well.

However, how well have we served them? How well have we kept our sacred promise to care for those who, as Abraham Lincoln said, ''have borne the battle'' for us and for this great country of ours?

The Veterans Jobs Corps Act is an opportunity to make good on that promise, but it is more than an opportunity; it is an obligation. It is also a duty and, most importantly, it is a privilege. It is one of the best welcome home celebrations we could give the men and women in our armed forces, as well as the 9/11 generation of their families—more than 1 million military spouses and 2 million children, many of whom have lived their entire lives in a nation at war.

Today, one of our Nation's great challenges is a new generation of veterans coming home to a weak economy. Those veterans are disciplined and have some of the best training in the world, but now those veterans who fought in Iraq and Afghanistan now fight for jobs.

The unemployment rate for these post-9/11 veterans is 10.9 percent, according to the Bureau of Labor Statistics this past August, and that is well above the national average. That is unacceptable. That is why every day in the U.S. Senate I will stand with our veterans—as I know the Acting President pro tempore does and all of our colleagues—24/7. That is why one of my top priorities in the Senate has been—and will continue to be—to make sure there are good jobs for our returning veterans.

I am particularly pleased that the Veterans Jobs Corps Act includes provisions to provide veterans with access to the Internet and computers to assist them in their job searches. This is important because, as we all know, today's veterans are tech-savvy.

I have talked with Labor Secretary Solis about establishing an Internet portal for job seekers, and I will be working closely with the Secretary to make sure this provision of the act is up and running as quickly as possible.

I do, however, suggest that we amend the legislation so it is abundantly clear that employment opportunities available through the Veterans Jobs Corps are maintained on one—only one—Internet portal—a simple, one-stop center for job seekers. In this technology age, we need a central clearinghouse to match veterans with available jobs.

I also want to propose two more amendments to the Veterans Jobs

Corps Act that might have been overlooked.

First, as written, the legislation addresses commercial driver's licenses, CDLs, as we know them, but not construction equipment or heavy equipment operating licenses. I suggest we amend the legislation to include reciprocity on licensure, which, clearly, will make it easier for veterans to get jobs operating this heavy equipment at construction and mining sites. They have been doing these jobs already every day in the military. There is no reason why they should have to face a complete new hurdle to get a new license for the same work here at home.

And second, I would like the legislation to encourage Members of Congress to lead by example and hire qualified veterans for openings in all of our offices both here and at home. I proudly display the ''I Hire Veterans'' logo in my office, and many of our colleagues do. I have made this a commitment to every veteran: that we will do all we can to put them back into employment. But we must all lead by example.

As members of the Veterans Jobs Caucus, we must do everything we can to end the unemployment crisis our veterans are facing. In fact, while I was in my great State of West Virginia during our most recent State work period, I had the privilege of working with a private sector partner, DuPont—International DuPont—which has joined the ''I Hire Veterans'' project. They have committed that for all of their new hires, at least 10 percent will be veterans. That is tremendous. This project is our new yellow ribbon and, as I have always said, if you want to really help a vet, hire a vet and then do business with folks who also hire vets.

I have seen firsthand the positive impact veterans have on our economy. Leadership, teamwork, commitment, and trust—these are the hallmark qualities of all of our military heroes. And these are skills every American business—big or small—needs and can use today.

Like every generation of warriors, today's young veterans make great hires. Their resumes include maturity, crisis management skills, and loyalty, and those resumes should be at the top of every stack of a person looking for a good employee today.

Patriotism has many requirements and one requirement is to keep faith with those who have worn the uniform of the United States of America. It is one thing to recall President Lincoln's immortal words and the commitment to those who have ''borne the battle.'' It is another to live by them—to always stand with the men and women who have kept this Nation safe and free.

They answered the call. We must do so as well. And I am so proud to support this legislation.

Three million veterans have returned from military service over the past 10 years, and another 1 million are expected to return to civilian life over the next 5 years.

Can we rise to the challenge, the way our warriors did in Iraq and Afghanistan? Can we make sure our economy is ready for them? Of course we can. And just as importantly, we must.

So I ask all of my colleagues—Democrats and Republicans—to please vote ''yes'' on this most important piece of legislation.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Colorado is recognized.

Mr. UDALL of Colorado. Mr. President, I commend my colleague from West Virginia for his eloquent and articulate and powerful remarks about the importance of standing with our veterans. We have work to do, as Abraham Lincoln so powerfully put it. I want to acknowledge the great work of my colleague from West Virginia.

Mr. MANCHIN. I thank the Senator.

WIND PRODUCTION TAX CREDIT

Mr. UDALL of Colorado. Mr. President, I am here, as I have been on many a morning over the last number of months, to urge all of us to work together in order to extend the production tax credit for wind energy. The PTC, as it is known, is going to expire in a few months. That impending expiration not only threatens the jobs of tens of thousands of Americans but also threatens the continued prosperity of an industry that has seen tremendous growth over the last decade. We simply cannot let that happen. But each day we fail to act—and, in effect, abdicate our basic responsibility to support job creation—we are allowing jobs to be exported and we are truly abandoning a part of the bright future of American manufacturing.

I have had the opportunity over the last several months, as I mentioned, to come to the floor and talk about the benefits of the production tax credit in individual States. Today I think it is timely and appropriate to highlight the great State of Arizona—a State I have a special affinity for, as does the Acting President pro tempore. We were both born and raised in Tucson, and we both, I know, share a sense of pride because Arizona has adopted a renewable electricity standard such as we have in Colorado, such as we have in the Acting President pro tempore's State of New Mexico. The important part is not just the adoption of that standard but Arizona's commitment to renewable energy has truly produced results.

When you think about Arizona, you think about solar resources. The Sun shines many a day in Arizona. But it is also home to more than ample wind resources. In fact, the studies show that Arizona has enough wind potential to provide 40 percent—40 percent—of the State's current electricity needs. That is according to the National Renewable Energy Laboratory.

Arizona is not letting that wind go to waste. It completed its first commercial wind project in 2009, and it has been steadily adding capacity ever since. This first project was the Dry Lake Wind Project, which is a wind farm comprised of 30 turbines in Navajo County, which is up in the northeastern section of the State, familiar to the Acting President pro tempore, quite near his home State of New Mexico.

But Arizona is not stopping with this one project. There are at least seven wind manufacturers in Arizona that are creating good-paying jobs, and I want to mention one, Southwest Windpower. It is a national leader in the small wind market, and it has a manufacturing facility up in Flagstaff, which is in Coconino County, in the center of the northern part of Arizona.

These online wind projects already power over 33,000 homes, and, as I have highlighted, current projects under construction are likely to drastically multiply that number. Why is this important? Well, we have clean, renewable energy that creates American jobs. You talk about a virtuous cycle. This is one.

There is a large wind project proposed in Arizona. It is the Mohave County Wind Farm. It is up in the northwestern section of Arizona. It will produce 500 megawatts of electricity. Mr. President, 500 megawatts would power 110,000 homes per year. As importantly, that is an investment of hundreds of millions of dollars and, conservatively, it would create nearly 1,000 jobs. Those are impressive numbers.

Why do I bring up this proposed project? Well, I bring it up because this investment is at risk. The BLM, under Secretary Salazar's leadership, has fast-tracked this project, and it is scheduled to begin construction next year. But our inaction here literally will thwart those plans. Without an extension of the production tax credit, the future of this project and the jobs and the clean energy it will produce are in jeopardy. That is flat out unacceptable. We have to act here in the Congress in order for the immense potential of wind power to be realized.

I want to talk today about something I have not mentioned previously on the upside. When we produce power from wind in the arid West, we save an enormous amount of water. Recent estimates project that for every 1,000 megawatts of new wind power produced, we save over 818 million gallons of water on an annual basis. I do not have to tell the Acting President pro tempore we are in a period of extreme drought not only in the Southwest but in the Midwest. When you add in the fact that Arizona has a very arid climate, fresh water supplies become increasingly precious. So when we take steps to reduce the demand for that fresh water, we make a downpayment on the future of the Southwest. Of course, we know that well in Colorado. We are the headwaters of some of the most significant major rivers that feed the water needs of the States all around us. But if we let the PTC expire, we risk all the jobs, the manufacturing, the water savings that would

have really positive effects on our economy.

I see my good friend from Arizona is here, and I want to conclude. But I want to conclude on this note: This is not a partisan issue. On both sides of the aisle, we have strong support for the production tax credit.

Just last month, the Finance Committee included an extension of the production tax credit on a strong bipartisan vote. Our good friend, Senator GRASSLEY from Iowa, has led the effort here in the Congress, and we have support in both Houses. So I want to make a plea to all of us: Let's act in a bipartisan fashion. Let's renew the production tax credit.

The production tax credit simply equals jobs. So we ought to pass it as soon as possible because the production tax credit equals jobs, and that is job one here for those of us in the Senate.

In the House yesterday a group of Members—over a dozen of them—made this effort bicameral. They talked on the floor of the House about how the PTC has benefited their districts. Their remarks highlighted what I have been saying for months: Without the PTC, thousands of good-paying American jobs will likely be lost or shipped overseas. There is no reason that should happen. Let's pass the production tax credit extension as soon as possible.

I thank the Acting President pro tempore for his interest and his support.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from South Dakota is recognized.

Mr. THUNE. Mr. President, I ask unanimous consent to enter into a colloquy with my colleagues from Arizona, Alabama and New Hampshire.

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

SEQUESTRATION

Mr. THUNE. Mr. President, we come to the floor today to talk about the sequestration and the looming fiscal cliff. Unfortunately, the White House missed an important deadline last week by failing to provide Congress and the American people with a required report that details the administration's plan for implementing the $1.2 trillion sequester that is scheduled to take effect on January 2 of next year, less than 4 months from now.

That report on both defense and nondefense cuts came about because the administration ignored repeated requests to provide Congress and the American people with details about the impact that sequestration is going to have on critical programs, particularly with regard to our military and national defense. Members of both parties agreed that it was necessary for the White House to produce this information, and so we were glad to see that Sequestration Transparency Act bill passed, a bill with which Senator SESSIONS, Senator MCCAIN, and others of us were involved. The law required the administration to produce by September 6, last week, a report on how they intended to implement sequestration. Yet so far we have not seen that report. Here we are, it is a week later, and so far President Obama has chosen to ignore a requirement that he signed into law just over a month ago.

All Americans are required to play by the rules and follow the laws of the land. It seems to me, at least, the administration owes the American people and the Congress, under the law that was passed, a report that would detail the proposal they have with regard to the sequestration that is going to occur the first of next year.

I think the reason that is important—it is important for a lot of reasons, but we do not have a lot of time here. If we are going to do something to avert what would be a catastrophe for our national security interests, we have to take the steps that are necessary to do that. Well, it is very hard to come up with a replacement or an alternative to what the administration proposes when we do not know what the administration is proposing.

So we are hoping that when we get this report, which I hope will be soon since it is now a week overdue, we get an idea about what the administration proposes to do and then Congress can move forward, hopefully, with an alternative that would avert what would be a major disaster, as has been described by our military leadership in this country, to America's national security interests. I know the Senator from Arizona, the Senator from Alabama, and others will detail some of that, but I think it is important to point out what some of the President's own advisers have said.

The Secretary of Defense Leon Panetta has issued repeated warnings about the negative impact these cuts will have on our military, saying, ''It would do catastrophic damage to our military and its ability to protect this country.''

General Odierno, Chief of Staff of the Army, said that ''cuts of this magnitude would be catastrophic to the military.'' He went on to say that ''these cuts would incur an unacceptable level of strategic and operational risk.''

It is interesting, there is a book out now by Washington Post reporter Bob Woodward, who describes President Obama and then-OMB Director Jack Lew when they were going through this process as insisting on these defense cuts during the debt ceiling negotiation. It is clear they wanted to use these defense cuts as leverage to get tax increases.

In fact, if we breach the fiscal cliff, if we go over the fiscal cliff, it is now being predicted by the Congressional Budget Office that that will drive unemployment beyond 9 percent next year and plunge the country into yet another recession. In fact, they project—CBO does—that the GDP will contract by 2.9 percent during the first half of next year and by 5 percent over the entire year. Federal Reserve Chairman Ben Bernanke has also said that estimates ''do not incorporate the additional negative effects likely to result from public uncertainty about how these matters will be resolved.''

We are heading toward a train wreck. We are heading toward a disaster for America's national security interests. It all started with the fact that this Chamber has not produced a budget for now 3 years in a row. This is what you end up with when you do not have a budget. We do not have a blueprint on how we are going spend $3.6 trillion of the American taxpayers' money, so we ended up with a budget control act which was cobbled together at the last minute to avoid a crisis on the debt limit last summer which put in place a supercommittee designed to come up with these cuts. When the committee failed, this sequestration process was triggered. That was last November. We have had almost a whole year now for the administration to put forward their plan about how they would implement this sequestration, these across-the-board cuts that disproportionately impact our national security spending.

It is a disservice to the American people, disservice to the Congress for the administration not only to have not put something out prior to, but now since we passed legislation that was signed into law just a month ago that required the President to put forward this report, not to have received it yet so that we can have the time that is necessary to take the action that is necessary to avoid what would be a catastrophe and a disaster for America's national security interests.

I hope we will receive that report. This fiscal cliff is real. It is not just the Congressional Budget Office; a lot of the outside analysts have looked at this and come to the same conclusion; that is, if something is not done to avert these cuts and to deal with the tax increases that will occur on the first of next year, we will go over a fiscal cliff, and that could be incredibly dangerous and have catastrophic consequences for America's national security interests but also for our economy and for jobs.

I would like to yield to my colleague from Arizona, Senator MCCAIN, one of the most respected voices on national security issues and someone who has been very active on this sequester issue and trying to get the Defense Department to at least let us know what they are intending to do with regard to the cuts that are going to impact the national security interests of this country.

I yield to the Senator from Arizona.

Mr. MCCAIN. Mr. President, I ask unanimous consent that I be included in the colloquy with the Senator from South Dakota, the Senator from Alabama, and, naturally, the Senator from New Hampshire as well.

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

Mr. MCCAIN. Mr. President, I think the Senator from South Dakota has laid out the problem. One of the regrets that I think all of us have is the failure of this message to get to the American people: the loss of 1 million defense jobs, $1 trillion taken out of our economy, the devastation to our national security that has been so graphically described by our Secretary of Defense and our uniformed chiefs. And still I think most Americans do not understand how the word ''sequestration'' applies in this particular situation. Now, maybe when this report—thanks to the legislation sponsored by the Senator from South Dakota—comes out as to the effects, it will give more visibility to the train wreck we are facing. It is a train wreck.

I would like to remind my colleagues again that the President cut $78 billion from defense in 2011. The budget request this year cut an additional $487 billion over the next decade, and this is another approximately $480 billion in addition to that. That is why our uniformed service chiefs say they will not be able to carry out their missions if this sequestration takes place.

And the President of the United States, whose title is ''Commander in Chief,'' has said, as far as I know, one, that he wants us to agree to tax increases. There have been some comments he has made about, well, after the election, maybe we will sit down. That is not the job of the Commander in Chief of the Armed Forces whose No. 1 priority is this Nation's security. The job of the President of the United States is to prevent the catastrophic consequence of sequestration on our Nation's national security.

I stand ready—and I know my colleagues do—I stand ready to go over to the White House and sit down with the President of the United States and say: How can we avert this catastrophe for our Nation's defense? What is the answer? Well, as soon as the Republicans agree to tax increases, or, after the election, maybe we can sit down. Meanwhile, the Pentagon has to plan. They have to plan on what their budget is, on what their capabilities are going to be, what their acquisitions are going to be, how we are going to pay, make sure the pay and benefits of our men and woman who are serving are kept up.

I will yield to my friend from Alabama in just a second, but this is really an incredibly frustrating situation. We are not going to take up the Defense authorization bill anytime soon. We are going through a veterans jobs act that never had a hearing, sponsored by a person who is not a member of the Veterans' Affairs Committee. There are six veterans jobs programs already in being today. Then I read in some of these periodicals that we are going to take up a bill from the Senator from Montana concerning some kind of hunting deal.

Meanwhile, the Senate refuses to take up the National Defense Authorization Act, which has to do with defending this Nation. What is the role of the President of the United States on this issue? I ask my colleagues, are we, for the first time in 50 years—the first time in 50 years—not going to pass and send to the President's desk for signature a defense authorization bill? Instead, we will go back and forth filing cloture and arguing on amendments and on which will be allowed or not allowed, fill up the tree, blah, blah, blah. Yet the majority leader of the Senate cannot take up the national defense authorization bill, the most important piece of legislation this body considers, and it may be that we do not take it up for the first time in 50 years.

We must address the issue of sequestration. I again commit to making compromises, to doing things I otherwise would not agree to, because we cannot allow this train wreck that will endanger the lives of our citizens to take place. Do not take my word for it. Take the word of the Secretary of Defense appointed by the President of the United States and our uniformed chiefs appointed by the President of the United States with the advice and consent of the Senate that this is a devastating challenge to our national security. We just found out in the last couple of days that the world we live in is a very dangerous one.

I thank my colleagues for their involvement.

I yield to the Senator from Alabama.

Mr. SESSIONS. Mr. President, I think we should listen to Senator MCCAIN. Senator MCCAIN made a point that I think he understands. He is the ranking Republican on the Armed Services Committee. He has served his Nation with a career in the military. And we have a Commander in Chief who is not leading. We have a majority leader in the U.S. Senate who is not leading. We are about to have no Defense authorization bill this year for the first time in 50 years.

I would also note that this will be the first time since I have been in the Senate in maybe—I do not know how long—that we have passed not a single appropriations bill, zero, including a defense appropriations bill. It is going to be part of some massive, ominous CR for 6 months without any real oversight or thought as to how that money will be spent.

I am a member of the Armed Services Committee and ranking member of the Budget Committee. I would like to point out how these cuts that, as Senator THUNE established, were driven by the White House when they set up this committee last August—and we committed to reducing spending by $2.1 trillion over 10 years. Instead of spending $47 trillion, they would reduce it to $45 trillion. We are spending now at the rate of $36 trillion over 10. We are still increasing spending over current rates, but it would not be quite as much.

But the way this fell is remarkable. I wanted to show this chart. Under the fallback sequester, the defense budget shrinks while nondefense spending soars. Under the budget as proposed and in law today, the Defense Department, unless we take action to fix this sequestration, would have a reduction of 11 percent over 10 years in its programs, while the remaining five-sixths of the Federal Government—defense is only one-sixth—would get a 35-percent increase. This is the kind of poor management we ought to not allow to happen. The Secretary of Defense said it would be ''catastrophic.'' The Chairman of the Joint Chiefs said it would be ''catastrophic.'' Yet that is where we are heading.

We need leadership now. It will take place in January. We need to fix it now because defense contractors and military budget people in the Department of Defense are right now trying to wrestle with what to do about it.

This is not acceptable. So you say—they might say: The Defense Department has received dramatic increases. It ought to take more cuts.

We have heard that said. It is really not so. Let me show you some things about spending. From 2008 through 2011, these are the increases in spending by department or major program. Food stamps has gone up 100 percent—double. Medicaid went up 37 percent from 2008 through 2011. The Defense Department has increased 10 percent and basically last year had very little increase. The perception is that the Defense Department is the one that is driving the increases in spending. That is not accurate. Let me point out that under the Budget Control Act agreement of August 1 year ago, they totally exempted food stamps from any reduction, they totally exempted Medicaid from any reduction—not a dime—and that is why the cuts fall disproportionately on defense, and Social Security has no reduction. So these are things we need to understand as we wrestle with how to manage the people's money.

I thank Senator THUNE for his leadership. To Senator MCCAIN, I just would say this is not a good way to do business. I don't believe it will eventually become law. But right now it is causing disruption in the Defense Department, in our procurement for the Defense Department. We need to do something about it sooner rather than later. It is very disappointing the Commander in Chief, the Chief Executive, doesn't see this problem and begin to provide leadership right now to fix it.

I see my colleague from New Hampshire, a fabulous new addition to both the Budget Committee and the Armed Services Committee, has come to the floor. I am so pleased with her grasp of defense issues and her passion about it. Senator AYOTTE.

Ms. AYOTTE. Mr. President, I ask unanimous consent to enter into this colloquy with my colleagues.

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

Ms. AYOTTE. It is an honor certainly to speak after the Senator from Alabama, who is the ranking Republican

on the Senate Budget Committee. He knows better than anyone else here, as my colleague from South Dakota said, had we done a budget for our country, we wouldn't find ourselves in a situation such as this, where we are going to put our national security at risk. It has been over 3 years since this body has done a budget. I think it is outrageous. Having been elected in 2010, I am so angry about that, I have signed up to support the bill that says we shouldn't get paid until we have a budget because where we end up is with this sequestration deal.

This is a lesson we should learn when we have an absence of leadership, when we have a majority leader who thinks it is foolish to have a budget, when we have absence of leadership from our Commander in Chief, who doesn't think this is a priority to resolve. The President should be calling all of us to the table to resolve this because of national security. Without resolving it, we end up putting our country at risk. The foremost responsibility we have in representing the American people under our Constitution is to keep them safe. If we don't do that, we have nothing else.

We have seen the events over the last few days, as Senator MCCAIN has described them. He is the ranking member of the Armed Services Committee and certainly someone known as being more knowledgeable about national security than anyone else in this body. I believe he is right. It is a dangerous time in the world right now. We are faced with Iran trying to acquire nuclear capability, we have the Middle East unraveling right now, and there is an absence of American leadership, unfortunately.

If we take, in addition to the $487 billion in reductions we are already planning for the Department of Defense, another $500 billion off that, with what we see happening around the world and the risks to our country—terrorists who still want to kill us for who we are and what we believe in—then as our own Secretary of Defense has said, this sequestration will be catastrophic, leading to a hollow force, shooting ourselves in the head. That is what our Secretary of Defense has said. Irresponsible.

Mr. MCCAIN. May I ask the Senator from New Hampshire, is it not true we went to her State and met with a major defense industry in the State of New Hampshire that employs thousands of people?

Ms. AYOTTE. Yes, we did. In fact, I was at the same major defense employer in my State on Monday the same employer we went to—BAE.

Mr. MCCAIN. What do they say?

Ms. AYOTTE. They say they are worried about sequestration because there are thousands of jobs at stake in New Hampshire. But more important, there is the capacity to make sure our troops have the very best equipment, the very best technology, and that we can prevent attacks on our country. When we send our troops into harm's way, we need to know they are protected. We have a responsibility to them.

There are jobs at stake and there is safety to our troops. When we talk about hollowing out our force, we mean putting our troops at risk and, finally, not only that, but we think about our safety. So there are real jobs at stake. As the Senator from Arizona has said, my State estimates 3,600 jobs on the defense end and over 1 million jobs in this country.

Let's face it, I saw the workers, I have talked to them, and they are very worried we are not going to take up our responsibility; that there is an absence of leadership. Where is the Commander in Chief on this? Of all the things the President has responsibility for, this cannot be punted until after an election. This should not be used as a bargaining chip for other goals he wants to accomplish—increasing taxes in this country. He should be at the table right now. We are all willing to sit down and listen to ideas and to compromise with the other side, but we need the leadership of our President to do that.

I understand the President may be too busy campaigning to do that, but this is too important to leave until after an election.

Mr. MCCAIN. Could I ask the Senator from Alabama, is it not true, if these cuts are enacted in the fashion they are designed right now, we are going to have a serious impact on our economy, to the point where it could result in even negative growth, according to objective studies?

Mr. SESSIONS. The Congressional Budget Office and others, as Senator THUNE indicated, have said if the tax increases are imposed and the sequester cuts are done, we could go back into another recession. The last thing we need to get this budget under control and our finances under control is another recession. It would be unthinkable for us to take action that would put us in that kind of context.

As Senator MCCAIN knows, there are requirements the defense contractors—any government contractor—has when they know they are not going to be able, under the law, to keep the number of people employed. They have to send them a notice they are going to be laid off in advance so they have an opportunity to find other work. They are preparing to send out those notices now, and that has a depressing effect on the economy as well, I think. It is a very serious matter for the economy.

But most important to me is, when we start playing games with production and procurement of weapon systems and things, it costs the government more money. Wouldn't the Senator agree? If a contractor is producing 100 widgets and then they go to 50 widgets, then back to 100, doesn't the government often have to pay penalties and doesn't it drive up cost?

Mr. MCCAIN. Wouldn't that also be true if a defense contractor today literally has no ability to make plans for what their company or corporation would be expected to do on January 1 of 2013?

Mr. SESSIONS. Absolutely; that is correct. Under the law, these cuts will take place in January. That will happen unless we pass a law to change it—unless we take action to change it. What, are we going to wait until December 31? Is that when we are going to deal with this?

As Senator AYOTTE suggests, we should do it now because it is the responsible thing to do to fix this problem and not leave the Defense Department in turmoil. They will not even send an answer to our request—Senator THUNE, myself, Senator MCCAIN—on where the cuts are going to occur, I guess because they do not want to or they do not know yet. But this is turmoil within the Department.

Mr. THUNE. If the Senator from Alabama will yield on that, I think it is important again to point out this could be avoided. Actually, the House of Representatives passed a budget trying to avoid it. They addressed this in their budget. They restricted these reductions, did away with the 50 percent whack the Defense Department would get, which is disproportionate relative to their share of the budget. Defense represents 20 percent or about one-sixth of the budget, as the Senator from Alabama pointed out, but it gets 50 percent of the cuts.

But the House of Representatives passed a budget that the Democrats have been down here attacking for the last couple days—the ''Ryan'' budget or the House-passed budget. At least they had a budget. We haven't had a budget for 3 years in the Senate.

Mr. MCCAIN. Isn't that known as chutzpah—to come down and attack the other body's budget when we haven't done a budget for 3 years, which is required by law?

I have to hand it to them—I have to hand it to them. I congratulate my friends on the other side of the aisle who come down and attack the other body's budget when they haven't done one in 3 years. Congratulations for new levels of hypocrisy.

Ms. AYOTTE. If the Senator from Arizona will yield, I too would call that hypocrisy. I mean, when there is no plan in the Senate for the fiscal state of the country, when the other side seems unwilling to actually do the work of the Budget Committee, when the majority leader calls it foolish—and by the way, when the President's own budget gets zero votes—

Mr. MCCAIN. Yes, the President did have a budget. It got zero votes. Not a single Member on the other side of the aisle voted for their own President's budget. Yet they will come down and attack a budget proposal which, by the way, puts us on a path to a balanced budget, and there is certainly no proposal I have ever seen coming from the other side. In fact, the answer, according to them, is spend more money—

spend more money. Let's have more of everything. Obviously, that has not been a very successful approach over the last 3½ years.

Again, I don't mean to be too repetitive, but here we are and what are we debating—a jobs bill. It sounds great. It sounds great: a veterans jobs bill. What could be better or more important? We have six veterans jobs programs that haven't succeeded. The fact is we are not addressing the needs of the men and women in the military who will be veterans someday. We are not providing them with the equipment, the training, and the wherewithal to defend this Nation by both ignoring sequestration and not taking up the National Defense Authorization Act.

My friends, I think the American people see through this charade we are conducting in these last few days before we go out to campaign and see if we can find and meet any Americans who are still in that 11 percent who say they still approve of Congress.

Mr. SESSIONS. We are going to have a lot more unemployed veterans if we don't fix this sequester because it is clearly going to cause the Defense Department to reduce personnel in a significant number; wouldn't the Senator agree?

Mr. MCCAIN. I totally agree.

Mr. SESSIONS. Senator THUNE mentioned the Ryan budget, a historic budget which changes the debt course of America and puts us on a path to prosperity and not decline. It is an honest budget, and it fixes this sequester.

I would ask Senator THUNE, doesn't the budget passed by the House do that? Isn't that proof that if we put our heads together, we can develop a way of dealing with this sequester; that it is not impossible to do?

Mr. THUNE. Right, and it passed months ago. We all talk about the jobs impact, the Warren Act notices that are going to go out, and all the uncertainty created by not knowing what the impact of this is going to be, but the House of Representatives passed a budget months ago which spelled out in clear detail how they would avoid these Draconian cuts to the national security budget, replaced them with alternatives by finding reductions in spending in other areas of the budget, and put a budget out that actually accomplished that objective and avoided what we all know is going to be a disaster and a train wreck at the end of the year.

So what happens? The Senate—the world's greatest deliberative body—doesn't pass a budget for the third year in a row. Here we are, at the eleventh hour, less than 4 months away from when this would take effect, with defense contractors sending out pink slips to employees in the very near future, and the Senate has done nothing to avoid what we know is a very predictable crisis.

Everybody knows this is coming. The Congressional Budget Office is predicting it, the Federal Reserve is predicting it, outside analysts are predicting it. Everybody knows the combination of tax increases on January 1 and the dramatic cuts in the Defense Department are going to take the country into a place economically that we don't want to go. In most cases, according to the CBO, they have said it is going to take us back into a recession. They are predicting a 2.9-percent contraction in the economy in the first 6 months of next year and unemployment over 9 percent.

It is not as though we don't see this coming. Yet here we are, as Senator MCCAIN pointed out, talking about small-ball stuff. We are doing things that in somebody's opinion I am sure is important, but we know we have a disaster looking us right in the eye, and we aren't doing anything to address it.

Again, it all starts with the failure by this institution, the Senate—the world's greatest deliberative body—not able to pass a budget, its most fundamental responsibility. The ranking member of the Budget Committee, the Senator from Alabama, knows full well. The Senator from New Hampshire is also a member of that committee. I am not sure why our committee exists if we aren't going to pass a budget, but we haven't done it now under the Democratic leadership here in the United States for 3 consecutive years.

Mr. SESSIONS. Mr. President, I do believe we are at a point in history that this Congress has the responsibility. Sequester cannot be carried out in the way it is written today. It will do severe damage to the Defense Department. We are going to fix it at some point. It only makes good sense and good business for us to fix it now, to avoid the disruptions that are ongoing in our Department of Defense.

Now I say we will fix it. I know there are a number of friends of the President who have long desired severe cuts in the Defense Department. He said he doesn't, but he at this point is taking action that I can only conclude indicates he favors these reductions to occur. The only way he might not do it is if we have the tax increase he wishes to see occur.

Mr. THUNE. On that point, it looks as if what they are doing is running out the clock, doesn't it? They have a requirement by September 6—last week—to produce at least their proposal. It is by law. We passed it. He signed it into law back in August. It was required last week, and we haven't seen it yet. It looks to me what they are doing is trying to run the clock out, hoping Congress is going to go home to campaign and they will not have had to do anything to deal with this—until the lameduck, at which point they can use defense cuts as leverage to try to get tax increases.

It is pretty plain what is going on here. But they have a requirement under the law to produce that. They haven't done it. The Senator from Alabama and I were authors of that legislation. The Senator from New Hampshire has been a great leader in trying to get the administration to put their proposal for implementation in front of us. That hasn't happened. That is, I think, the only conclusion anybody can draw.

Mr. SESSIONS. The Senator from New Hampshire has campaigned on this and talked about these issues. I guess it has been frustrating to serve on the Budget Committee and the Armed Services Committee and to see as much dysfunction as has occurred.

Ms. AYOTTE. It has. We have to do a budget, I would say to the Senators from Alabama and South Dakota, for our country. And we need to make sure that we protect our national security. That is why this problem has to be solved now. We need leadership from the President as Commander in Chief.

I would point out, in response to the comments of the Senator from South Dakota, not only has the Department of Defense ignored this law of producing a plan as to how they are going to implement sequestration; the administration went so far as to have the Department of Labor issue an order saying: Employers, don't comply with the law of the Warren Act to tell employees that your job may be at risk and issue a layoff notice.

That is how far the administration is going in not wanting to take this issue head on. But it is too important to the American people. We have got to resolve it. We are willing to try to resolve it. I am the cosponsor of another bill that would come up with alternative spending reductions to resolve it. We have got to do it now. We owe this to the American people. We owe this to our men and women in uniform.

Again, if we do a budget and we do what is right for our country, we would never find ourselves in this situation.

I see the Republican leader here. We certainly wish to hear from the Republican leader and would end this colloquy and yield back our time to the leader.

Mr. THUNE. Mr. President, I yield back the remainder of our time.

The PRESIDING OFFICER. The Republican leader.

MIDDLE EAST UNREST

Mr. MCCONNELL. Mr. President, the attacks this week on our diplomats, our installations, and diplomatic security personnel have reminded all of us of the service of these brave Americans—the service they render to our country every single day, from the deadly attacks on a U.S. diplomatic station in Benghazi, to the attack on our embassy in Cairo, and now another attack on another embassy last night in Yemen; four Americans are dead; our flag is being desecrated. This is a moment for Americans to show our closest allies in the Middle East that we stand with them unequivocally. No mixed signals. Neither Israel nor any of our allies should ever have any reason to doubt that resolve.

I am encouraged that Turkey has condemned the violence in Benghazi.

There is absolutely no justification for what happened in Cairo, Benghazi, or Yemen. None. We must do everything within our power to protect our representatives overseas and hunt down those responsible for these attacks.

There were warnings yesterday that other attacks on other embassies may be imminent. This is a gravely serious moment. But America does not shrink from the defense of its core values or its interests overseas. We must project strength.

The unrest in the Middle East—in Libya, Egypt, and especially the Sinai, Yemen, and Syria—presents a profound and formidable challenge to our interests, in addition to the U.S. Central Command, and to our allies. None of our Nation's enemies—al-Qaida, other violent extremists, Hezbollah, and especially Iran—should view this moment as a window of American vulnerability. Now is the moment to send a clear signal to longstanding allies such as Israel that they can rely on our support. And every member of our armed services, diplomatic corps, and intelligence community should know they have our support and gratitude in the challenging days that lie ahead.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

THE RYAN BUDGET

Mr. ROCKEFELLER. Mr. President, I rise today to talk about the so-called Ryan budget plan, endorsed and fully absorbed by Governor Romney—which, when you read it, is nothing more than a diabolical blueprint for slashing services that help families, seniors, and children all across the country.

The Ryan-Romney plan—which is the centerpiece of the Republican Presidential campaign, and certainly will grow more so—has finally come under the new scrutiny that it needed as people got a good look at it leading up to the GOP convention last month. I, for one, have been ashamed of this document for much longer. I was proud the Senate voted against it, although it was equally discouraging that a majority of the House voted for it.

I am here today because I want to set the record straight on what, in my judgment, the Ryan-Romney plan would do to people in my home State of West Virginia, to the Presiding Officer's home State, and to the country.

The Ryan budget proposal tackles the deficit by shredding something called the safety net. If people aren't clear what that is, it is the net of public policy underneath the worst possible situation that somebody can come to in terms of health care or inability to live. Families have counted on that safety net for years in rough times, because they have had that safety net and they have used that safety net.

In essence, the unbalanced Ryan proposal guts programs for seniors, people who are disabled, children, families struggling to make ends meet, and then—most fascinating—turning those cuts into $4 trillion worth of tax breaks for the very wealthiest Americans and corporations. And people say class warfare, but it is mathematics. They give the average millionaire a tidy little tax cut of $265,000 under the Ryan-Romney plan while desperately undermining our economy.

He says he hopes his plan will balance the budget by 2040. That is not very encouraging, and it is probably optimistic on his part if it were ever to take place. The Ryan plan does not contribute a single penny to deficit reduction, which is the great problem we are facing and which we are going to deal with—not a single penny.

Consider how they shred health care, with $2.9 trillion in health care cuts, not just from repealing health care reform—an amazing thing to do—but also by gutting Medicare and Medicaid. In the passing of the health care act, all of a sudden 30 million Americans—by no means all those who are uninsured—get health insurance coverage. The act makes sure that they get health insurance coverage. The Ryan budget, backed by Romney, would take that possibility away from 30 million people who have lived without health insurance for many years.

The Ryan-Romney plan would take Medicare that more than 50 million seniors rely on and turn it into a privatized voucher system. I know this has been said, and it has been said because it is true. They would cap how much the government spends on seniors' health care, regardless of their health care needs—letting profit-seeking private health insurance companies decide what to cover and what not to cover. That alone would cost every individual senior an additional $6,000 per year if that plan were to come into effect. If seniors are not able to pay the difference, then they are simply out of luck under the Ryan-Romney budget plan.

This plan also rips apart the Medicaid Program by turning it into a block grant program. On this one, I get pretty indignant. Right now, Medicaid is a lifeline to 70 million Americans, including families and children living in or near poverty. Medicaid today provides long-term care for more than half of seniors in the United States of America. They can spend down—get rid of their assets—so they qualify for Medicaid so they can get long-term care. There isn't anybody in this country who isn't going to be faced with long-term care. The difference is that some can pay for it and some will have families absorb it through love and cultural tradition, but most can't. They have to have help. There is a little bit that is Medicare, but it is virtually Medicaid that provides long-term care. That is when you are in your declining years. That is when you are approaching death. That is when you are at your most dangerous and vulnerable situation. That is when you are scared. That is when your children come from other States to try to help—but then they start spending down the money they have saved for their kids to go to college. It is a desperate situation, even as it is today with full Medicaid coverage. This would affect those who need care at home, a lot of home health, and it would also affect seniors in nursing homes in terrible ways.

The fact is that middle-income families in this country cannot afford the $80,000 or more per year that it costs to keep a loved one in a nursing home in something called long-term care. The only way to do it without bankrupting the entire family is with the help of Medicaid. Yes, it is a big program. Yes, we are going to have to face reality in some respects on its size. But scaling back Medicaid the way they do it in the Ryan-Romney plan so badly hurts American families, and it forces State governments to do things which they are not going to be able to afford to do. They are going to have to cut services or they are going to have to go more deeply into debt themselves.

So the real prospect is of people in their seventies, eighties, nineties, et cetera, with no long-term care because of a theological point of view that government is awful—but what this is awful to is people. It is just terrible for people. The Ryan-Romney plan would mean millions more Americans could not afford basic health care—and we know what happens next. More people will get sick with untreated illnesses. Then health care costs will go up for everyone.

That implies that people get health care. Yes, they do because they can go to the emergency room of a hospital. They will not always get services, but for the most part they get those services. But they are not paying for that; the average American is, which adds about $2,000 to their family budget every year, paying for other people's health care because the uninsured do not have insurance and therefore they have no place to go. The idea of repealing the health care act and taking 30 million Americans—really, if we had more money we would have done the 45 or 50 million who are really uninsured and underinsured and taken care of them, but we did not have the money to do that.

The nursing homes and the 1.8 million people who work there would be forced to slash their services or close their doors or certainly turn away seniors. In their frenzy to repeal health care reform, and with not a single proposal to replace it—the great silence—Ryan-Romney would also completely undo all of the new consumer protections to fight back against cruel health insurance practices.

I chair the Commerce Committee. That is about all we dealt with for the past 2 years, health insurance companies and their practices. It is pretty depressing. For example, the new provision ending discrimination by health insurance companies against people with preexisting conditions—that is law. Under Ryan-Romney that would

end. I reiterate, women who are pregnant, millions of Americans who have diabetes, people with asthma, people with acne, have frequently been just turned down by health insurance companies when they ruled the roost. Now they don't rule the roost under the new health care bill, and a lot of money is being rebated to American people who were overcharged.

The reform we passed allows parents to keep their children on their insurance plan until the kids are 26 years old. That is one of the most popular aspects in the country. That would disappear under the Ryan-Romney budget plan.

There is a lot of lack of understanding of the health care bill, and it is not wildly popular in some parts of the country. Where you and I come from, Mr. President, that is true. But, on the other hand, when one thinks of it as a bill, people do not know what is in it. When one explains to people what is in it and give them examples, such as up until the age of 26 children can stay on their family's health insurance plan; curtailing the restrictions of lifetime limits, the annual limits first and then lifetime limits in 2014, they are lifted so people get the health care they need.

Pretty much every night on television we see stories of kids born with some terrible set of health problems. I remember one I talked with, an 8-year-old boy who had cancer, and his family. He had run into his annual lifetime limit. He died. This was 2 years ago. He died. He would not have died under the health care act, but the Romney-Ryan people want to scrap all that.

One thing that is very well known is the prescription drug doughnut hole, which our reform bill actually had closed. It is a very big deal. It is very hard to understand how that comes about. What is a doughnut hole? But seniors understand it because they spend quite a lot of time paying premiums to health insurance companies but getting no benefits or health care coverage during that period in which they are in the doughnut hole. We stopped that in the health care bill. That would be repealed. They open that doughnut hole right back up, the Ryan-Romney budget plan, putting that $4,200 a year right back on the shoulders of our individual seniors all across the country.

We can see a pattern here. It is absolutely appalling. It is appalling. They do not talk about it, but even Social Security is threatened by their plans. Social Security is a contract the American people have made with themselves. Virtually everyone pays in throughout their working years so that everyone has a safety net when they retire or they become disabled or they die young and have others in their family to care for—leaving a surviving spouse and children to struggle without help. Under our bill, of course, nothing is changed. They want to change that.

PAUL RYAN, for whatever reason, has been trying, since 2004, to privatize Social Security. He just flatout has. He can say what he wants. He can say he doesn't think that anymore—he actually doesn't say that, but that is what he believes because if someone has been doing something for the past 10 years, they probably believe in it pretty strongly—meaning he would like to see the American people bet their retirement savings on the stock market, which is usually not stable. I don't buy that. West Virginia seniors do not buy that.

Think back to 2008 when the financial crisis hit. If every American had privatized Social Security accounts then, their retirement security would have been wiped out. Instead, while many people lost a whole lot of money in that stock market crash back then, their Social Security benefits were safe, and they knew it.

People are fragile. Not everybody is a venture capitalist or an entrepreneur. Not everybody is born wealthy. People are living at the edge. Psychologically, they are living even more closely to the edge. Fear comes to them easily. So when we do something good like pass a health care bill which is going to help them, and then people come in and say they are going to repeal the whole act and everything about it, and then, yes, something about Social Security too—it is cruel. It is appalling and it is cruel. We need to protect and strengthen Social Security, not destroy it.

Don't just take that from me. There is far-ranging opposition to the Ryan-Romney budget plan from economists to religious leaders. A group of Catholic Bishops—this interested me greatly because the candidate for Vice President on the Republican ticket said he got his sort of social values from his Catholic teaching.

There is a group of Catholic Bishops recently who asked Republicans to stop championing Ryan's proposals because they were appalled by it—Catholics are very strong on fairness for people and always have been—because it is so hurtful to the poor. It fails their morality test.

My colleague, Senator KENT CONRAD, shared with us this week an amazing quote that I cannot stop myself from giving to you because it was from one of Ronald Reagan's economic advisers, a fellow named Bruce Bartlett, which bears repeating. He said the following:

> 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 [those tax cuts]. Even as an opening bid to begin budget negotiations with the Democrats, the Ryan plan cannot be taken seriously. It is less of a wish list than a fairy tale utterly disconnected from the real world, backed up by make-believe numbers and unreasonable assumptions. Ryan's plan isn't even an act of courage [Bruce Bartlett says]; it's just pandering to the Tea Party.

I think Mr. RYAN is of the tea party, so I don't know of his need to pander to it. But anyway that is what this Reagan person indicated.

> A real act of courage would have been for him to admit, as all serious budget analysts know, that revenues will have to rise well above 19 percent of GDP to stabilize the debt.

In the coming weeks and months we will continue to hear a lot of back-and-forth about the heartless policy proposals coming from PAUL RYAN and Members of Congress who support his plan. This is a deadly serious debate—deadly serious, with enormous consequences for our country and for every person in it.

It is my sincere and urgent hope that as more Americans come to understand exactly where the Ryan-Romney plan would take our Nation and its life-saving programs and others, that they will decide to run in the opposite direction away from it. The Republican budget is a slap in the face to millions of Americans. We can and will reduce our deficit. We are going to do that because we have to. There is a strong and enduring consensus on that point. But we do not have to do it this way, and we must not do it this way.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. HOEVEN. Mr. President, I rise today to speak on the veterans jobs bill. That is the legislation before us. We voted on it last night, and we will likely be voting on it again today and possibly tomorrow. I rise to speak on that bill.

I have in fact offered an amendment to the bill because we should do all we can to support our veterans. It is very important. They put their very lives on the line for us, and we need to do all we can to support them. But we need to do it the right way, and that is why I am offering this amendment. We are talking about creating jobs for our veterans. The right way to do that is long-term jobs, quality employment, not short-term stimulus-type jobs. That is exactly why I am offering this amendment to the legislation that would include approval of the Keystone XL Pipeline project.

The VFW, the Veterans of Foreign Wars, is an organization that does a tremendous amount for our veterans. We all know the VFW. We all know the great work they do on behalf of our veterans. The VFW is already working to help returning vets get jobs—and that is great. They are working to help our returning veterans get jobs constructing the Keystone XL Pipeline.

The only problem is those jobs are in Canada. Those jobs are in Canada because they have not approved the Keystone XL Pipeline in the United States. After 4-plus years, it is still in the permitting process. Since the administration has approved the project, we need to step up and approve the project, and we can do that. This amendment would do that.

I want to talk a little bit about what the VFW is doing to help veterans get jobs in the energy industry by doing things such as building the Keystone

XL Pipeline, as I mentioned, right now in Canada. VetJobs is a job placement company of which the VFW owns 10 percent, so it is partially owned by the VFW. They are working with the Edmonton Economic Development Corps to hire Canadians in Edmonton and the surrounding area in Alberta. Of course, we can see that is where the pipeline is being constructed in Canada. They are working right now to hire vets to work on such things as the construction of the Keystone XL Pipeline.

Several days ago I spoke with Ted Daywalt. Ted Daywalt is the CEO of VetJobs. He told me that in Alberta they have listings in 17 different job categories and they could use between 12,000 and 15,000 people in Alberta, Canada, just working in the energy industry. Why not put those veterans to work right here at home? We all want to have good-quality jobs, but we want to have it near our home and not have to go to a different country to get that job.

The Perryman Group estimates that the Keystone XL Pipeline will create 15,000 to 20,000 direct construction jobs right away, and that it will create thousands and thousands of permanent jobs in addition to those construction jobs. That is without spending any tax dollars, that is without adding to the deficit, that is without adding to the debt, and that is jobs here at home, not in Canada. Also, TransCanada, the company building the Keystone XL Pipeline, gives a hiring preference to veterans. They give a hiring preference to veterans in Canada and they give a hiring preference to veterans in the United States.

In fact, they also sponsor a program that is actually delivered by a nonprofit entity called Helmets to Hardhats. They train returning veterans so they can do these kinds of jobs. So we can make these quality, long-term, permanent jobs available right away here in the United States by supporting this amendment. In addition, we get more safe, dependable, reliable energy.

Has anyone checked gas prices recently? It is more than $3.80 a gallon on average in this country. That is more than double what it was when this administration started in office.

There is another benefit as well. We reduce our dependence on oil from the Middle East. Now compare this legislation to the Veterans Job Corps proposal we are looking at in the bill that is under consideration right now on the Senate floor. The Veterans Jobs Corps proposal spends $1 billion. At this time we are $16 trillion in debt, and that is growing. We have legislation that spends $1 billion to create government jobs for our veterans. Well, let's take a look at those jobs. We want to create 20,000 jobs with that $1 billion, so that means $50,000 a job for 1 year. Then what do we do? We spent $1 billion, we created a bunch of temporary jobs for 1 year. Then what do our veterans do? Do we spend more to try to keep this going? Where does this go?

Instead of doing that, by approving this legislation I have offered, we can create thousands of more jobs and we don't spend anything and it creates tax revenues, it creates economic activity, and it reduces the deficit. It also helps us generate more energy for this country instead of more government spending, a bigger deficit, and temporary jobs.

I think our veterans would very much appreciate knowing that they are working on producing and transporting more energy for the country and that they are helping to reduce gas prices at the pump for our hard-working taxpayers and our consumers. I think they would also appreciate the fact that we are working to reduce our dependence on oil from the Middle East. Maybe that way we would not have to send them back to the Middle East for energy or security reasons. I think our veterans would appreciate that.

The proposal we are putting forward creates permanent jobs, and it creates them the right way. I encourage support for it because it is about supporting and creating jobs in this country the right way and supporting jobs for our veterans.

This amendment is about jobs, and it will help our veterans. It is about energy that will help hard-working Americans with gas prices at the pump. It is about economic growth which will help our economy. Economic growth and better control of spending is what we need to do to address the deficit and the debt. This legislation is about energy security, to make our Nation more energy secure.

Here are my concluding questions: Why wouldn't we vote on this amendment? Why wouldn't we have a vote on this amendment? Why wouldn't we approve it for the benefit of our economy, for the benefit of the American people in our country and for the benefit of our veterans?

I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. I ask unanimous consent that the order for the quorum call be rescinded.

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

RYAN BUDGET PLAN

Mr. SCHUMER. Mr. President, it is nice to see PAUL RYAN back in Congress. It will be even nicer to see him back as a full-time Member in January.

There has been a lot of controversy about Mr. RYAN and some of the things he states, why he states them, and the contrast with what he says and what he has done. Perhaps the least credible claim of all about Congressman RYAN is the idea that he is a serious deficit hawk and that his budget is a serious attempt at deficit reduction. He is not and it is not.

The Paul Ryan budget is about ideology rather than commonsense solutions to the country's economic and fiscal problems. As more and more people are learning, it certainly is not about, as Bill Clinton said, arithmetic.

In RYAN's budget, any savings achieved by his plan to privatize Medicare and gut investments in the middle-class do not go to reducing the deficit. He is saying he is creating that pain because we need the pain for deficit reduction. He uses all those savings to pay for further tax cuts to the wealthy.

This chart explains it pretty well. Independent studies have found that the Ryan budget would raise taxes on the middle class up to $2,600. People earning between $50,000 and $100,000 pay $1,300 more a year, people earning between $100,000 and $200,000 pay $2,600 more a year, and then there is a whopping savings to people whose income is over $200,000.

As a result of the massive giveaways to the wealthiest Americans, the Congressional Budget Office found that RYAN's plan failed to balance the budget until 2040. But even this conclusion relies on rosy assumptions supplied to CBO by RYAN himself.

Ryan's plan could take longer to improve the fiscal outlook under a more realistic set of assumptions, even taking the unrealistically rosy assumptions that RYAN stipulates in his budget, for instance, that revenue levels would be 19 percent of GDP. That is almost certainly not true. His plan would not balance the budget until 2040.

Independent experts, such as the nonpartisan Tax Policy Center, challenged these assumptions. Under more realistic assumptions, RYAN's plan would take far longer to balance the budget and cause the Federal debt to rise even further.

Moreover, RYAN's spending cuts are totally unrealistic. Outside of Medicare and Medicaid, Mr. RYAN would slash the government, including defense, to 3.75 percent of GDP by 2050. Defense alone is 4.6 percent today. According to CBO the total has never been below 8 percent since World War II and defense has never been below 3 percent. Mr. RYAN would either have to make massive defense cuts—the very same defense cuts he decried on the campaign trail yesterday—or he would need to virtually eliminate the rest of the government, such as transportation, security, education, FBI, scientific research, and food testing. We know that is not going to happen.

The larger point is this: In terms of deficit reduction, the Ryan plan is—there is no other way to state it—a fraud.

This should come as no surprise. After all, Congressman RYAN supported the Bush policies that got us into this deep fiscal hole in the first place. From the Bush tax cuts to two unfunded wars to the unpaid-for creation of Medicare Part D, Congressman RYAN's fingerprints are all over the big-spending

Bush policies that turned Bill Clinton's surpluses into the record deficits inherited by Barack Obama.

RYAN voted against the Simpson-Bowles framework. When PAUL RYAN had a chance to walk the walk on deficit reduction, he joined all the other House Republicans on the Commission in voting down the report. He urged Speaker BOEHNER to abandon the grand bargain talks with President Obama.

The New York Times reported that during the summer of 2011, RYAN appealed to Representative CANTOR to cut off negotiations between the Speaker and the White House because he didn't feel the terms of the emerging agreement adhered strictly enough to his conservative principles and the deal might politically benefit President Obama.

It is not a secret the Ryan budget both hurts the middle class and does nothing for deficit reduction. The only people who would benefit are the very wealthy and, God bless them, they are doing well in America, but as recent statistics just showed, they are the only people gaining in income.

One other thing I wish to add about Mr. RYAN, he seems like a nice man, a nice family, but his recent speeches have been so revealing. He did the same thing yesterday, once again showing he has learned nothing from the mistakes he has made in the last few weeks. When it comes to the big debates facing our country, PAUL RYAN either has an extremely poor memory or he has a tendency to play fast and loose with the facts. In one speech, Congressman RYAN falsely blamed President Obama for shuttering the GM plant that actually announced it was closing during President Bush's term; for $716 million in Medicare savings that Congressman RYAN included in his own budget; and, third, for the Simpson-Bowles blueprint that Congressman RYAN himself voted against. That is just a sampling.

Just yesterday he did it again. There you go again, PAUL RYAN. He was giving a speech back in Wisconsin when he blamed the President—solely the President—for the year-end trigger, the sequestration, that was part of the Budget Control Act. Never mind that Congressman RYAN voted for the very same sequestration himself. Never mind it was his side's idea, in fact, to hold our credit rating hostage in the first place and insist on these dollar-for-dollar cuts he now decries. Never mind the fact that we all know that if PAUL RYAN had opposed the sequestration proposal—the chairman of the Budget Committee in the House—it certainly would have failed. Now he goes to Wisconsin and said the President is to blame for sequestration. It is the same thing he did with Simpson-Bowles. It is not fair. It is not right. All we can do is shake our heads at this ''what is good for me is not good for you'' kind of double standard.

I would say to PAUL RYAN: You haven't learned much from your mistakes in the past few weeks. There you go again. Your budget proves it, and even your speeches, including the one yesterday, prove it again.

I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER (Mrs. HAGAN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. MURRAY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mrs. MURRAY. Madam President, I ask unanimous consent to speak as in morning business.

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

VAWA REAUTHORIZATION

Mrs. MURRAY. Madam President, today marks 18 years to the day since President Clinton signed the Violence Against Women Act into law. Since that day, this law has protected countless women across the country, as seen most directly by the fact that annual rates of domestic violence have dropped by more than 60 percent.

Today also marks a far less celebratory day in the history of this critical bill. That is because today is also the 139th day of delay by the House of Representatives since the Senate passed an inclusive, bipartisan VAWA bill by a vote of 68 to 31. It marks 139 days since House Republicans decided not to follow suit and to instead pass a version of our legislation that stripped vital protections included in our Senate bill—provisions that protect some of the most at-risk women in our country.

It has now been 139 days since 15 Senate Republicans stood to join with us to pass this legislation because they knew the history of this bill. They knew that every time the Violence Against Women Act has been reauthorized, it has consistently included bipartisan provisions to expand protections to women who were not previously covered. They understand that domestic violence protections for all women shouldn't be a Democratic or a Republican issue.

I hope Speaker BOEHNER and our colleagues in the House hear this: We are not backing down and we will keep fighting because 139 days is inexcusable. In fact, 1 day is inexcusable. It is now long past time for Speaker BOEHNER to look beyond ideology and partisan politics. Their obstruction clearly is taking a toll on women across this country.

In fact, for Native and immigrant women and LGBT individuals, every moment our inclusive legislation to reauthorize VAWA is delayed is another moment they are left without the resources and protection they deserve. The numbers are staggering. One in three—one in three—Native women will be raped in their lifetime, two in five are victims of domestic violence, and Native women are killed at 10 times the rate of the national average.

These shocking statistics aren't isolated to one group of women; 25 to 35 percent of women in the LGBT community experience domestic violence in their relationship, and three in four abused immigrant women never entered the process to obtain legal status even though they were eligible because their abuser husbands never filed the paperwork.

While these numbers are frightening, what is even tougher is when we sit down face to face with women who are at risk of being left out of this bill. Over this last August recess I held a number of roundtables in different corners of my State with women who had been trapped in abusive relationships. Many of them are from the communities of the women whom the House Republicans refuse to extend these provisions to. Through painful memories and many tears, they told me about how they feel all alone. Numerous women who are immigrants talked about how they were scared for themselves or their children, so they didn't report their husbands or boyfriends. Tribal women talked about how not only have they been abused but how they then had to watch their abuser do the same thing to other women on their reservation with no recourse.

Every moment the House of Representatives continues to delay is another moment these women and 30 million women similar to them are left without the protections they deserve.

These statistics should make it perfectly clear to our colleagues in the other Chamber that their current inaction has a real impact on the lives of women across America who are affected by violence. Where a person lives, their immigration status, whom they love should not determine whether the perpetrators of domestic violence are brought to justice.

These women cannot afford any further delay—not on this bill. We all know what it will take to move this bill forward: leadership from Speaker BOEHNER. Today, the effort we started in the Senate in May—an effort that will continue for as long as it takes—is a call for the very same thing: leadership. It is time for Speaker BOEHNER to look beyond ideology and partisan politics. It is time for him to look at the history of a bill that again and again has been supported and expanded by both Republicans and Democrats.

For 18 years this bill has expanded protection for vulnerable women. For the last 139 days, Speaker BOEHNER and House Republicans have put this legacy at risk. It is time for them to do the right thing and pass the Senate's inclusive bipartisan Violence Against Women Act.

Senator LEAHY, who is chair of the Judiciary Committee, will be here shortly. He has put tremendous effort into making sure this bill is passed in a way that includes women across this country. We owe him a debt of gratitude, as well as all the members of the Judiciary Committee, some of whom will be here over the next hour to talk.

Again, we are here to remind everyone there are women in this country who do not receive the protections of the domestic violence law that was passed. We are here to make sure we are going to stand for them and keep pushing until Speaker BOEHNER takes up this bill and passes it to protect women.

I see Senator LEAHY arriving on the floor just as I was speaking about him. He will be speaking about this issue. We owe him a debt of gratitude for standing for women across this country but especially for, this time, fighting to make sure this is an inclusive bill, passed on a bipartisan vote out of the Senate, and one that will change the lives of so many women. We owe it to them and Speaker BOEHNER owes it to them to take up this bill and pass it.

Thank you. I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I thank the distinguished Senator for her kind comments. She knows that this, whether in Washington State or the State of Vermont, is a major issue. She has voted for and supported the Leahy-Crapo bill, as has the distinguished Presiding Officer. I have said so many times on this floor that violence is violence is violence and abuse is abuse is abuse, and this should not be a partisan issue.

Two weeks ago, in Tampa, Republican leaders from Congress and around the country sought to make clear their commitment to advancing causes important to women. Well, I will say as a Democrat I was pleased to see that commitment from the Republican Party. But now I hope they will put those words into action and prove that this was not just campaign rhetoric. While they have not asked me for advice, I would give some advice to my Republican friends. If they do want to show their commitment to women, one significant step Republicans should take would be to help us reauthorize the Violence Against Women Act.

It was signed into law 18 years ago today—18 years ago today. I remember that day. I was there. As one of those who helped draft it, I was so proud to see it signed into law.

This landmark bill, which fundamentally changed the way our country responds to domestic and sexual violence, expired, though, 1 year ago this month. There is no good reason why we cannot all work together to see that this lifesaving law is reauthorized immediately. It should not be a Republican or Democratic issue. It is an American issue. How can people say they are not opposed to violence against women?

Just yesterday, the Republican attorney general from Utah and the Democratic attorney general from Maryland—people who have completely different philosophies—called on Congress to pass the Senate bill, which covers all victims, including immigrant women. In their guest column in Politico, the two noted that the bipartisan Senate bill would give ''a significant boost for law enforcement and public safety.'' At the same time, they said the politically charged House bill ''seeks to turn a bipartisan concern for abuse survivors into a partisan wedge'' and ''dramatically roll[s] back important protections for battered immigrant women and their children.''

Madam President, I ask unanimous consent that the Politico column, along with a statement released today by Attorney General Holder on the 18th anniversary of the Violence Against Women Act, be printed in the RECORD at the end of my comments.

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

(See exhibit 1.)

Mr. LEAHY. You hear these continued calls for action. We know the Leahy-Crapo reauthorization bill passed the Senate with a strong bipartisan majority of 68 votes. Every woman in the Senate—Republican and Democrat alike—voted for it. But Republican leaders in both the House and the Senate have hidden behind a procedural technicality. They refuse to allow the House to vote on the Senate bill.

Well, that obstruction has to end. Too many lives are on the line to play these political games. Here in the Senate, we have twice asked Republican leaders to agree to take up a House revenue bill, substitute the bipartisan Senate VAWA bill, and send it to the House immediately to overcome this procedural concern. Each time they have refused this commonsense resolution. This contrasts how we moved forward earlier this year using the same process to overcome similar technical hurdles with both the Transportation bill and the FAA reauthorization legislation. So with a little bit of cooperation from the other side we could move VAWA now.

People watching this and listening to this might think: Well, these are technical and arcane procedures. They are technical and arcane procedures. But they are stopping us from moving forward with the Violence Against Women Act. We can set them aside for Transportation and the FAA—both important things—but if you are somebody who has been battered and abused, if you are near death, do not talk to that person about technicalities.

I have said many times on this floor—I still have nightmares from some of the crime scenes I went to as a young prosecutor. It was always at 2 and 3 and 4 o'clock in the morning. The ones easiest to handle were those where the victim lived, although sometimes just barely. I remember riding in the ambulance with a victim on the way to the emergency room to find out what happened. Many other times we were there waiting for the coroner to arrive because the body was on the floor.

I wish everybody who is hiding behind these technicalities would come with those of us from both parties, those of us who have been prosecutors, who have gone to those crime scenes. I guarantee you, they would be back here saying: Get rid of those technicalities.

I cannot understand the House Republican leadership hiding behind this excuse to avoid debating and voting on the bipartisan Senate bill. This is a good bill. It brought Republicans and Democrats together in this body across the political spectrum. The House Republican leadership should stop blocking it on this obscure technicality. The Speaker can waive the technicality. The House could vote on the Senate bill any time.

I would like to see people stand up and say: Yes, I want to stop violence against women or I am going to vote ''no.'' Right now they are allowed to vote ''maybe.'' No victim wants to hear ''maybe.'' They want us to do something. Both in the House and the Senate, we have a privileged position as Members. Do not hide behind a technicality. Have the courage—have the courage—to stand up and vote ''yes'' or ''no.''

The House Republicans could have allowed a vote on the text of the Senate bill as a House amendment or a House bill. Instead, they are choosing to hold up VAWA reauthorization for all victims. Please reconsider. Move forward with us to protect all victims of violence. And if you are unwilling to do that, if you are going to stand behind this, do not go home and campaign and say you have a commitment to women.

Battered women are in all categories. They go across all political spectrums. They go across all economic spectrums. Do not go back home and say: I am standing up for you. No, you are not standing up. You are hiding. You are hiding. You are hiding behind a technicality. Well, these victims cannot hide. They are sought out, and they become victims. Let's do something for them.

Our bill was developed with the input of victims and the service providers who work with them day in and day out. It helps women who are victims of terrible crimes—the very people we claim we want to support and protect. It does so in important and responsible ways. Do not go home and say: I stand up for all of you; do not go home and say: I am standing for law enforcement; do not go home and say: I want people protected when you refuse to step around a procedural motion and protect them. Do not be that hypocritical.

We have only a few precious days left this Congress to reauthorize the Violence Against Women Act. If the Republican leadership wants to help end domestic and sexual violence, well then, do so. Now is the time to act. Do not hide behind fiction. Have the courage to stand up and say you are on the side of victims. And if you are not on their side, then stand up and vote against them. Do not vote ''maybe.'' Do not hide behind a technicality. It is time to make good on our promise to

the victims of these horrible crimes. Helping them—no matter who they are—has to be our goal. Their lives depend upon it. Our lives do not depend upon it, but their lives depend upon it. They are counting on us. It is time to stand up.

I yield the floor.

EXHIBIT 1

[From Politico, Sept. 11, 2012]

WEAKENING VIOLENCE AGAINST WOMEN ACT BETRAYS IMMIGRANT VICTIMS

(By Mark Shurtleff and Doug Gansler)

All women who have lived through violence and abuse should have the certainty that the law will protect them—no matter their race, creed, color, religion or immigration status. Unfortunately, Congress is now considering proposals that would erode this certainty—and its failure to act is already causing harm.

We urge congressional leaders to move forward now to reauthorize the Violence Against Women Act, without provisions harmful to immigrants.

As long-time law enforcement leaders, we know this act is crucial. Since passage in 1994, it has helped cut domestic violence by more than half. Still, the scourge of domestic violence remains a serious problem: One in four women experiences an act of domestic violence or sexual assault in her lifetime, and three women die every day at the hands of abusive husbands or partners.

Rates of trafficking women—often from one abusive context to another—are also alarmingly high. Roughly 100,000 survivors of human trafficking live in the United States today, according to the State Department, whose estimates suggest as many as 17,500 foreign-born victims are illegally brought in each year.

We need every available tool to fight these serious crimes, so we fully support reauthorization of the Violence Against Women Act—but not in a dangerously altered form that would harm vulnerable immigrant women.

We don't use ''dangerously'' lightly. When the House sought reauthorization, legislators made changes that dramatically roll back important protections for battered immigrant women and their children—leaving them vulnerable to abuse and, worse, death at the hands of an abuser.

Several House provisions would further endanger immigrant survivors of human trafficking and domestic abuse. These provisions would leave them no legal way to break the cycle of violence in which they are trapped and leave law enforcement no way to bring perpetrators to justice. The changes, for example, would discourage immigrant survivors from calling the police, for fear of immigration issues—so police can't intervene and save their lives.

For many of these women, immigration status is one more weapon that abusers use to intimidate them. Abusers often threaten, ''You can't call the police. They'll just deport you.''

Under the existing law, our response is clear: ''He's wrong. You're safe.'' If we certify that a victim was helpful to law enforcement during an investigation, she can seek special legal immigration status—known as a U visa.

But the House bill would make this visa temporary and take away an immigrant survivor's incentive to come forward. ''He's wrong; you're safe'' would be replaced with the far less reassuring message ''You'll have to wait and see.''

What kind of person does the U visa help? Consider ''Stephanie,'' an immigrant living in Maryland who lacked work authorization. She had already been sexually harassed by work supervisors when a stranger followed her into a room in the building where she was working and tried to rape her. Stephanie was able to fight him off and immediately reported the incident to police, who found the man nearby and arrested him.

After reporting the terrible crime, Stephanie learned she would be eligible for a U visa for her cooperation with police and the state's attorney. Her assistance helped get a rapist off the streets. Today, Stephanie has her U visa and is confident and self-supporting.

The House bill would silence thousands of women like Stephanie and derail our efforts to put their attackers behind bars. Worse, it would further endanger some of the very women whom the Violence Against Women Act is meant to help.

In late August, we received a reminder of reauthorization's urgency. Our immigration authorities announced that they had reached the limit of 10,000 U visas for the current fiscal year, leaving a six-week gap before the new fiscal year brings a fresh allotment. In the meantime, lives are at risk.

The Senate's bipartisan reauthorization bill would increase that visa limit to 15,000, a significant boost for law enforcement and public safety.

The law enforcement community now has 17 years of experience with the Violence Against Women Act and has used it successfully to combat human trafficking, sexual assault and domestic violence. We have relied on it to protect survivors of all stripes and hold their abusers accountable.

These abusers don't differentiate by race, creed, color, religion or immigration status. In seeking justice for survivors, neither should we.

The House version of the Violence Against Women Act reauthorization seeks to turn a bipartisan concern for abuse survivors into a partisan wedge. Congress must not let partisanship stand in the way of our work to protect all women, and their families, from harm.

DEPARTMENT OF JUSTICE

Office of Public Affairs

[For Immediate Release—Thursday, September 13, 2012]

STATEMENT FROM ATTORNEY GENERAL ERIC HOLDER ON THE 18TH ANNIVERSARY OF THE VIOLENCE AGAINST WOMEN ACT

Attorney General Eric Holder released the following statement today on the 18th anniversary of the Violence Against Women Act:

''Since the landmark Violence Against Women Act (VAWA) became law 18 years ago today, VAWA has vastly improved our ability to address domestic violence, dating violence, sexual assault, and stalking and has helped countless victims of these crimes get access to needed services. It's important to remember that none of this progress has been inevitable—it has been the result of the tireless work of advocates, law enforcement, prosecutors, and others. On the front lines of this effort, the Office on Violence Against Women administers VAWA programs, providing states, territories, local and tribal governments, and nonprofit organizations with critical resources to initiate and sustain efforts to reduce and stop violence against women. As Congress moves to consider reauthorizing this critical law, we urge lawmakers to come together on a bipartisan basis, as it has historically, to pass a VAWA reauthorization that expands rather than limits victim access to justice and strengthens law enforcement and prosecutorial tools to seek justice and hold violators accountable. VAWA has been strengthened each time it has been reauthorized, with bipartisan support, and this year after 18 years of progress, it should be no different.''

Mr. LEAHY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. BOXER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mrs. BOXER. Madam President, before Senator LEAHY leaves the floor, I want to thank him from the bottom of my heart. What he has shown is that he can team up in a bipartisan way to help the women of this country avoid needless, senseless, dangerous violence. I thank the Senator, and I stand here to support his efforts.

The Leahy-Crapo bill is the bill we need to pass. Why? Because it is the bill that includes everyone. We do not want to leave out 30 million people. We do not want to leave 30 million people out of the Violence Against Women Act. That is what the House of Representatives does because they leave out immigrant people, they leave out the gay and lesbian community, they leave out students and Native Americans.

When you look at those women and those groups, you find out, indeed, they have a very high percentage of violence in their communities—violence against women that leaves women in deep trouble and threatens their lives. So only the Leahy-Crapo bill—only the Senate bill—which passed here with such a great number of votes can include everyone.

So if you take, for example, Cristina, in my home State of California, whose boss threatened her with deportation unless she complied with his demands for sex, she is not covered in the House bill. This is a woman who is essentially being held hostage by her boss. He is using his power over her, and she is not covered by the House bill.

The House bill, again, fails to protect LGBT individuals when they have problems with abusive partners and have been turned away in the past from shelters because the Violence Against Women Act did not cover the LGBT community.

Mika is a student who struggled to get her college to enforce a restraining order against her boyfriend after he had assaulted her and stalked her. She should not have had to struggle. Under the Leahy-Crapo Senate Violence Against Women Act, Mika will be covered.

Then-Senator JOE BIDEN, now Vice President BIDEN, wrote the Violence Against Women Act. It was a long time ago. I was in the House, and I was so honored when JOE BIDEN came and asked me to carry the House version of the bill. I did that, and I remember being so proud because Joe was such a leader on this and he had the faith in me to ask me to help him.

But I can tell you, it was a struggle to get it done. It took several years to get it done. And when I got to the Senate, I watched JOE BIDEN team up with Senator HATCH, and I helped them on the floor. I was only able to get a portion of the bill passed in the House, so there was a lot more we needed to do, and we did it.

I want to read a statement that Vice President BIDEN made today—he just sent it out—because it speaks to this issue. He said:

Eighteen years ago today, the landmark Violence Against Women Act was signed into law. It was founded on the basic premise that every woman deserves to be safe from violence, and since its passage, we have made tremendous strides towards achieving that goal. We gave law enforcement and the courts more tools to combat domestic violence and hold offenders accountable. We created a national hotline to direct victims to life-saving assistance. And since VAWA passed, annual rates of domestic violence have dropped by more than 60 percent.

It is important to reflect on what Vice President BIDEN is saying. Because of the Violence Against Women Act, we have seen a drop in the annual rate of domestic violence by more than 60 percent. And now we are here to say: Let's make it even better by including 30 million people who were left out of the bill.

Quoting the Vice President, he says:

But we still have much work to do. Three women still die every day as a result of domestic violence. One in five women have been raped, many as teenagers, and one in six women have been victims of stalking.

He writes:

While women and girls face these devastating realities every day, reauthorization of the strengthened VAWA languishes in Congress. VAWA is just as important today as when it first became law, and I urge Congress to keep the promise me made to our daughters and our granddaughters on that day—that we would work together to keep them safe.

In closing, because I see Senator COONS is here—we are so happy he is here to talk on this issue, I feel it is important to note that over 900 groups nationwide have signed a letter in support of the bill that includes these 30 million people—that includes everyone. We know this law is working. On today, the 18th anniversary of the VAWA being signed into law by Bill Clinton, let's pass this legislation and send it to President Obama, legislation that strengthens the law, is bipartisan like the Leahy-Crapo bill, and includes everyone.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. COONS. Madam President, I rise today in honor of the 18th anniversary of the signing of the Violence Against Women Act into law. As my good friend and colleague the Senator from California has just reminded all of us, it was my home State Senator, now our Vice President, JOE BIDEN, whose leadership in getting the Violence Against Women Act signed into law in the first place, moved us in this country toward a society that is more just, that is more safe, that is more welcoming.

It is, in my view, incredibly discouraging that we are fighting today in the Congress a battle that he made such great early progress on and that should have been won decades ago. Why must we fight in 2012 such a protracted legislative battle to maintain, strengthen, and secure the rights of more than half of the population of this country and to extend the lifesaving programs supported by VAWA to those who need them of every background all across our country?

It cannot be that it is because those who oppose VAWA's reauthorization believe that violence against women is no longer a threat. In my own home county, New Castle County, DE, earlier this year a man was arrested after a horrifying assault on his ex-girlfriend, committed in front of all five of her children. The victim's teenage son called 9–1–1 in a panic, terrified. This incident, one of sadly many in my home community, is just another stark example of how domestic violence continues to hurt and harm not just its victims but entire families, not just the woman or occasionally men who are the victims of domestic violence but the children who witness it and whose lives are changed by it.

In a world where this sort of violence continues to happen in all our communities, we still need the Violence Against Women Act. We need it to be reauthorized. We need it to be reauthorized and strengthened. We need it to be reauthorized, strengthened, and broadened. It has been a full year since VAWA expired, and still we do not have a reauthorization signed into law. Reauthorization is a real opportunity, one built into the initial act, that requires us as a body, the House and Senate together, to sit down and sift through the data and to examine how these programs can be better, stronger, more efficient, and more effective. Every 5 years we have to take a hard look at where we are failing and where we are succeeding in this important work against domestic violence, the scourge that lives in the dark throughout our community.

Here in the Senate we have done that work. The House, sadly, has not. In my view, we must not let them be a roadblock to the critical progress we have been called upon to make. This is our time to make the necessary changes to improve VAWA and to reauthorize it, and we will not back down.

In this year's reauthorization we made a number of critical changes, positive changes, and two that are particularly important to me: First, ensuring that every victim of abuse in this country is able to count on the law to protect them, regardless of who they are, where they live, or whom they love; and, second, ensuring that we reduce bureaucracy and strengthen accountability, to ensure that taxpayer dollars authorized through VAWA are spent wisely, responsibly, and effectively.

The Senate reauthorization moves us forward by adding protections for victims of domestic violence regardless of their sexual orientation. The reality is, as we learned in reexamining VAWA and the experiences of the last 5 years, sadly the reality is that lesbian, gay, bisexual, and transgender Americans experience domestic violence at the same percentage as relationships in the general population, a shocking 25 to 30 percent of all relationships. Yet nearly half of LBGTQ victims are turned away from domestic violence shelters and one-quarter are unjustly arrested as if they were the perpetrators.

The Senate reauthorization makes plain that discrimination is not the policy of these United States. It says no program funded by Federal VAWA dollars can turn away a domestic violence victim because of their sexual orientation or their gender identity, whether the victim is gay or straight, American Indian, White, Black, or Latino. In my view, and the view of so many in this Chamber, they deserve protection from abuse and justice for their abusers.

There are two other important changes in this VAWA reauthorization as passed through the Senate, both of which help ensure we bring perpetrators to justice no matter who their victims are or where their crimes are committed. These provisions support victims of crime committed on tribal lands and help law enforcement to secure needed testimony from victims who are unwilling to come forward due to reasonable fear of deportation.

So in total I think all three of these important changes to the substance and scope of VAWA strengthen it, carry forward its initial spirit, and are completely appropriate things for this Senate and the House to do in our every 5-year reconsideration and reauthorization of VAWA.

It is important to remember that VAWA goes beyond basic justice for our fellow citizens. It supports the investigation and prosecution of violent crime. Delaying this reauthorization means denying essential tools to law enforcement officers in my home State of Delaware and the Presiding Officer's home State of North Carolina and all across our country.

As someone who used to be directly responsible for a county police department, who worked in close partnership with all of the different elements, all the different nonprofit groups and civic and community groups, all of the elements from corrections to law enforcement to advocates to providers of services that were brought together in a positive and cohesive way by VAWA, I know how important this is to a holistic approach to combating domestic violence.

If we are to tackle a problem this large, this pervasive, this dangerous, we need well-trained and dedicated law

enforcement officers. We also need support from the whole community to provide the whole broad range of services that can continue to make progress in pressing back on this evil in our country.

In Delaware, that is exactly want we have done. In Delaware, VAWA has fostered a community of those dedicated to reducing violence, allowing each group to reinforce the other, and adding value that individual programs alone could not create. VAWA touches on everything from transitional housing to national hotlines, from the safe exchange of children to increased awareness on college campuses, from law enforcement grants in rural communities to sexual assault service programs in urban communities—not only for women, for men, for children but for whole families and whole communities.

VAWA is an important piece of legislation, and that it sits unauthorized in the other Chamber of this Congress is, to me, a great shame and a great tragedy. We must not allow this anniversary of its initial signing into law to pass without redoubling our efforts and redoubling our commitment.

My colleagues who oppose this reauthorization put all of this progress at risk. Their insistence on excluding some of our friends and neighbors just because of their background or their sexual orientation is unconscionable. We will keep fighting to secure VAWA reauthorization this year because the safety of our communities depends upon it and simple justice calls for it.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. KLOBUCHAR. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Ms. KLOBUCHAR. Madam President, I am here today to talk about the Violence Against Women Reauthorization Act which, as you know, we passed in April with the leadership of Senator LEAHY and with the cosponsorship of Senator CRAPO. We got that strong bipartisan bill through the Senate on a 68-to-31 vote.

As you know, all women Senators, Democrats and Republicans, supported that bill, just like the two prior reauthorizations from 2000 and 2006. This bill improves the current law in many ways to better address domestic violence, sexual assault, and stalking. We have heard from a long list of experts in our Judiciary Committee about the changes that were needed for this reauthorization, and we incorporated those ideas and language from people on the front line.

As a result, this bill, this bipartisan reauthorization bill, is strongly supported by law enforcement, victim service providers, and faith groups across the country. I want to talk about some of the ways that this reauthorization bill builds upon the improvement that past reauthorizations made, but first I think it is important to mention the bipartisan bill does not ignore the current budget climate. It consolidates 13 programs in only 4. So when I hear about the old bill, to keep it going, this bill is actually better from an efficiency standpoint. It consolidates 13 programs into 4 in an effort to reduce duplication and bureaucratic redtape. It also cuts the authorization level for VAWA by more than $135 million a year. That is a 17-percent decrease from the 2006 reauthorization. So this was a clear acknowledgement that our country is going to have to make some changes in our fiscal situation as we go into this next year. That was one of the reasons this new bill, this reauthorization, was so important.

We are doing more with less. No existing grant program receives an increase in authorization levels in this bill, and the legislation creates only one new program, at $5 million a year. That new program will support travel efforts to combat domestic violence on reservations.

In terms of policy, one of the biggest changes in this year's violence against women reauthorization is a greater focus on preventing and responding to sexual assault. We still have a lot of work to do in reducing sexual assault in America where nearly one in five women has been raped at some point in their lives, and over 42 percent were raped before the age of 18.

As a former prosecutor, I am all too aware of the fact that prosecution and conviction rates for sexual assault are among the lowest for any violent crime. So in an effort to solve that problem, this year's reauthorization opens funding to programs that are more directly responsive to the needs of sexual assault survivors.

I woke up this morning and read my town newspaper in the Twin Cities and saw that a 30-year-old rape-murder case was solved—30 years old. You think of the new technology that is available. It was solved because they kept the DNA from the scene. They were able to match it to someone in another State who had been imprisoned. They were able to charge that case. Think of the justice for those family members and also for the rest of the country where, hopefully, this conviction will be made. They will be able to make sure that person is behind bars forever.

Those are the kinds of things that happen in this day with the new technology, but unless we have people trained to use that technology, unless we have people who are able to work with victims, unless we have victims who feel comfortable coming forward when they are sexually assaulted or a victim of domestic assault, none of it means anything to this system. That is why the VAWA bill is so important.

Another area of improvement in this bill is the effort to more effectively provide services to victims from traditionally underserved communities. This bill adds new definitions that will help make sure VAWA-funded programs provide a variety of services that address the needs of racial and ethnic minorities.

As Chairman LEAHY's committee report points out, studies indicated that women of color are reluctant to turn to traditional domestic violence programs, and culturally specific programming may be more effective in meeting their needs. Our recent National Institute of Justice study found that women of color may be less likely to receive all the services they need.

Domestic violence and sexual assault are problems that affect everyone in this country, and this new bill, this reauthorization bill, recognizes that fact. The Senate version of the VAWA reauthorization also includes a number of improvements that specifically address the needs of women living in tribal areas. It is a sad reality that Native American women experience rates of domestic violence and sexual assault that are significantly higher than the national average. So the VAWA reauthorization strengthens existing efforts to confront the ongoing epidemic of violence on tribal lands by expanding the tools available to Federal law enforcement.

The Judiciary Committee worked closely with the Indian Affairs Committee to craft the most effective responses to the frighteningly high levels of domestic violence and sexual assault in tribal areas. One important provision gives tribal courts jurisdiction over a non-Native American who has committed acts of domestic violence against Native American women in a small subset of cases that meet three specific criteria: No. 1, the crime must have occurred on a reservation; No. 2, the crime must be domestic violence; and No. 3, the defendant must live on a reservation. Why did we do this? Because we know a lot of these cases weren't being reported. These cases weren't being prosecuted. It is very difficult sometimes for State and Federal authorities, with their limited resources, to come in and handle these cases. It was simply a pragmatic response to a legal issue, and it is something which, as I said, in the Senate got broad bipartisan support. We have a significant Native American population in my State, so this change and several others will be very helpful in cracking down on these crimes.

Finally, I will briefly mention one part of this reauthorization on which I worked hard. And I see Senator HUTCHISON of Texas in the Chamber, and it is good to see her because I am going to be talking about the amendment she and I worked on together, and that is an updating of our stalking laws.

Current law focuses on what the victim knows and requires prosecutors to show that the victim experienced a certain level of fear in order to secure a

conviction. But sometimes the victims of stalkers, particularly high-tech stalkers—stalkers who are putting camera equipment and little peepholes in hotel rooms, stalkers who are using the Internet—aren't even aware of what the stalker is doing until later, until suddenly they see a picture of themselves undressing or a picture of themselves without clothes on the Internet being distributed across the entire country, across the entire world, which is a real case that happened in this country with a sports reporter.

Those are the kinds of things we are now seeing. So while they are experiencing it, they do not have that level of fear because it happens later. What we have done—Senator HUTCHISON and I and others—is to update the stalking law she was involved in before I even came to the Senate. We have updated that law to make it as sophisticated as the people who are committing these crimes.

This is just a sampling of some of the important changes in this reauthorization bill. It is basically about making the Violence Against Women Act, which has been so important to our country and to women in this country, making it more efficient and updating it for where the real needs are. Things change over time. We learn new law enforcement techniques, and we have to be able to put those into action. That is what this is about.

For me, this is about Officer Shawn Schneider, an officer in Lake City, MN, who got called to a scene to respond to a domestic violence crime. He went up to the front door, the door opened, and there was a 17-year-old victim with a clearly agitated, mentally ill perpetrator, her boyfriend, who ends up shooting Officer Schneider. He died a few days later, leaving behind a widow and three little kids, and his funeral was right around the holidays. The last time his family had been in church was for the church pageant for Christmas. The next time his family walked down the aisle of that church was for his funeral—the funeral of a little girl's father. She was wearing a blue dress covered in stars. That is what I remember—a little girl walking down the aisle of that church at her father's funeral.

When I see that kind of thing, I know one thing: Domestic violence just doesn't have one victim; domestic violence makes an entire family a victim, an entire community and an entire nation. And when that officer was called to that scene, he didn't ask: Oh, is the victim an American Indian? Is the victim gay? Is the victim a woman or a man? He did his job. He showed up at the scene. Now it is time for us to do our job. The House of Representatives should pass this bill, and we should get this done.

I thank the Presiding Officer, and I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Madam President, I am pleased to follow the Senator from Minnesota because we did work on a piece of legislation, which she perfected. It was my bill that first passed on stalking that would take the antistalking laws nationwide because so often it happens across State lines, and so we had to put it all together so that if someone did cross State lines to stalk a woman or her children or a man or anyone, that would be prosecutable.

I was so pleased Senator KLOBUCHAR then came with a bill which I was proud to cosponsor which updated the technology criminals now use to harass, scare and really make life miserable for people they know. I had a stalker myself for about 12 years. I didn't know him, but he certainly did make my life different, that is for sure. And sometimes it is worse than what I experienced because there are actual threats.

I will never forget the time I got a call from an attorney in the U.S. Attorney's Office in Austin, TX, and he said: I just wanted you to know we got our first conviction under your antistalking law. It was a man who was harassing his ex-wife and his children, threatening them with a gun, and we were able to put him away and make that family a lot safer. I thought, you know, we live to actually know something we have done makes a difference. So I thank the Senator from Minnesota for carrying that forward.

HONORING OUR FOREIGN SERVANTS

I rise today, Madam President, to talk about Neil Armstrong and about NASA, but I can't stand here today with what is going on in the Middle East and not say that I join the thousands and maybe millions of others who mourn the loss of a U.S. Ambassador who was killed in Libya. You know, I would mourn any U.S. Ambassador who is killed in the line of duty, but it makes it even harder when we know this one was doing such a great job. Christopher Stevens had dedicated his life really trying to make peace and trying to be a force for the positive in the Middle East. He was our Ambassador to Libya.

I am sad to say it appears this was a plot. It was not an accident. It wasn't something that happened because he happened to be in the consulate. It apparently was a premeditated murder of our Ambassador. And I know the whole country mourns the loss of someone who tried so hard to do what is right and to then have this happen. So I want to pay my respects to him and to all who knew and worked with him.

In the travels I have been fortunate to make as a U.S. Senator, I am always so impressed with the representatives of the United States in our embassies and consulates throughout the world. Our Foreign Service representatives do a fabulous job. They take their lives and put them in danger sometimes, especially in countries that are strife-torn, as certainly Libya is right now and Egypt as well. So my great respect goes out to our Foreign Service community, and I think we have just been reminded of the service they give and the sacrifices they make.

HONORING NEIL ARMSTRONG

Madam President, I wish to speak today about the life of a gentle giant, Neil Armstrong, and also about the future of NASA. This all came together this week because I have just returned from the National Cathedral, where I joined congressional colleagues, Senators, and many others in paying our final respects to a man who unquestionably was a true American hero. Of course, we know Neil Armstrong made world history when he stepped out on the Moon's surface for the first time an American had done so and he uttered those words that will be forever enshrined in American consciousness.

They say that some seek fame and some have it thrust on them, but Neil Armstrong was the rare man who earned his fame and yet shied away from it at every turn. He preferred to live the life of, as he described it himself, ''a white-sock, pocket-protector, nerdy engineer.'' He chose to live a private life rather than bask in well-deserved glory. For that, he was more than a hero, he was a role model we would all be fortunate to follow. We have too few of those today. Neil Armstrong served his country in Korea, where he was a fighter pilot and was shot down. He certainly served at NASA, which we all know, and he served his community as a professor at the University of Cincinnati. He was a serious, dedicated scientist who loved what he did and just wanted to get the job done.

There is a story told about him of an incident that occurred during training before the Moon landing where his vehicle forced an ejection. His only injury was biting his own tongue, but it was a near-death incident nonetheless. It was a very lucky escape. Another astronaut saw Neil working at his desk and said he had heard about Neil being thrown out of his vehicle. Then he asked when it happened, and Neil said: About an hour ago. The astronaut—Alan Bean—later told Neil's biographer:

> I can't think of another person, let alone another astronaut, who would have just gone back to his office after ejecting a fraction of a second before getting killed.

I was lucky enough to know Neil Armstrong. We first met when he, *Apollo 13* commander Jim Lovell, and Gene Cernan expressed concern over the administration's proposal to abandon NASA's manned space exploration program. They wrote an open letter. And let me tell you, when the first and last men to set foot on the Moon had an issue with the direction of NASA, everybody listened. It was a rare occasion that these astronaut leaders would speak publicly on such an issue, and considering Neil's propensity to shy away from the spotlight, it had even more significance. But he thought it was important, and a great bipartisan number of our colleagues agreed it was important that he chose to speak out on this very important issue.

The plan proposed canceling the existing space exploration program and suspending plans to build a replacement for the space shuttle. It placed immediate reliance on commercial capabilities, which at the time were undeveloped and unproven. Neil was particularly concerned about leaning too heavily on commercial crew vehicles because he rightly believed NASA should have ultimate ownership and stewardship of the next phase of deep space exploration.

When I asked if that group would testify before the Senate Commerce Committee and give us the benefit of their immense experience, Neil Armstrong and Gene Cernan were able to do so. Their testimony in May of 2010 helped us craft the NASA Reauthorization Act of 2010, which we managed to pass with a balanced plan that prioritized NASA's development of future exploration beyond low Earth orbit, while putting significant resources into commercial development of crew vehicles to the space station. We passed it unanimously in the Senate, very bipartisan, and we passed it on Neil Armstrong's birthday—on August 5, 2010.

When the space shuttle was retired, some thought the space program was ended. You know, I took a group of Cub Scouts to Johnson Space Center in Houston just a few months ago. They have a great program for our Scouts—well, for any group who actually wants to go and spend the night at the visitor's center at Johnson Space Center. They get to tour NASA and hear about the great feats of our country in space. And one of the little boys said to our NASA administrator at Johnson: Gosh, I am really sorry the space program is ending. And I was shocked and the administrator was shocked, and we said: Oh, but it is not ending. The space program is not ending.

If we allow people to think, if we allow our young—possibly the next generation of astronauts and scientists—to think the program is ending, are they going to be inspired to take those courses in aeronautical engineering that will give them the background to propel them to the next level of space exploration that is going to do things maybe we haven't even thought of yet? We would eliminate the potential that manned space exploration can produce in the next decade.

We had a hearing in the Commerce Committee yesterday where we heard from NASA scientists about the Mars rover called *Curiosity*.

It was just breathtaking to hear the advancements that we have made with that rover that is now plodding around exploring the dirt and the rocks and the atmosphere on Mars.

One of the scientists pointed out that these NASA programs aren't just about exploration, they result in technologies that we use every day and that make our lives better right here on Earth. One pointed out that *Curiosity* is the first step in the next frontier of space, probing the atmosphere and geology of Mars. Each mission will build on the success of the last, and these robots and rovers that are going up now will be the precursors to the time when we put people—astronauts—on Mars.

There are myriads of practical results from NASA's programs, and there are many reasons to keep them alive and fully funded, but I think the astronauts—Neil Armstrong, Jim Lovell, and Gene Cernan put it best in their open letter:

> America's space accomplishments earned the respect and admiration of the world. Science probes were unlocking the secrets of the cosmos. Space technology was providing instantaneous worldwide communication; orbital sentinels were helping man understand the vagaries of nature. Above all else, the people around the world were inspired by the human exploration of space and the expanding of man's frontier. It suggested that what had been thought to be impossible was now within reach.

Gene Cernan was one of those who gave the eulogy today at Neil Armstrong's memorial service at the National Cathedral. He gave a personal account. They were very close friends. They went fishing together. They had a long-term and lasting mutual respect, admiration, and friendship.

America cannot lose its preeminence in space. We are the leaders of the free world, and we are the natural leaders beyond its atmosphere. This is not done in dominance or hegemony but to ensure that technology can be used for our economic benefit. The satellites we have discovered with the space exploration have transformed communications, and satellite-guided missiles have given us defense capabilities that hit the target with less collateral damage.

This is my last of 19 wonderful years in the United States Senate, during which I have championed and fought for NASA and our manned spacecraft and space flight programs. I have worked with so many dedicated colleagues on both sides of the aisle, and I am proud of what we have accomplished. I am asking that my colleagues do not let all of the hard work of the past be for nothing. We saved the manned exploration program, but there is so much more to be done. NASA must continue to be a priority.

I am a budget cutter. I will match anyone with the budget cutting that I think we need to do in this country. But the key for Congress is to remember what the Constitution says: The purse strings belong to Congress. So our responsibility is to set that cap on spending—set that cap at the lowest level we can and cover our functions that are necessary to run the government of this country.

The normal average spending of the Federal Government is about 20 percent of our gross domestic product. We are up to 24 percent in the last few years. We have to come back. We have to come back to 20. We may have to go to 18 in order to end at 20, but we must not refuse to set the priorities that will make sure we have a strong economy in the future. We must invest in the programs that will yield the benefits that will keep our economy going, our people working, and our engineers able to continue to produce the great things that have happened in our space program, in our medical research, and more.

This is so important to all of us. America's competitiveness depends on maintaining our dominance in science and technology. We cannot do it without NASA. Neil Armstrong left his mark on the American people and on generations around the globe. This is his enduring legacy. Ours must be to maintain the great organization—NASA—that made him a legend and helped make America the greatest Nation on Earth.

Madam President, I yield the floor.

The PRESIDING OFFICER (Mrs. MCCASKILL). The Senator from Rhode Island.

CLIMATE CHANGE

Mr. WHITEHOUSE. Madam President, I am here on the floor again today, as I try to be every week, to speak about the continuing effects of carbon pollution on our planet, on our climate, and on our oceans. We have been away for the August recess, so it has been a while since I have done that.

August has been somewhat eventful. We have had two party conventions, and we have had continued news about what is happening to our climate and to our world.

The National Oceanic and Atmospheric Administration reported that July was the hottest month ever in the contiguous United States in their 118 years of keeping records. According to NOAA's State of the Climate reports, nearly 63 percent of the country experienced moderate to exceptional drought in July and August. It is affecting all sorts of folks—farmers, obviously. Unexpectedly high spring temperatures, for instance, decimated the tart cherry production in northwest Michigan where 75 percent of the country's tart cherries are grown. Freezing weather, followed by a warmer than usual spring, destroyed the cherry buds, and more than 90 percent of that crop was lost. Grapes and peaches and apple harvests were also affected. Losses from this are estimated at $210 million, making this year the worst year on the books for Michigan fruit, just to give one example.

Electricity generation, of all things, was also affected. Over the weekend, a Washington Post article documented electricity-generating facilities are struggling to supply consistent levels of electric generation because of these drought conditions. Lake Mead, Hoover Dam's reservoir, fell 103 feet below its targeted capacity. Low water levels have hindered barge transport of coal up the Mississippi River. Eight coal-fired and nuclear power plants in Illinois needed special permission to discharge cooling water that exceeded their Federal clean water permit ceiling of 90 degrees.

NASA scientist James Hansen published a study last month concluding that the 2011 heat waves in Texas and in Oklahoma, as well as the heat wave at that time in Russia, were likely caused by climate change—by the carbon pollution that we are emitting—with the analysis that what the carbon pollution in our climate does is to load the climate dice in favor of more and more extreme storms and extreme conditions like these heat waves.

Last week, the University of Colorado's National Snow and Ice Data Center and NASA announced together that Arctic Sea ice has reached a record low of 1.58 million square miles—nearly 70,000 square miles smaller than the previous modern low. Of course, there are still weeks to go in the melting season, and so it will be a lower record than that.

In the past three decades the annual average temperatures have increased twice as much over the Arctic as over the rest of the world. The Arctic is really the leading edge for the climate changes that are occurring as a result of our carbon pollution. The average extent of the Arctic Sea ice has declined by 25 to 30 percent, and the rate of that decline is accelerating. Habitats are changing, extreme weather is increasing, species are moving, oceans are warming and rising, and Republicans and special interests are denying. They insist on keeping their heads in the sand. In this case, given the source of much of the denial propaganda, it is probably safe to say that they have their heads in the oil sands.

The conventions that took place over August were instructive. I believe history will look back at the Republican Convention as a disgrace of climate denial in the face of the mounting facts. By contrast, President Obama pointed out clearly, simply, and plainly that carbon pollution is heating our planet, that climate change is not a hoax, that more droughts and floods and wildfires are not a joke, that they are a threat to our children's future. I applaud the President for his leadership in this way.

He was not the only Democratic leader to touch on this issue. Senator KERRY—who gave a brilliant and passionate speech on the floor before the August recess—in his remarks said this:

> Despite what you heard in Tampa, an exceptional country does care about the rise of the oceans and the future of the planet. That is a responsibility from the Scriptures. And that, too, is a responsibility of the leader of the free world.

President Clinton, in his wonderful magisterial speech, lauded the agreement the Obama administration made with the management, labor, and environmental groups to double car mileage. He pointed out:

> That was a good deal. It will make us more energy independent. It will cut greenhouse gas emissions. And according to several analyses, over the next 20 years, it'll bring another half a million good new jobs into the American economy.

Congressman BARNEY FRANK of Massachusetts reminded us of the Romney who understood climate change, who said he was for climate change—I think he meant he was doing something about climate change—back when he was Governor of Massachusetts. He reminded us: Now there's a Romney who believes it is a myth.

Secretary Ken Salazar, who served with real distinction in the Senate, said of the deniers:

> Mock our sacred responsibility as stewards of God's Earth. Their attitude isn't just sad; it's reckless and it's backward.

Tom Steyer is the cofounder of Advanced Energy Economy. He said this about Governor Romney:

> Governor Romney's road to the future will lead to dirty air and increasing climate volatility, uncertainty over energy prices and less security, not more.

He contrasted that with President Obama. ''President Obama's road to the future,'' he said, ''will lead us to energy independence, energy security, a safer and cleaner environment, and countless new jobs that can never be outsourced.''

And as silent and mocking as the Republican convention and the Republican candidate were on this issue, they have doubled down since then. Over the weekend on ''Meet the Press,'' Mr. Romney restated that he is ''not in this race to slow the rise of the oceans or to heal the planet.'' His energy plan makes no mention whatsoever of climate change or of promoting renewable energy technology. Instead, it details how the United States can exploit what the platform calls the domestic ''cornucopia of carbon-based energy resources.''

Our platform makes it clear that we take this seriously.

> We know that global climate change is one of the biggest threats of this generation—an economic, environmental and national security catastrophe in the making. We affirm the science of climate change, commit to significantly reducing the pollution that causes climate change, and know we have to meet this challenge by driving smart policies that lead to greater growth in clean energy generation and result in a range of economic and social benefits.

In our national security platform we state:

> The national security threat from climate change is real, urgent and severe. The change wrought by a warming planet will lead to new conflicts over refugees and resources; new suffering from drought and famine; catastrophic natural disasters and the degradation of vital ecosystems across the globe.

By contrast, the Republican platform calls on Congress to take quick action to prohibit the EPA from moving forward with new greenhouse gas regulations.

We are at history's junction, as shown by these two conventions and these two platforms. The Republicans would take us back into the past on a tide of propaganda and denial to serve the special interests of the polluters. The Obama administration would take us forward to compete successfully in the world for clean energy innovation, clean energy technology, and clean energy jobs. It would allow us to meet our responsibility to our children and grandchildren to leave them a world as good as the one that was left to us. And it would, in addition, show that this great experiment in human liberty, the United States of America, this great democracy, is not for sale.

The findings that we made in our platform I will quote again: ''We know that global climate change is one of the biggest threats of this generation . . . and we affirm the science of climate change'' follows the very strong findings of the American scientific community, indeed the world scientific community. Back in October 2009, a letter from a coalition of respected scientific organizations said this:

> Observations throughout the world make it clear that climate change is occurring, and rigorous scientific research demonstrates that the greenhouse gases emitted by human activities are the primary driver. These conclusions are based on multiple independent lines of evidence, and contrary assertions are inconsistent with an objective assessment of the vast body of peer-reviewed science.

These were esteemed organizations: American Chemical Society, American Meteorological Society, American Society of Agronomy, Botanical Society of America, and many others. They do not think the jury is out on this question. They know that in fact the verdict is in and we now have a responsibility to ourselves and to the future to act.

Recently, Dr. Richard Muller, a converted climate skeptic, released findings from his research—which was, ironically, partially funded by the Koch brothers—that the Earth's land temperature has increased by 2.5 degrees Fahrenheit over the past 250 years and 1.5 degrees of that over the past 50 years. He states, ''moreover, it appears likely that essentially all of this increase results from the human emission of greenhouse gases.''

Another benchmark was a monitoring station in the Arctic that measured carbon dioxide at 400 parts per million for the first time. This is 50 parts per million higher than the maximum contraction of carbon in the atmosphere at which scientists predict a stable climate, and it is well outside the 170 parts per million to 370 parts per million range for carbon in our atmosphere that has persisted for the last 8,000 centuries.

Essentially all of human development has taken place within a range of 170 to 300 parts per million in our atmosphere and we just broke, in the Arctic, 400 parts per million for the first time. We are not just off the road and over the chatter strip. We are way out of history's line.

Again, we are at a junction in history. I urge we go forward, that we drive our country toward successful competition for a clean energy future, that we meet our responsibility to our

children and our grandchildren, and that we prove to ourselves and to the rest of the world that our great American experiment in human liberty is not for sale to the polluting industries.

I yield the floor.

THE ECONOMY

Mr. BARRASSO. Madam President, I wish to take a few minutes today to talk about our Nation's economy. This speech is not about the economy that we wish we had; this speech is not about the economy that we used to have; this is about the economy that we have today.

By now, Americans are all too familiar with the bad economic news. The front page of today's Wall Street Journal provides little respite from that bad news. It reads, and here is the headline, front page: ''Household Income Sinks To '95 Level.''

Let me say that again: ''Household Income Sinks To '95 Level.''

The President talks about moving forward. But the reality is that the American paychecks are moving backward. The article goes on to describe a report from the Census Bureau, a report that illustrates what millions of Americans already know. We are not better off than where we were last year or the year before or the year before that. In fact, the Census Bureau data shows that household incomes in 2011 fell for the fourth consecutive year. Hard-working Americans do not need census data to tell them this, they know it. All they need to do is look at their paycheck. For many it is significantly smaller.

While paychecks continue to shrink, the cost of everyday living has gone up. Gasoline prices have gone up another 30 cents a gallon in just over a month. Americans recently paid the highest price ever on a Labor Day weekend for gasoline. One out of every seven people in America is now on food stamps.

In 2008, that was before President Obama's election, the poverty rate was 13.2 percent, and 38.8 million Americans were in poverty. This week's numbers show a 16-percent increase in just 3 years. Poverty rates remain stuck at their highest level since 1993.

I made many of the same points last week in the response to the President's weekly address, but I believe it is important to make them again. While many Americans worry about their shrinking paycheck, far too many others have no paycheck at all. Today, 23 million Americans are unemployed or underemployed. Many of these folks are our friends, our neighbors, and family members. The undeniable truth is President Obama is on track to have the worst jobs record of any President since World War II.

When the President was hyping his so-called stimulus program, his economic team claimed unemployment would not go above 8 percent and would be below 6 percent by now. Instead, it has been higher than 8 percent for 43 straight months. According to last week's jobs data, unemployment dropped from 8.3 percent to 8.1 percent. Why does that happen? It didn't drop because of newly created jobs. It dropped because 368,000 Americans simply gave up looking for work. They just gave up.

With the stimulus bill, the President promised jobs. The only thing he delivered was not jobs but more debt. It is bad enough that the stimulus was wasted. Even worse, he borrowed the money, much of it from China.

The reality is that America is not better off than it was 4 years ago. In terms of global competitiveness, the United States has dropped for 4 straight years. When President Obama took office, we were No. 1 in the world. Now we are No. 7. Why? American businesses are at a competitive disadvantage. That is because of our tax rates. They are the highest in the developed world. American businesses are being asked to create jobs in the face of a regulatory onslaught the likes of which we have never seen before.

Americans know what works. What works here in this country is low taxes, reasonable regulations, and living within our means.

President John Kennedy understood that. He said:

> Persistently large deficits would endanger our economic growth and our military and defense commitments abroad.

He said that 50 years ago, in 1962. Washington's budget deficit that year, in 1962, was $7 billion. From $7 billion then to $1.2 trillion this year. For every year since he has taken office, President Obama has spent at least $1 trillion more than Washington took in—all of it borrowed. And there is no end in sight.

According to the Congressional Budget Office, the government ran a $192 billion deficit last month alone. This is the highest deficit ever for the month of August.

Under his watch, government continues to spend too much, borrow too much, and grow bigger every day. President Obama's record of failure has come at a great cost to our country and to our future. The President's policies have failed to produce the results, the accountability, and the solutions that the American people deserve. The Obama administration is simply not moving our country forward.

A healthy economy comes from a growing private sector. Yet the President doesn't seem to appreciate or value the private sector. Remember, he said if you have a business you didn't build it, someone else did? In Wyoming and in communities all across this country there are bakers and florists and dry cleaners and farmers who did build their businesses and whose families have been working in them for generations. Those business owners know what President Obama does not. They understand, as Ronald Reagan put it, that you can't be for big government, big taxes, and big bureaucracy, and still be for the little guy.

As a Nation we are being bled by overspending, we are being choked by regulations, and we are being paralyzed by a lack of affordable energy. Just look at one of the President's favorite legislative accomplishments, the President's health care law. The American people knew what they wanted from health care reform. They wanted the care they need, from a doctor they choose, at a lower cost. Instead, what did they get? They got a $700 billion cut to Medicare, a government mandate that everyone must buy insurance, funding for IRS agents to investigate you, but too little money for doctors to treat you.

Similar to health care, the American people know exactly what they want from our Nation's energy policy. What they want is energy security. Yet the President continues to block the Keystone XL Pipeline and the oil and the jobs that come with it. The President has wasted millions and millions in taxpayer dollars on Solyndra, and the President continues to stifle domestic production of affordable American energy sources such as coal while driving up energy bills for the American people.

Since energy security is not a priority for this President, what about financial security for our children and grandchildren? Washington has piled a mountain of debt on the backs of future generations, and the President keeps adding more. On his watch, the national debt just passed $16 trillion, with no end in sight.

President Obama says he deserves a grade of incomplete on his handling of the economy, but people only ask for an incomplete grade when they know they are failing. He is now asking all of us to give him more time. The question is, Can we afford to give him that time?

As I said in the beginning of this address on the floor of the Senate, it is not about the economy we wish we had or the economy we used to have; it is about the economy we have today. It is about reality. Instead of giving President Obama 4 more years to continue the policies that have not worked and are not working, it is time for a change.

A SECOND OPINION

Madam President, I would also like to take a few moments today to talk, as I do each week in the Senate, as a physician and give a doctor's second opinion about the health care law.

I come to the Senate floor just about every week to talk about the health care law. I have practiced medicine in Wyoming for one-quarter of a century. I have taken care of families and many patients on Medicare. What I wish to do today is talk about the health care law's impact specifically on our seniors who rely on Medicare for their health care. Specifically, I wish to talk about how this law is going to impact those living in rural and frontier areas such as Wyoming.

I know it can be very challenging for people living in rural communities to get the care they need, especially from

a doctor they choose. The associated press recently described this issue in an article entitled ''Boomers retiring to rural areas won't find doctors.'' The story highlighted the trouble Nina Musselman from rural Oregon had finding a new family physician when her previous doctor moved away.

After 1 year of going to different physicians who would treat her temporarily, she finally found a new permanent provider. The words she used to describe her experience were: ''It's a sad situation for seniors.'' Unfortunately, because of the President's health care law, the situation for seniors—especially those living in rural communities—is only expected to get worse. The article not only confirms that fewer doctors are working in rural areas but also that the program pays rural doctors less for a procedure. This fact, combined with the cuts to the program scheduled to take place under the health care law, means seniors in rural areas will have greater difficulty finding a doctor to take care of them.

Mark Pauly, a professor of health care management at the University of Pennsylvania put it this way: If the cuts to Medicare are allowed to go through, ''the doctors are saying: We're out of here.''

Professor Pauly adds:

The least they [the doctors] are saying is: ''We'll treat Medicare patients like we treat Medicaid patients,'' which is mostly not.

Over the past 2 weeks the Republicans and Democratic parties have held their nominating conventions. The Nation has had an opportunity to hear from both Governor Romney and President Obama about their accomplishments and their visions for America.

After hearing the President's speech, I was struck by the fact that he barely mentioned his health care law. The newspaper Politico stated: ''In back-to-back speeches, Obama and Vice President JOE BIDEN all but ignored the Affordable Care Act.''

It isn't surprising, given the fact that the law remains deeply unpopular with the majority of the American people. In fact, the latest Rasmussen poll found that half the people surveyed support repealing the health care law.

The President and Washington Democrats might be trying to avoid the law. As a physician who practiced in Wyoming, I believe the topic is too important to ignore. All seniors, especially those in rural America, need to know how this law will impact their ability to get the care they need.

Previously, the Institute of Medicine found that there are fewer primary care physicians—as well as other medical specialists—per capita in rural areas compared to urban areas. It is not just primary care physicians and it is not just specialists, it is both. So while people in rural America make up 20 percent of the Nation's population, they are only served by about 9 percent of the Nation's physicians.

The Kaiser Family Foundation tells us the beneficiaries in rural areas account for at least 60 percent of the Medicare populations in Mississippi, Montana, North Dakota, South Dakota, Vermont, and Wyoming. This is why I have such a passion for ensuring that all our seniors, no matter where they live, can receive their Medicare benefits. Unfortunately, all America knows is that the President's health care law made significant cuts to Medicare.

Specifically, the Congressional Budget Office told us the law takes over $700 billion from the Medicare Program. This money will not be used to improve the health care received by seniors but, rather, to pay for a whole new government program for someone else. In fact, if the cuts in the health care law are implemented, the nonpartisan Actuary at the Centers for Medicare and Medicaid Services found that Medicare payments for inpatient hospital services would eventually be only 39 percent of private insurance rates.

The situation facing physicians is not any better. The actuary at CMS reported that in 2009 Medicare paid physicians approximately 80 percent of private insurance rates. Under current law, if the cuts are allowed to move forward, Medicare will eventually only pay about 26 percent of the rate of private insurance. There is no question that the ramifications of these cuts will directly impact the ability of seniors to receive the health care they need.

As Professor Timothy Jost noted in the New England Journal of Medicine:

If the gap between private and Medicare rates continues to grow—

As it is under this law—

health care providers may well abandon Medicare.

For the millions of seniors who rely on Medicare, losing access to the program is simply not acceptable.

When the President passed his health care law, he proudly stated he was expanding health care coverage for millions of Americans. What he failed to mention is that this expanding coverage is being bought at the expense of American seniors.

Washington Democrats have long argued that the cuts to Medicare will do two things at the same time. They say it will expand health coverage for the uninsured and extend the life of the Medicare trust fund.

In Wyoming and all across the country people know we cannot spend the same money twice. Apparently, the President and supporters of his health care law, right here in this body, think they can. Their logic defies math and it defies common sense.

As a former Director of the Congressional Budget Office, Douglas Holtz-Eakin stated in a recent op-ed: ''Any suggestion that Medicare will last longer is an illusion—not a fact.''

America's seniors cannot afford the spending illusions contained in the health care law. Congress must act and repeal the law before Medicare is transformed from a vital program into an empty promise.

With that, I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

THE RYAN BUDGET

Mr. HARKIN. Mr. President, I said earlier this week when we came in on Monday that every day I would come to the floor—and other Senators I know are coming to the floor—to let the American people know what Mr. Romney and Mr. RYAN are trying to hide from them. What they are trying to hide is what their blueprint is for America, where they want to take the country. People listen to all of their speeches on the campaign trail, but show me your budget and I will show you what your priorities are.

A budget is a blueprint, and we have from Mr. RYAN, our colleague in the House, his budget. I think, if I am not mistaken, it has been passed twice in the House and I think almost every Republican voted for it; the same as here in the Senate. So if Mr. RYAN and Mr. Romney were to be elected to the Presidency and Vice Presidency, they would then be able to move their budget through under a little-known procedure called reconciliation. It is a fancy word, but all it means is that it would go through with 51 votes.

I think it is important for the American people to know what is in that budget, what is in that blueprint for America. That is why this week I have taken the time to talk about the impact of the budget on health care and on education. Today I wish to talk about the impact of this budget on where I live—rural America, in the Midwest, where the occupant of the Chair lives. What is the impact of the Ryan budget on those of us who live in small towns, in rural communities, those who live on farms, and ranchers in the West? What is the impact?

First of all, I think it is important to step back and take a look at the Ryan budget blueprint overall. What it does is it further decimates the middle class in America. The very centerpiece of the Ryan budget is a dramatic shift of even more wealth to those at the top, targeting huge new tax cuts for the richest 2 percent.

For those making over $1 million a year—I have used this chart before and I will continue to use it—for those making over $1 million, they would get $265,000 more in tax breaks. That is added on to $129,000 that they already get from the Bush tax cuts. So under the Ryan plan, if a person makes over $1 million a year, they will get $394,000 in tax cuts. They are entitled to that. That is an entitlement. If a person makes that much money, they are entitled to get that tax cut. So when we

hear people talking about entitlements, remember, it is not just the poor, it is the rich too. They get a lot of entitlements.

They are going to have all of these new tax cuts. The total is $4.5 trillion over 10 years. Where do they get that money? They don't want to say how they would pay for it, but we have to look at the budget. The Ryan Republican budget would partially offset the tax cuts by making deep, Draconian cuts to programs that protect the middle class and are essential to quality of life in our country—everything from education, student grants and loans, law enforcement, clean air and clean water, food safety, medical research, highways, bridges and other infrastructure, agriculture, and energy.

As I said before, the Republican plan would end Medicare. The Ryan budget ends Medicare. They keep saying: Well, it ends it as we know it. Well, as we know it, that is what it is. It replaces Medicare with voucher care. Voucher care, not Medicare; voucher care. It would completely destroy Medicare. They say: Well, people can take their vouchers and keep Medicare, if they like, or they can go out and get a private plan. If one is a healthy elderly person, they might be able to get a cheap plan out there someplace. So all of the healthy elderly leave Medicare, which leaves only the sickest and the poorest in Medicare, so the costs skyrocket and it becomes unsupportable. That is the way to destroy Medicare.

Again, they talk a lot—Mr. RYAN and Mr. Romney—about reducing the deficit and balancing the budget. Even under the most rosy assumptions, the Ryan budget does not balance the budget until the year 2040—28 years from now. Mr. RYAN is a true acolyte of former Vice President Cheney who, in a very unguarded moment, said deficits don't matter. Well, they obviously didn't, because we see how much the deficits went up under the Bush-Cheney administration. I always say Mr. RYAN has also—he won't say it but his budget shows it—they don't think deficits matter either because they have deficits for the next 28 years.

Again, when I tell people this, when I outline the budget for folks back home, they say, You must be kidding; nothing could be that extreme. Well, the Ryan plan is extreme and unbalanced, and I am not making it up. Even former House Speaker Newt Gingrich criticized the Ryan budget. He called it rightwing social engineering. Well, all I can say is Newt got that one right. But that is Newt. Let's listen to the economic adviser to the icon of the modern day Republican Party, President Ronald Reagan. This is what he said. Let's hear what Mr. Bartlett said. 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. . . .''

A monstrosity. This is the economic adviser to President Reagan. President Reagan wouldn't have a chance in today's Republican Party, not with the Ryan budget.

Again, the Ryan budget is radical—radical—in shrinking the size of government to what it was more than a half a century ago.

Today I wish to focus specifically on the devastating impact of the Romney-Ryan budget on American agriculture and on our quest for clean renewable energy and energy independence. The Ryan budget would make deep reductions in our Federal commitment to America's farmers and ranchers, to rural communities, and to consumers, especially consumer safety. The Ryan budget calls for reducing funding for agriculture conservation over 10 fiscal years by $16 billion below the funding levels that we have now in the present farm bill. That amounts to about a 24.5-percent reduction in conservation of soil and water. Our Nation cannot afford to back off on our commitment to agricultural conservation, not at a time when climate and weather are becoming more variable and damaging to the land and when farmers and ranchers need to keep increasing production to meet demands from a growing population.

More and more demands are being put on our land with a changing climate and that is why conservation funding is so critically important. Farmers and ranchers have made tremendous progress on conservation. Yet about a quarter—one-fourth—of U.S. cropland is still deteriorating from excess soil erosion.

Concerning water quality, nitrates in the Mississippi River and its tributaries were 10 percent higher in 2008 than they were 20 years ago. There have been no consistent nitrate declines in the past 30 years. Here are a couple of photographs to illustrate what I am talking about. This is a nice, pastoral view looking over some rolling cropland. This is a gully. We can see they put up some plastic here to stop it, but this is where the rain comes down, hits it, washes it off, down into the ditches. That is sort of the ''before'' photo. That is before conservation practices. Let's take a look at the same picture after we have used Federal conservation plans and the farmer's own money. Look what we have now—a nice, grassy waterway that absorbs all of that rain. That is what conservation does.

Concerning water quality, here is another picture. It is a picture of a gully washer, and we see the land being eroded there, the stream bank being eroded. That was before. This is what it looks like afterward—a nice stream with clean water, a lot of bank protection, a lot of trees. In fact, the farmhouse we saw in the last picture we can barely see above the tree line in this picture. That is what conservation does. The Ryan budget decimates that. It would cut 24.5 percent, almost 25 percent, of all of the funding for conservation in America at a time when we know what is happening in the Mississippi River, with all of the nitrates going down the Mississippi River, with the land erosion. As I said, at a time when our farmers are being asked to produce even more and more to meet a growing population.

Also, this doesn't just affect farmers, it affects all of us. Some people might say: Conservation, sure, that looks nice, saving the water and soil, but what does that have to do with me, because I live in Los Angeles or San Francisco or some place such as that. It has to do with the quality of life in America and it has to do with whether we are going to preserve the bountiful land that we have for future generations and whether we are going to commit ourselves to having clean water and cleaning up our rivers and our streams and to prevent our soil from flowing down the river.

That is conservation.

Another troubling feature of the Ryan budget is that it would impose new tighter limits on money appropriated for rural housing, rural water and wastewater systems, and economic development, as well as other vital Department of Agriculture functions such as food safety and agricultural research, education, and extension.

The Ryan budget adopted by the House would overall cut the funding for, as we said, nondefense domestic appropriations by about 18.9 percent, compared to the current appropriations levels, and that is for next year, that is for 2014 and for years thereafter.

Let's consider rural development programs at the Department of Agriculture. For fiscal year 2012, we appropriated $2.4 billion. That is for rural development. That money provides assistance to rural housing, rural cooperatives and other small businesses, and rural water and wastewater systems. That figure for fiscal year 2012 that I gave you—$2.4 billion—was already 9 percent below the 2011 appropriation for rural development. The 2011 appropriation was 11 percent below the fiscal year 2010 funding.

What would the Ryan budget do? Slash another 19 percent—18.9 percent—from rural development funding. That would amount to a cut of roughly $454 million in 2014—$½ billion in cuts to wastewater systems, rural cooperatives, and rural housing.

Consider the food and agricultural research, education, and extension sponsored by the Department of Agriculture. The fiscal year 2012 appropriation for this was $2.3 billion. Again, that was a slight reduction from appropriations in recent years. It was $2.3 billion in fiscal year 2012, and in fiscal year 2010 it was $2.59 billion. So we have already taken some reductions. We already know our current levels of investment in Federal food and agricultural research are falling far behind what is needed to meet the challenges I just spoke about, the challenges of producing food, more food to meet a growing world population, the need for

exports, but to do it in an environmentally benign way, which saves soil and water for future generations.

Well, the Ryan budget, again, lops off another 18.9 percent. That would be about $435 million in 2014—$½ billion from these vital programs. Again, these do not just affect farmers, these affect all of us.

Take food safety—just food safety. People like to know when they buy food someplace—they have a high expectation it is not going to make them sick. Well, the fiscal year 2012 appropriation was $2.5 billion for the FDA, the Food and Drug Administration, and $1 billion for the Food Safety and Inspection Service. That is the Department of Agriculture. That is FSIS, the Food Safety and Inspection Service, that deals with Federal meat and poultry inspection. The FDA handles everything else.

Now, if the Ryan budget were adopted, again, there would be an 18.9-percent cut to both the FDA and the Food Safety and Inspection Service. Listen to this. That would be a cut of about $472 million from the Food and Drug Administration—to inspect our food and our drugs to make sure they are safe—and a cut of about $189 million from the Food Safety and Inspection Service that inspects meat and poultry. So consumers would have much less assurance in the safety of their food.

Need I remind people that the Senate and the House just passed this year a proposal to reauthorize the Food and Drug Administration, to give them more duties, more responsibilities, to do more inspections of food coming into this country from overseas. President Obama signed that into law. It was supported by Republicans and Democrats, consumers, pharmaceutical companies, and food companies. Everybody supported it—a great bill.

Now, here is the Ryan budget. They are going to take about $½ billion out of that per year. So we might have given them the authority in the authorization bill, but then we are going to cripple it and cut them off at the knees. We are going to cut them off—if we adopt the Ryan budget—by taking about $½ billion a year from the FDA.

Let's take a look at what it would do about energy because this not only means a lot to Iowa, it means a lot to our country in terms of moving ahead to develop renewable, safe, domestically grown energy.

The Ryan budget claims that President Obama has stifled domestic energy production by blocking or delaying the production of oil—both onshore and offshore—and gas. But what he fails to acknowledge is that under President Obama we have already opened vast expanses of public lands for oil and gas exploration, and production of both has increased—by 13 percent for domestic oil; 12 percent for natural gas—since 2008.

But most egregious about the Ryan budget is that it completely ignores and, again, hinders our development of renewable energy.

Wind power. Wind power in America has now provided over 35 percent of the new electricity generation capacity installed in the United States over the last 5 years. In the last 5 years, wind energy accounts for 35 percent of all of that.

The wind power industry has doubled its electricity contribution four times just since 2000. Shown on this chart I have in the Chamber has been the growth of wind power capacity in the United States since 2000. It has doubled it four times and is continuing to grow.

The wind power industry now accounts for 75,000 American jobs—75,000 American jobs—heavily concentrated in California, Colorado, Texas, Iowa, Illinois, Michigan, Ohio, and Pennsylvania. Well, Mr. Romney has said he wants to do away with the production tax credit, wipe all that out.

I wonder how the people of California and Texas and Colorado and Iowa and Illinois and Michigan and Ohio and Pennsylvania might feel about that—not to mention the other States where they are just now beginning to develop their wind energy potential?

So the Ryan budget does away with the production tax credit, and Mr. Romney has given his stamp of approval on that.

Now, likewise, with liquid fuels. Americans clearly want to increase production and use of domestic renewable fuels. We have responded in the past with tax credits and renewable fuel use requirements, the renewable fuels mandate. Small business entrepreneurs have built ethanol and biodiesel biorefineries all across the country. They now supply about 10 percent of the fuel used in our gasoline-powered autos and trucks.

That is 10 percent that no longer comes from outside our borders. And here is the expansion, as shown on this chart, of all of the biorefineries in the United States just in the last few years. Look how they have grown. There are a lot of jobs there—a lot of jobs, a lot of liquid fuels. In fact, if you look at the chart showing the expansion of liquid fuels and the decrease of imports of oil, they just about match. Just take a look.

Going back to 2000, this line shows the increase in ethanol production and this line shows the decrease in oil imports. Boy, they just about match. As ethanol production has gone up, oil imports have gone down.

Well, the Ryan budget basically says we should roll back all this Federal intervention—just roll it back. But they say it is OK for the oil companies to go offshore and drill offshore, drill in very fragile areas of our country. I would not be surprised if they wanted to open up Yellowstone Park to oil and gas exploration pretty soon.

I just want to share the Iowa experience, if I might, about renewable energy because I think it speaks to the potential that we have nationwide.

Up until a decade ago—10 years ago—my State of Iowa was nearly 100 percent dependent on energy imports. All of our gasoline and diesel came from out of State. Most of our electricity came from out of State—coal. By contrast, today Iowa generates about 20 percent of its electricity from instate wind power facilities. We now have about 7,000 jobs in the wind power industry. We build the turbines, we build the blades, we build the towers—everything—there. We are teaching a whole new generation of young Americans at our community colleges how to fix, repair, replace, and maintain our wind generators.

So instead of paying others for imported coal or for coal-based electricity from other States, Iowans are using their money to build and install and operate their own wind turbines and generating electricity from our own instate renewable wind resources.

For liquid fuels it is the same. It is remarkable. As I said, remember, Iowa imported all of its oil and gas 10 years ago—gasoline. Iowa now has 54 biorefineries producing about 4 billion gallons of ethanol and biodiesel a year. That is 50 percent more than the total amount of liquid fuels that we consume in a year. So Iowa, in 10 years, has gone from a total importer of liquid fuels to a net exporter. We make more than 50 percent more than we actually use, so we get to export to other States. Again, that is good-paying jobs. It is a renewable resource, with higher incomes for farmers. It helps Iowa's economy better than the economies of the Mideast oil states.

So America can follow in Iowa's footsteps but only if we continue the energy policies that have enabled these achievements. We need to extend the production tax credit to expand wind power and other renewable electric systems across the country, such as solar electric. The Ryan budget does not account for that. The Ryan budget drops all of these investments, in renewable biofuels also.

So, again, as I said, each day we have looked at the Ryan budget and how it affects health, how it affects education. Senator BOXER from California and others have come out and talked about how it affects our transportation infrastructure in America. But I also wanted to point out what it does to our renewable energy sector and what it does to agriculture, especially conservation, and how it would decimate our efforts to ensure clean water and stop soil erosion in all of our States.

So before I close, I just want to provide a broader context so we understand the consequences of the Romney-Ryan budget. Going back to the 1930s, the American people have supported and strengthened a kind of unique American social contract. That social contract says we will prepare our young and we will care for our elderly. That contract says: If you work hard and play by the rules, you will be able

to rise to the middle class or even beyond. That social contract says a cardinal role of government is to provide a ladder or ramp of opportunity so that every American can realistically—realistically—aspire to the American dream.

Well, in one document, the Romney-Ryan budget would rip up that social contract, shred it. Do not take my word. Let's go back to Mr. Bartlett's quote again that I had right at the beginning. Do not take my word for it. It is right here. This is Ronald Reagan's economic adviser. He says:

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.

How far do you think Ronald Reagan would get today with this Republican Party with that kind of statement?

So, again, the Ryan budget would rip up that sort of contract, replace it with a sort of survival-of-the-fittest, winner-take-all. It is sort of ''tough luck; you are on your own.'' If you were born wealthy, if you live in the right circumstances, you are OK, or if you win the lottery, God bless you. You are OK if you win the lottery, but otherwise, tough luck, you are on your own.

I agree with what President Clinton said last week when he said there are two competing philosophies here. One is the Romney-Ryan budget philosophy of ''you are on your own.'' The other philosophy is what I think we have been proposing; that is, we are all better off when it is a ''we are all in it together'' philosophy. Again, the Ryan budget, the Romney-Ryan budget is a blueprint for where they want to take America. This is not just some phony liberal thing thrown out here. This is their budget. This tells you where they want to go. It is a blueprint for a building. It is a blueprint for what they want America to become. Well, I do not think that is the kind of America my neighbors and I would find acceptable, certainly not one they find acceptable for their kids.

Mr. RYAN said that he had developed his views on his budget—they were formed by Catholic social teaching. Well, I don't know; I went to Catholic schools most of my life, and that is not what I was taught. I was not taught that you are on your own, that government has no responsibility whatsoever to ensure that you have decent health, safety, education, that you have a decent retirement so that you do not get put in the poorhouse. I was taught that we are all in this together. I see the bishops say the same. The Catholic bishops say the Ryan budget fails the moral test—fails the moral test. They reiterated their demand that the Federal budget protect the poor, and I said the GOP measures fail to meet this moral criteria.

So, again, I have taken this floor every day. I intend to take it every day from now until whenever we adjourn to keep pointing out, along with other Senators, what is in this Romney-Ryan budget. It is really scary.

A lot of times when we go out campaigning, we tell people: This is the most important election ever. How many times have you heard that one? This is the most important election ever. You hear both sides saying that. Well, I have been through a lot of elections. I have said that a lot of times. I will not say that. I am not going to tell anyone this is the most important election ever, but I will say this: This is the scariest election I have seen in my lifetime—the scariest. Oh, sure, we have had our differences before with Republicans and Democrats. That is OK. That is fine. That is the political give-and-take. And even under President Reagan, who was more conservative than any President we have had since probably Herbert Hoover or before, you know, sure they moved the country in a more conservative direction, but it wasn't like this. It wasn't anything close to what this Ryan budget is doing. Even Presidents who have run in the past, maybe with the exception of Barry Goldwater, but I do not know much about his budget—I daresay I bet it was not this bad. I bet it was not anything close to this. This is why this is scary. This is turning America back to where we were before Roosevelt. I do not mean Franklin Roosevelt, I mean Theodore Roosevelt. That is how far back they would turn this country.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

THE FARM BILL

Ms. STABENOW. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Ms. STABENOW. I first wish to thank Senator HARKIN as chair of the Health, Education, Labor, and Pensions Committee and past chair of the Agriculture Committee for his words of concern regarding the House budget as it relates to agriculture. I share those concerns and I thank him for speaking out on that. It is just one more reason to pass a farm bill. We need to get a farm bill done right now.

Let me say to all of my colleagues, and particularly in the House because we have done our job in the Senate and we are ready to complete the task of getting a farm bill, we now only have 17 days, 17 days until the current farm bill expires on September 30. Seventeen days. We know as a practical matter, because the House says they are leaving next Friday, it is actually shorter, but we have 17 days before the end of the month, before the current policy expires and we begin to see a phase-in of policies that end up going back to 1949 by the first of the year on subsidies and planting restrictions and a whole range of things that cost a lot of money and make no sense.

I am asking that the House come together, as we did in the Senate when we passed our bipartisan farm bill on June 21, and pass a farm bill in the House. We passed the Agricultural Reform, Food, and Jobs Act by a bipartisan vote of 64 to 35. I believe the votes are there in the House of Representatives if there is a willingness to have a bipartisan vote. I believe that together, Democrats and Republicans, there are enough votes to pass it, and the House has time to act. They are completing the continuing resolution today, and my understanding is there is nothing else of substance that is on the agenda for next week. And even if there was, 1 day—1 day—is all we are asking, 1 day to bring up and do the work for rural America, for agriculture, ranchers across the country, to create a 5-year farm bill policy that includes disaster assistance that will work for all parts of agriculture. We are asking for 1 day.

Farmers across the country have been hit hard by disasters, as we know—very, very hard. It has been devastating for many of our ranchers and farmers between late frosts and the severe drought this year. We need to get a farm bill done. Why is that? Because the farm bill is also a disaster bill.

I can speak from the standpoint of Michigan, where the warmth in March and then the late deep freeze eliminated almost all of our tart cherries. We are No. 1 in the country in tart cherries. We do not have any. Sweet cherries, apples, peaches hit, grapes, and that, along with the drought, means that every single county in Michigan is under a disaster declaration right now. We address that in the farm bill we passed.

By the way, disaster assistance is in the farm bill the Senate passed, fully paid for with savings within the farm bill.

We reinstate the livestock disaster program, and we make it permanent. We make it permanent. We support specialty crop growers who need crop insurance and do not have it now, such as our cherry growers. Tart cherry growers cannot purchase crop insurance because there is no crop insurance. In addition to helping them in the short run, we need to make sure we are ready for the future, and we do that in this bill.

We put in place a new dairy program to make sure we are not seeing farmers go bankrupt. And our Presiding Officer from Vermont certainly understands and has led efforts. I remember 2009, 2010, what was happening, what we had to do. We know the current policy is a disaster waiting to happen for dairy. So kicking the can down the road, doing some long-term extension, and not taking any action on the farm bill is a disaster for diary, which, by the way, is the No. 1 single commodity in my State as well.

We need to get the farm bill done.

We make sure those who have lost crop this year because of the early warm spring and late frost as well as our livestock operators and others get help not just for the future but this

year, 2012. That is in the Senate-passed farm bill. It is also, by the way, in the House committee-passed farm bill, which is what the Speaker and the Republican leadership should be taking up on the floor of the House.

We also strengthen conservation, which is so critical because unlike the Dust Bowl of the thirties where soil was swirling around and all that was happening at that time, despite the horrible drought, soil is on the ground. Why? Because of conservation efforts and policies that have made a difference. We need to continue and strengthen that as we do in our farm bill for the future. It is critical that we move forward on conservation.

So the House taking up a farm bill addresses the disaster assistance that needs to be addressed for our farmers and ranchers in a responsible way. It is paid for within the savings of the farm bill. And we make sure we do not have other disasters happening by not moving forward with improvements in policy for commodities such as dairy.

I am proud of what we did in the Senate. It was bipartisan. We tried very hard. I worked very hard to create an opportunity where there was enough time in the summer for the House to be able to take action. We moved, as we all know, quickly, both in committee—Senator ROBERTS and I and all of our colleagues, with the leadership support on the floor, moved quickly in June to pass a bill so that there would be all of July and the beginning of August until the break for the House to act so that we could then go to conference committee in August and come back right now and pass a final farm bill, which is what should have happened. So now we are in plan B, which is at least—at least the House of Representatives ought to be doing their job in passing the farm bill so we can work on this in October and come back in November before the full Congress.

I commend the leadership of the Agriculture Committee in the House and have great confidence that, working together with them, we can come together on our differences and put together a responsible, effective deficit reduction farm bill in the final analysis. But we can't get there until the House gives us some kind of a bill to work with.

So I am asking the Speaker, I am asking the Republican leadership to take just 1 day, 1 day for rural America, 1 day for farmers and ranchers across this country so that we can address disaster assistance and long-term economic policy for rural America.

The House leadership, the Republican leadership heard yesterday from hundreds of farmers from all over the country that we need a farm bill now. There were over 80 different groups who put that rally together to make it very clear that they do not want a stopgap measure, that they do not want to kick the can down the road or do another 1-year extension; they just want us to get it done and to get it done right now. Many of these farmers are in the middle of harvest. It is the earliest corn harvest in 25 years because of the drought. They took time from work to come here at their own expense, their own time to give a very clear message to the House Republican leadership. It is time to get this done.

Frankly, it is past time to get it done. We have heard that the House wants to do a 1-year extension of current policy, but we are not going to support that. Do we really want to continue for another year the subsidies, such as the direct payments we eliminated in the Senate farm bill, the subsidies that go to people regardless of whether they are even growing the crop for which they are getting the subsidies? We eliminated four different subsidies and instead listened to farmers across this country to strengthen crop insurance. That is what we heard from Michigan to Kansas, from California to all across this country, that we need to strengthen crop insurance, and that is what we have done.

Do we really want to be in a situation where one more time there is not action on deficit reduction? The one piece of legislation we have passed in a bipartisan way that reduces the deficit of this country is our farm bill. Amazingly, we have $23 billion in reduced spending, in deficit reduction, which goes away with an extension. It won't happen if we kick the can down the road, so we need to get this done.

I understand there are some in the House who don't believe we ought to invest in any kind of agricultural policy. I know there are those who think we shouldn't invest in nutrition or conservation of land and water or agricultural policy or energy jobs or a whole range of things, such as rural development, supporting our small rural towns. I understand they do not want to do a farm bill. I also know there are some folks who don't like the reforms we have. They want to continue those payments. I understand that. But I believe the majority of people in the House, just like the majority of the people in the Senate, will come together if given the opportunity and vote for reform, for deficit reduction, for a strengthened crop insurance program, other risk management tools for our farmers, a disaster assistance program that is permanent for livestock producers, help for our food growers, strong nutrition policy that includes focusing on waste, fraud, and abuse, rural development, and a streamlined, more effective conservation policy that creates flexibility and tools for our farmers as well as those who want to hunt and fish and protect our open spaces. I believe a majority of the House wants to get that done.

I think it is very important, with 17 days left, that we remember what this is about. There are 16 million people in this country who work because of agriculture—16 million people. We talk a lot about jobs and job policies. I don't know of any we have debated on this floor that have impacted 16 million people and their families, and we came together to get this done because we understood that.

Right now, despite the best efforts of the Committee on Agriculture in the House on a bipartisan basis to report a bill, the House leadership—the Republican leadership—will not take 1 day—1 day—to focus on 16 million jobs, economic development, quality of life in rural America for those who have been hit so hard by this economy, and the jobs of the future we have in this farm bill. Time is running out. Time is running out. We need to get this done. We understand that.

Farmers know that when there is work to be done, they can't kick the can down the road. When a crop is ready for harvest, a farmer can't say: Gee, I am tired; I will do it next week. When the crop needs to be harvested, they have to get up and go do it. They do what needs to be done. And we had folks who came here yesterday, who left their fields and who basically said: Even though I have a lot of work to do at home, I have to go to the U.S. House of Representatives to tell the Republican leadership that it is time to get the job done.

Mr. President, I would like to put into the RECORD a letter that was sent from 13 different leadership organizations on agriculture in this country. I will explain what is in it, but I ask unanimous consent to have printed in the RECORD a letter dated September 7, 2012, to Senators REID and MCCONNELL.

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

SEPTEMBER 7, 2012.

Hon. HARRY REID,
Majority Leader, U.S. Senate,
Washington, DC.
Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate,
Washington, DC.

DEAR MAJORITY LEADER REID AND MINORITY LEADER MCCONNELL: The undersigned farm organizations support finding a path forward to reaching agreement on a new five-year farm bill before current program authorities expire on Sept. 30. We were disappointed that the House did not consider the House Agriculture Committee's bill before the August recess. That bill, and the bill passed by the Senate in June, would provide the disaster relief our farm and ranch families need at this time.

Instead, the House passed a separate disaster bill just before the recess that would make supplemental agricultural disaster assistance available for Fiscal Year 2012. Specifically, the bill would retroactively extend the Livestock Indemnity Program (LIP), the Livestock Forage Program (LFP), the Emergency Livestock Assistance Program (ELAP) and the Tree Assistance Program (TAP) so that producers are helped for Fiscal Year 2012. All of those programs expired in 2011. Offsets to pay for the disaster assistance would come from imposing caps on two conservation programs, the Conservation Stewardship Program (CSP) and the Environmental Quality Incentives Program (EQIP).

We know that some Senators will return from the recess and encourage you to consider the House-passed measure. This is something our groups do not support. We

strongly urge you to refrain from this as we fear that passage of a bill similar to the House bill could result in further delays in completing a full five-year farm bill.

In addition, almost identical provisions to retroactively extend these four programs are included in the Senate-passed farm bill and the bill reported by the House Agriculture Committee, and these provisions are paid for in the context of the measures included in the disaster bill. Those measures would likely be included in any conference committee report. It is imperative that we pass a comprehensive, long-term farm bill. Farmers and ranchers always face decisions that carry very serious financial ramifications, such as planting a crop, buying land or building a herd, and we need clear and confident signals from our lawmakers.

Assistance for cattle and sheep producers is very important, and we strongly support helping them in the five-year farm bill, but it is also important to provide assistance to producers of other types of livestock and fruits and vegetables. The House disaster assistance bill does not help hog or poultry producers and only provides limited assistance via the grazing program for the dairy industry. The bill does not help dairy producers who are not located in a designated disaster county with grazing assistance and does not address high feed prices for dairy, hog or poultry producers. Many producers of fruits and vegetables may not have crop insurance available to them as a risk management tool, and they too need some type of help, which this package does not address. The Senate-passed farm bill contains many new, improved and reauthorized risk management tools. It is a more comprehensive response to this year's and future years' drought and other disasters that impact crop and livestock production.

The Congressional Budget Office scored the House-passed disaster bill as costing $383 million. That expense is offset by cuts of $639 million from the CSP and EQIP programs, leaving $256 million to go towards deficit reduction. If the House simply passed the five-year farm bill passed by the committee on a bipartisan basis, this disaster bill would not be necessary. The bill costs more than $600 million and would not provide relief to livestock producers less than a month earlier than a farm bill debated and passed in September. Agriculture will already contribute a minimum of $23 billion in deficit reduction by passing the farm bill. We do not need to provide additional deficit reduction in this package only month before we reduce the deficit far more than agriculture's ''fair share.''

Both the Senate and the House Agriculture Committees have produced reform-minded, bipartisan bills that address many of the core principles we believe are important, such as strengthening crop insurance as a reliable risk management tool. We remain committed to attempting to pass a five-year farm bill as soon as possible, including the long-term provisions it includes, which would help alleviate the emergency conditions we are seeing across the country.

American Farm Bureau Federation, American Soybean Association, National Association of Wheat Growers, National Barley Growers Association, National Corn Growers Association, National Farmers Union.

National Milk Producers Federation, National Sunflower Association, Northarvest Bean Growers Association, United Fresh Produce Association, U.S. Canola Association, USA Dry Pea & Lentil Council, Western Growers.

Ms. STABENOW. Mr. President, this letter was sent to Majority Leader REID and Republican Leader MCCONNELL on behalf of the American Farm Bureau, American Soybean Association, the National Association of Wheat Growers, National Barley Growers Association, National Corn Growers Association, National Farmers Union, National Milk Producers Federation, National Sunflower Association, Northarvest Bean Growers Association, United Fresh Produce Association, U.S. Canola Association, U.S. Dry Pea and Lentil Council, and the Western Growers, all saying: Don't do something short term; do the farm bill. They are all saying: Don't do some short-term effort that is only focused on disaster. Don't do an effort that does not complete the job.

In regard to consideration of the House-passed disaster measure, they say:

> We strongly urge you to refrain from this as we fear that passage of a bill similar to the House bill could result in further delays in completing a full 5-year farm bill.

These provisions retroactively are in the Senate-passed bill and the bill reported from the House Agriculture Committee. They are paid for within the context of the farm bill. And they know, as we know, that in the final bill we present, they will be included. We certainly are going to include comprehensive disaster assistance, but they are asking us to do it in the context of a 5-year farm bill. That is what everyone is saying in farm country, in rural America, that it is not enough to just do a little bit here and there. And on top of that, it is not necessary. It is not necessary. We have a comprehensive disaster assistance bill within the contents of the farm bill. So does the House committee. We just need 1 day. There are 17 days left, and we are asking the House Republican leadership to invest 1 day in American agriculture, and I hope they will do it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Mr. President, I would like to ask the chairwoman of the Agriculture Committee if she would be kind enough to stay for a few questions.

I came to talk today about the Veterans Jobs Corps Act, but agriculture and food security is very important to this country.

First of all, I wish to commend the chairwoman of the Senate Agriculture Committee for putting out an agriculture bill that I think really meets the needs of this country and definitely the agricultural community.

First of all, I just have to ask—the Agriculture bill sent out of the Senate provides a good safety net for those in production agriculture. I know the Senator took that into account. Whether you are a dairy producer, a corn producer, a wheat producer, or whatever, it is there.

The Senator comes from the State of Michigan. That is a little different from Montana, but we both know the Midwest has been under incredible drought. There have been fires all over this country. I talked to the ranking member on the train yesterday, and he was talking about fires in Kansas, and we have had fires in Montana.

Is there disaster assistance in this bill, if the House were to take it up and pass it? Would we have to worry about that being taken care of in the farm bill?

Ms. STABENOW. I wish to thank my friend from Montana, who, by the way, is a farmer. I have called him more than one time in Montana, and he has said: I am in the field. I am getting off the tractor. So he speaks with great authority. And the answer is yes, there is comprehensive disaster assistance paid for in the savings of our farm bill.

Mr. TESTER. So if we combine that with the safety net, if we don't do a farm bill, as the House wants to do, and just have an extension, what will happen to that $23 billion in taxpayer savings?

Ms. STABENOW. It goes away. There is no $23 billion in taxpayer savings if we don't pass the farm bill.

Mr. TESTER. And if it is extended, would it, in fact, cost the taxpayers? That $23 billion would not only go away, but wouldn't the taxpayers have to pay for any kind of disaster extension?

Ms. STABENOW. No question, we would be paying for disaster assistance. By the way, the reforms go away, and I know the Senator from Montana supports the reforms in the bill. We would see those subsidies continue—direct payments and so on—and we would be rolling back to a whole era of planting restrictions and huge subsidies back from the 1940s and 1950s.

Mr. TESTER. One more point. If this farm bill goes away in 17 days, the farmers out there who need help from the bank to get an operating loan to continue on the next year, what will happen to those folks?

Ms. STABENOW. The Senator raises a very important question because economic certainty means that farmers and ranchers are going to be able to know what is happening next year and can go to the bank and get those operating loans and plan for next year what they are going to plant. All that certainty will be gone. Everybody talks about how we need certainty for the future and the economy, and I couldn't agree more. This will do more to disrupt rural America and our ability to have a stable food supply and agriculture than anything else.

Mr. TESTER. Once again I wish to thank the chairwoman of the Senate Agriculture Committee for such a great job passing a responsible bill out of committee and getting it through the Senate itself. The only thing I would like to say is, to my knowledge, the House works on majority rule. I doubt it would even take 1 day. If they want to roll up their sleeves and get after this, they could get the Senate farm bill passed there.

Remember, this farm bill saves $23 billion, it provides a safety net for agriculture, has a great disaster component to it, and provides the kind of certainty for people to know, when they go to the bank, which is most farmers, and get that operating loan, they have a backstop that the bankers can depend on to offer that loan. So I thank the Senator for her great work.

VETERANS JOBS CORPS ACT

Mr. President, I rise today to call on the Senate to pass the Veterans Jobs Corps Act. Veterans and their families make great sacrifices so we can live freely in the greatest Nation in the world. Too many of our veterans return home and struggle to find good jobs. Our veterans deserve better. They earn our everlasting respect with their service and our best efforts to help them get good jobs when their service ends—jobs that will improve the communities they live in and jobs that will help us grow our economy.

This bill takes good ideas from both sides of the aisle and does just that. It increases training and hiring opportunities for veterans using proven job-training initiatives, and it will give local governments the resources to hire qualified veterans as police officers, firefighters, and other first responders. At a time when local budgets around the country are tight, putting qualified veterans to work protecting our communities is smart policy.

The Veterans Jobs Corps Act also helps rural America by training and hiring veterans to help restore and protect America's forests, parks, refuges, and veterans cemeteries. This is an important step forward, but investing in rural America must also mean investing in the veterans who are from rural America. That is why I added a provision to the bill that would bring more veterans jobs counselors to rural States across this country, including Montana.

Job counselors work closely with veterans and local employers to connect former servicemembers with good jobs close to home. These counselors develop extensive knowledge of local job and training opportunities and maintain a list of resources that prepare veterans to enter the workforce. Right now the Labor Department allocates job counselors based solely on population without taking into account the distances that folks have to travel in rural America. That often means veterans in my State of Montana travel hundreds of miles for the employment assistance they have earned, and it leaves the six job counselors we have to cover tens of thousands of veterans over an area the size of the entire northeast border.

My provision will fix this imbalance. It will give large and rural States such as Montana enough job counselors to serve all parts of the State and help to ensure that they are developing relationships with veterans and employers that will put more veterans back to work.

The Veterans Jobs Corps Act is fully paid for, and it shouldn't be controversial at a time when our veterans continue to struggle or at a time when more and more veterans continue to return from the battlefields in Afghanistan. Our veterans fought hard for this country, and their families have sacrificed much. We owe it to them to put aside political differences and to pass this bill. It is a responsible measure that will make our communities safer, preserve our most treasured places, and will move this country forward. Our veterans earned nothing less.

I especially want to thank Senator BILL NELSON for his leadership on this important bill. It deserves the support of the Senate.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BLUMENTHAL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. SHAHEEN). Without objection, it is so ordered.

Mr. BLUMENTHAL. Madam President, like many of my colleagues, I am very proud to support the Veterans Jobs Corps Act of 2012.

Very simply, this measure keeps faith with our veterans, offers them employment opportunities commensurate not only with what they have given to the country, what they have served and sacrificed to accomplish and give back, but also with their skills and talents and gifts that have been enhanced and enlarged by their military service. This measure addresses the chronic and persistent problem of unemployment among our young veterans. It is a searing indictment of our Nation that unemployment among these young veterans is many percentage points higher than the average population.

What is happening in this country is that a new generation is returning home—a new generation of veterans ready to work, wanting to serve in civilian life just as they had in the military. With the ending of the war in Iraq and the winding down of our presence in Afghanistan, 200,000 servicemembers are transitioning to the civilian workforce every year.

In July 2011 there were 232,000 post-9/11 era veterans unemployed. That is 12.4 percent as an unemployment rate. The August jobs report of this year shows that the most recent unemployment rate for post-9/11 veterans is 10.9 percent, and for Connecticut it is just under 10 percent.

There are many more statistics that show unemployment rates for these young veterans—particularly for our enlisted men and women coming back from Iraq and Afghanistan—are higher, some would estimate double the average rate across the population. They are an indictment of our commitment and our obligation unfulfilled so far by the greatest Nation in the history of the world.

Too often in our history we have failed to keep faith, and we have left veterans behind. I have advocated measures in health care, counseling, training, and employment opportunities. But I want to focus on one measure in particular where all of us joined forces and reached a consensus as recently as last November.

The Veterans Jobs Corps Act of 2012 is a new measure that would provide opportunities in conservation and in other kinds of public service, firefighting, and police. But there is an existing measure whose very life is threatened because it will expire in 2012. This measure is the VOW to Hire Heroes Act, specifically the tax credits under those measures for hiring unemployed or disabled veterans. Those tax credits will expire at the end of this year unless they are renewed. That is the reason I am introducing legislation, along with cosponsors Senators Webb, Cantwell, TOM UDALL, Heller, and Mikulski, that extends the VOW to Hire Heroes Act tax credit through the end of 2016.

This measure is important to be extended because it offers these veterans new opportunities, and promotes and incentivizes employers to put our veterans to work.

Hiring a veteran is not only the right thing to do to honor the men and women who have sacrificed, the men and women of our country, it also makes good business sense. Veterans are among our most highly skilled, capable, disciplined, reliable, and dedicated workers. Businesses ought to relish their services. Countless businesses big and small have already found that veterans are a tremendous asset to their workforce. This bill is important to build on the measures we have in place. Simply, it makes these veterans even more attractive.

Last month I visited the Arna Machine Company in Bristol, CT, and I talked with a young veteran whose name is Nick Saucier, a former Army sniper who served in Afghanistan and now works there as a machinist. Being a former Army sniper, Nick knows about precision and care, taking your time to be on target. He is now training to use computer-assisted manufacturing software with the same care and precision and discipline that he developed in his Army training as a sniper.

While I was at Arna, I talked to Stephen Shanahan, the president of the company, who is very proud and rightly proud of having 42 employees and growing in this tough economy. He is hiring and he said to me these tax credits have helped him fill positions with young qualified personnel who are veterans.

I have also worked with Congressman CHRIS MURPHY to survey manufacturers about veteran hiring. This legislation is the result of those conversations and discussions, the data and the

feedback we received, as well as consultation with my friend Bud Bucha, who has helped me time and again address the challenges facing veterans.

These tax credits will expire, they will end unless we renew them. We owe it to our veterans, to our business community, to manufacturers and small businesses that want to do the right thing, to make sure they have this incentive. I have heard from employers and veterans firsthand that many of them were not aware of this tax credit, so I have proposed as part of this legislation increased measures to create awareness and spread the word about these tax incentives so that big companies with their tax attorneys, but also smaller companies that may not have the consultants and the accountants to do this kind of work, know of it and take advantage of it.

This measure also simplifies the process for veterans and small businesses to take advantage of the tax incentives. Currently, to be a ''qualified veteran,'' individuals must gain approval through a local employment agency, which can be unnecessarily time consuming and burdensome to them and to the potential employer. This bill offered today would modify the Work Opportunity Tax Credit process to allow individuals to be considered qualified veterans for tax purposes if they simply provide a DD 214, have an honorable discharge, and valid proof of unemployment.

This bill would also extend the amount of time employers have to take advantage of tax credits for hiring unemployed or disabled veterans, enhancing its use to countless small businesses as well as veterans. It would allow employers to take advantage of these tax credits for an additional 4 years, providing returning service men and women with a clear path to employment when they need it, and they will need it over these 4 years.

I am very honored that this bill has been endorsed by the Veterans of Foreign Wars and the American Legion, which have been championing employment opportunities for veterans.

I urge my colleagues to continue their support for veterans by supporting this legislation which will create more good jobs. We owe our veterans more good jobs. And it will grow our economy.

Let me say, finally, nearly three-quarters of a million veterans—to be more precise, 742,000 men and women—are eligible for the employer hiring tax credits. Let's do the right thing. Let's extend these tax credits. We adopted them overwhelmingly last November in the VOW to Hire Heroes Act. We have it in our power and it is our obligation to meet this challenge. For our veterans we should do no less.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. PAUL. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

FOREIGN AID

Mr. PAUL. Madam President, last evening I had a spirited exchange with the majority leader. The exchange was over whether we should send billions of dollars, billions of dollars we technically don't even have, to foreign countries that disrespect us, foreign countries that have tortured people who are friends of America.

In Pakistan, Dr. Shakil Afridi helped us to get bin Laden. He has been tortured, kept in prison, and now been given a life sentence. I have asked one simple thing. I want to have 15 minutes, have a discussion, and have a vote on whether we should continue to send money to Pakistan. I have said we should send not one penny to Pakistan until this doctor is released. We offered at one time a $50 million reward for help in getting bin Laden. Young men and women sacrificed their limbs to go to Afghanistan, many sacrificed their lives to go to Pakistan to get bin Laden. And this man who helped get bin Laden, we are now letting him rot in a prison. We are now letting this man spend the rest of his life in prison.

Do you know what this administration did? About a month ago they gave Pakistan about $1 billion more. Do you know how Pakistan responded? The head of the security agency for Pakistan said very snidely and with a great deal of arrogance: Come back and talk to us in 10 years about Dr. Afridi. They are going to keep him in prison for the rest of his life if he is not killed. His life has been threatened. Other prisoners and the public have threatened his family's life.

Is this how we treat a friend of America? I have asked for 15 minutes to have a vote. Why don't they want to have a vote? Because they know the American people are with me. If you ask the question, ''Should we send money to countries that don't like us and disrespect us?'' 80 to 90 percent of the American people are with me.

They are afraid to vote on this issue. I have been giving them a chance to debate this for 6 weeks now. We have spent the whole week up here not having a debate because they do not want to have a vote because they know if they vote their position, which is to send your money to Pakistan and to Egypt and to Libya, the American people will not like it. So they are not willing to stand in the broad daylight and vote to continue this aid. They just do not want to have the vote.

Last evening the majority leader said that his concern is over the veterans benefits bill. I also am concerned, so I have reconsidered my amendment. My amendment before would return the money to the Treasury and to counteract the debt. We would take the somewhere between $3 and $4 billion and send it back to the Treasury. But if what is holding this up is that the majority leader thinks this is not in any way connected with veterans benefits, why don't we take half of the $4 billion that we would not send to Pakistan, let's take that half of that and put that into veterans benefits. I am willing to triple the size of the veterans benefits bill if we will take the money from where we should not be spending it.

Some will stand and they will argue: Gosh, we have to be engaged in Pakistan because they have nuclear weapons. I am not saying disengage. I am just saying you don't have to bribe people to be our friend. We don't have the money anyway. We have to borrow the money from China to send it to Pakistan. I am not saying don't have relations with Pakistan. Many in Pakistan have been sympathetic to our country. Many in Pakistan have helped our country. But many in Pakistan, with a wink and a nod, look at us, take our money and laugh at us. They cash our check and they laugh at us.

The American people are tired of this. Our Treasury is bare. There is a multitude of reasons why we should not continue to send good money after bad. Compound that with the tragedy that has occurred over the last couple of days, the tragedy of our Ambassador being assassinated in Libya and three of his fellow workers killed; the tragedy of our embassy being attacked in Egypt. We give Egypt $3 billion a year, and do you know what. Egypt cannot protect or will not protect our embassy. There was a phone call to the embassy from someone in Egypt saying the mob is coming. A phone call is not enough. Do you think they could have sent soldiers and tanks to protect our embassy? They gave us a phone call saying the mob is coming.

Egypt needs to act as our ally if they want to continue to cash our checks. My position is: Not one penny more for Libya or Egypt or Pakistan until they act as our allies. Some say we have to keep sending it. Fine, let's send it when they act as our allies. Let's send it when they start behaving as civilized nations and come to their senses.

I have an amendment, and I am going to ask unanimous consent to bring this amendment forward. I may be surprised, but I think the other side is going to object. I will be asking for 15 minutes of the Senate's time to vote on ending this aid. Instead, we are taking half of the $4 billion we are squandering overseas and giving to people who don't like us and putting it toward the deficit and using the other half of that aid and putting it into veterans' benefits.

If we are really talking about veterans' benefits and really serious about providing money for the veterans, let's take it from an area which is insulting to veterans. Let's take it from a country that insults every veteran in this country, Pakistan. Our men and women gave their lives to fight a war in Afghanistan and in neighboring Pakistan to get the chief architect of 9/11, bin Laden. Let's memorialize those people who sacrificed their lives and the veterans by saying we are not

going to give money to a country that disrespects and disavows everything we have done over the last 10 years to combat terrorism.

I ask unanimous consent we resume consideration of S. 3457, set aside the pending amendments, and call up my amendment No. 2838.

The PRESIDING OFFICER. Is there objection?

Mr. KERRY. Madam President, reserving the right to object, let me first mention that, sadly, this afternoon we learned one of the four people who were killed in Libya, Glen Doherty, is a Massachusetts native, a former Navy Seal and State Department security official who was guarding and caring for the Ambassador and taking care of the wounded people there.

As Senator MCCAIN, Senator LINDSEY GRAHAM, and Senator LIEBERMAN said on the floor yesterday, I believe cutting the aid to any of these countries right now in this fashion is not the way to honor the memory of Ambassador Chris Stevens. He went there in great danger to help that country be free and have an opportunity for democracy. Glen Doherty did the same thing. He put his life on the line in order to help the Libyans.

The Senator from Kentucky might be surprised to know that the Libyan people—by vast numbers—are grateful to the United States and are mourning the death of Ambassador Stevens. I heard the Senator from Kentucky—frankly, in a kind of arrogant statement is really the only way I can frame it—say several times: Start behaving like a civilized nation. Well, by whose standard and when? The Libyan and Egyptian Governments didn't do what is happening there. The Yemen Government sent its people to protect our people, and we helped negotiate the transfer of authority to this new government in Yemen.

Are they having difficulties? Yes. Go back and look at the United States of America in the 1700s. We had some difficulties. We had to write slavery out of the Constitution, not to mention a bunch of other things. It takes time. The arrogance of suggesting that we are going to judge whether they are civilized today or tomorrow because a mob or a bunch of militants took matters into their own hands would just be so self-defeating and such a narrow effort that anyone could possibly conceive.

I ask if the Senator has ever been to Pakistan? Has the Senator ever been to Egypt? The Senator doesn't want to answer. I presume that means he has not. He ought to go to Egypt and see what those people are struggling to do. There was a revolution in Tehrir Square. It wasn't an Islamic revolution; it was a generational revolution, a bunch of young people with smart phones tweeting and Googling each other trying to touch the world and have a future. The Senator wants to cut off American assistance to these nascent democratic efforts?

Whatever happened to the great commitment of the conservative movement in America to freedom and democracy and to help it develop? Just turn our back on it and pull out the aid? What the heck. Because we don't think they are civilized. I find it kind of stunning when the Senator says: Foreign countries that aren't friendly. The countries didn't do these things. It is the militant extremists and radical terrorists within those countries whom those people are struggling to beat back.

Right now there are troops in the western part of Pakistan losing their lives by fighting extremists. Cut off the aid, and we send the message: If you don't do exactly what we say, exactly when we say, exactly the way we want, we are not going to give you the pittance we give you.

We give less than 1 percent of the entire budget of the United States of America. Less than 1 percent goes into all of our foreign operations, all of our embassies, our security, and our aid. It is 1 percent. The impact is extraordinary. The Senator wants to just cut it off? OK.

We have 130,000 troops in Afghanistan, and they are largely supplied now somewhat from the northern route that has been created. They are also supplied from Karachi by road all the way over the Khyber Pass and down into Afghanistan. We have gone through a long process of working with the Pakistanis to be able to renew and do that.

As everybody knows, we have decimated al-Qaida in the western part of their country. Civilians are being killed in their country in an effort to protect our country. They have endured that. Their political system has endured that, and we are just going to turn around and say we are going to pull the aid out and we only want to do it with 15 minutes on the floor of the Senate? Here is a major policy consideration, and we just want 15 minutes because it is that simple.

These are four countries which are all critical to the future of the region in the Middle East. Egypt is an essential partner with respect to the potential of peace in the Middle East, one-quarter of the Arab world.

I have been to Egypt many times. I have sat with the new President, President Morrissey, and I have met with others engaged in this transformation. They are trying to be a legitimate democracy. Yes, their people won the election, and we are not exactly on the same page, but that is what happens in democracies. That is what happens when people vote. Are we not going to respect their democracy?

I just say to my friend from Kentucky, there are critical issues at stake. We are not buying it. What we are doing is trying to help them to be able to make this transformation to a full-throated, full-blooded democracy that can respect its court system and its elected institutions, and it doesn't come easily.

Their police were decimated in the course of the revolution. There was corruption and they are working to change that. There is a whole unbelievable transformation taking place. It is not going to be pretty. It is difficult. There are a lot of unscrupulous people we all know have hated us for a long time who would love to get the upper hand. If we pull out, we give them the upper hand. Stay there and we have an opportunity to do what Chris Stevens, Glen Doherty, and a lot of other people were doing, which is stand and fight for the interest of the United States of America because we have real interests in those places. That is what this is about.

First of all, it deserves more than 15 minutes. Secondly, it is not appropriate to do it on a veterans bill where we desperately need to get this help to our veterans. Do it freestanding. We ought to do it in the proper way. Do it through our committee. We will have a hearing. I am happy to have that done properly. This is not the way to do it, and this is not the moment to do it. It would have a profoundly negative impact that could contribute to even more violence and not stem it if that were our reaction.

Madam President, I do object, and hopefully at some point I will be happy to have this debate. It is a worthwhile one, but this is not the time and this is not the bill.

The PRESIDING OFFICER. Objection is heard.

Mr. KERRY. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. SESSIONS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

VETERANS JOBS CORPS ACT

Mr. SESSIONS. Madam President, the Veterans Jobs Corps bill creates a new mandatory program that would cost $1 billion over 5 years. As the ranking Republican on the Budget Committee and someone who is committed to ensuring that we honor our commitments as part of our process in the Senate, I am concerned about the cost of the bill and the fact that it violates our budget agreement entered into last year.

The spending on this new program is to be offset by, we are told, $119 million in direct spending reductions and $1.132 billion in new taxes. So it is a tax-and-spend bill.

My staff on the Senate Budget Committee has confirmed that there is a 302(f) Budget Act point of order against the Veterans Jobs Corps Act with the managers' amendment as it is presently. So that is the situation. So when I say we have confirmed that, what I mean is that we have talked to the Budget Committee chairman, Senator CONRAD, and his staff, and they have

confirmed our conclusion that this violates the Budget Control Act.

The 302(f) point of order lies against this bill because the Veterans Jobs Corps bill, as amended, would cause an increase in the budget authority and outlays above the Veterans' Affairs Committee's allocation that was deemed by the Budget Control Act. The Veterans Jobs Corps bill would specifically cause an increase in budget authority and outlays above the Veterans' Affairs Committee's allocation by $61 million in 2013 and $480 million between the 5 years of 2013 and 2017. So the budget gimmicks in the Veterans Jobs Corps Act are significant and very troubling.

The CBO accounting procedures don't catch this, but it is very real. They don't catch it because the people who wrote the legislation wrote it in a way so they could avoid the proper score from the CBO in this process.

The bill shifts the timing of corporate income tax payments so that it appears to collect $135 million in additional revenue in 2013. What does that mean? A month or so before these payments are due, they accelerate the receipt of those payments. The payments fall in this year, and bingo, we say we have another $135 million we can spend. Isn't that wonderful. We just accelerate the date and the time that it would be paid. However, this is simply a smoke-and-mirrors scheme since the timing shift in payments will lead to exactly $135 million less in taxes collected in 2014. In other words, if we were planning on collecting $135 million next year and we collect it this year, the people who owed the money next year don't owe it anymore; they have already paid it. So there is a hole in next year. I have offered under the Honest Budget Act, along with Senator OLYMPIA SNOWE and other colleagues, legislation that would end this pernicious gimmick. It is worse than a gimmick.

This bill uses the exact same mechanism in 2017 and in 2018. The bill collects $392 million more in tax payments in 2017, but—and I have the chart from the Congressional Budget Office—it collects $392 million less in 2018. Do my colleagues follow me? We just accelerate the money, we spend the money, we get it this year, but we don't get it the next year. So over a period of time, this is a gimmick. It creates no new real money, but it creates the appearance of having real money and it is the appearance of money that is being spent, not real money. This is just one of the examples of how this country is going broke.

If this gimmick was not included, the Veterans Jobs Corps bill would increase the deficit by $38 million in 2013 and by $324 million over the period of 2013 through 2017. About one-third of the total expenditure of the bill is based on this gimmick. Our Democratic colleagues have used this budget gimmick to claim that it decreases the deficit by $97 million in 2013 and by $68 million in 2013 through 2017, a 5-year period.

I believe these points about the Federal budget process are indisputable. I know what CBO says about it. If we look at their numbers and we examine it over a period of 6 years, we see clearly that the money is not there. I invite any member who wants to suggest that this is real money the U.S. Treasury is receiving to come to the floor and explain how they think they are correct. I don't believe that I am in error.

To put it simply, the money my Democratic colleagues claim in the bill as revenue isn't there. It appears to be there on paper, but that is not the truth. The American people need to know the truth.

We simply spend more money on the Veterans' Affairs Committee allocations than was agreed to in the Budget Control Act. We are already violating that. We have done it already this year. As a result, we have eroded the small, but significant steps we took to bring some spending under control.

The Budget Control Act would have reduced spending by $2.1 trillion over 10 years for the entire U.S. budget. Well, how much is that? We know that $2.1 trillion is a lot. It is a lot, but we plan to spend $47 trillion over that 10 years. So we would be reducing our projected spending from $47 trillion to $45 trillion over 10 years. Surely we can do that. That is not a cut, because if we spend for 10 years at the current level of spending, we would be spending $37 trillion, so we are still increasing spending from $37 trillion to $45 trillion, just not $47 trillion. And the Republic is not going to sink into the ocean with those kinds of cuts, but it would begin to put us on a path of honesty and responsibility and end the unsustainable debt course we are now on.

I am not happy about this. I will make this budget point of order formally when we get back on the bill. I don't know when that will be because for right now we have gotten off of it. But I want my colleagues to know what the situation is, because it may be at 1 o'clock tomorrow morning when we have that done.

I wish to say this: This Congress has had the worst record in decades, maybe in 100 years. We haven't had a budget for over 3 years. We haven't dealt with the sequester that has to be dealt with before the end of the year.

This Senate—not the House but this Senate—has not passed a single appropriations bill. To my knowledge, I say to my colleague Senator HATCH, I don't believe we have ever failed to have a single bill, although several times we have only had a few. But now we have none, and they have made it a policy of the majority party not to bring up a single bill so we can cobble it all together in some big omnibus CR and pass it in the dead of night, maybe on Christmas Eve, after the election is over. We should have been doing that all year long.

We haven't dealt with the tax increases that are going to hammer the economy in January, and we haven't passed a budget in over 1,000 days. The House has passed a good budget which would change the debt course of America and put us on a sound path. They sent over a Defense authorization bill. They sent over a Defense appropriations bill, and most of the appropriations bills, until it became clear Senator REID said we are not going to pass them anymore. They sent over other good legislation that is dying in the Senate.

There are ways to help veterans get jobs. There are already six jobs programs for veterans now—six of them now. Maybe they could be improved or fixed, and if we do it right, we could create a bill that helps veterans get jobs without violating the budget.

Before I yield the floor, I am pleased to see my colleague Senator HATCH, the ranking member of the Senate Finance Committee. His leadership on the Judiciary Committee and Finance Committee is well-known in this body and I am honored to serve with him.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

UNFINISHED BUSINESS

Mr. HATCH. Madam President, I wish to thank my colleague, who makes a lot of very important points here today, and I hope everyone in this body is paying attention.

Back in June I came to the floor to discuss the many items of unfinished business the Congress must take up before the end of the year. Among those items are a number of tax-related issues that simply cannot be put off without inflicting more damage on our economy and on our American taxpayers.

When I spoke on the floor regarding this tax agenda 3 months ago, I used this chart right here.

Sadly, as you can see from this chart, things have not changed since then. We still need to resolve the death tax. As you can see, death tax relief is the third one down listed on the chart. It will expire at the end of 2012. We need to act in order to prevent a hike in the death tax in 2013. Unfortunately, rather than work to prevent an increase in the death tax, a number of my colleagues voted earlier this summer to expand it significantly.

While we have passed a bill through the Finance Committee, the Senate has yet to act on the tax extenders, which expired 9 months ago. As you can see, we have not done the tax extenders, either, on the floor.

We still have not acted to address the alternative minimum tax, or AMT, which is set to hit millions of Americans if we do not act to patch it. That is right there as the second item on this chart. This issue of the AMT, the alternative minimum tax, needs to be discussed in some detail because the failure to resolve the AMT is emblematic of the failure of this administration to take even the most basic steps to protect American families from the

tax increases looming at the end of this year. Nearly 4 million families paid the AMT in 2011. Yet, if nothing is done to address the AMT in this session, an additional 27 to 28 million families will be hit with a surprise AMT tax increase on tax day next April. Now, that bears repeating. There are 27 or 28 million families who have heretofore not been hit by the AMT who will be hit if Congress fails to act before the end of this year. But even that does not tell the whole story. More than twice that number, that is, 60 million American families, will have to fill out the AMT—alternative minimum tax—worksheet on their tax forms just to determine whether they owe anything under the AMT. This is a textbook example of the administrative burden and deadweight loss that our complicated Tax Code imposes on the American economy. For those who will be hit by the AMT, this is not just a reality that will hit on April 15 of next year, it is a reality today. Those families ensnared by the AMT are required to make estimated tax payments, and Monday of next week, September 17, the third such payment is due.

The AMT has become a unique burden because of the way it is structured. Unlike most provisions in the Tax Code, the level of income exempt from the AMT is not automatically adjusted for inflation. For 11 years, we have passed legislation to temporarily raise the AMT exemption, which was originally meant for only 155 millionaires who did not pay any taxes. But each time we face an expiration of one of these temporary raises—like we do again this year—we risk seeing the AMT return to its permanent level. Over time, that becomes more and more problematic as more and more Americans have incomes that reach the unadjusted AMT income level. These temporary exemption increases have been enacted to prevent millions of middle-class American families from falling prey to the AMT. But now, the closer we get to the end of 2012 without another AMT patch, the more likely it becomes that the tax will hit an unprecedented number of American families.

Ultimately, we need a permanent fix for the AMT. This annual shell game needs to come to an end. This tax was initially created over 50 years ago to address 155 high-income individuals who paid zero in income taxes—155 people. Because of its poor design, today an additional 27 million Americans, many squarely in the middle class, are now threatened by the AMT.

The President and his allies assure us that AMT relief is a top priority, but that seems to be just more talk. The President's budget proposed a permanent fix to the AMT by replacing it with a so-called Buffett tax, but the President's math just never added up. Supposedly, nonpartisan policy experts and fact checkers have been eager beavers when it comes to criticizing the math in Governor Romney's tax proposal, but maybe they should check the President's math as well.

If we do not eliminate the AMT, it will hit millions and millions of American taxpayers, unjustly so. The President claims a permanent fix is a priority of his. In his fiscal year 2013 budget, he proposed to offset it with the Buffett tax. People treat the President's fiscal year 2013 budget as though it never happened. In some sense, I understand that. It received not a single vote in the U.S. Senate, even with his own party controlling the Chamber. But that said, it is the President's budget. He wrote it. He presented it. He owns it. And how does it add up? Consider the math on his permanent AMT fix. Again, he proposes to replace the AMT—ostensibly helping middle-class taxpayers—with the Buffett tax—ostensibly hurting the evil rich. That sounds great until you look at the numbers. How much revenue loss would there be from a permanent AMT fix? Madam President, $864 billion, to be exact. And how much would the Buffett tax yield? Fifty billion dollars—a little less, actually. So the Buffett tax misses the target by over 94 percent. The President would need to increase his Buffett tax by over 1,600 percent to fill in the gap. There are not enough Pinocchios in all of Disney World to describe the phoniness that is the President's AMT proposal.

Ultimately, the AMT needs to go in its entirety. It will probably go as part of comprehensive tax reform. Unfortunately, President Obama and his campaign are undercutting the prospects for tax reform every day with their dishonest attacks on Governor Romney's tax proposal, a key element of which has been endorsed by the Chairman of the President's own Export Council even as his desperate campaign attacks that same feature. But absent a permanent AMT fix, a temporary patch is both a viable and a necessary option.

So here we are, with all of these must-address measures. We have the AMT, tax extenders, the death tax, sequestration, and, of course, the expiration of the 2001–2003 tax relief that threatens to throw our economy into another recession. Yet, at a moment crying out for Presidential leadership, we get campaign partisanship. The President and his allies only seem concerned about getting past the next election. At a time when serious solutions to our fiscal crisis are demanded, they offer no plans of their own. We hear that we need to stay the course, but the course we are on has provided us with four straight trillion-dollar-plus deficits and a debt that threatens not only our long-term but immediate fiscal well-being.

The President's suggestion that we can solve these problems by cutting defense spending and raising taxes on the wealthy is a parody of serious fiscal policy. It might be good for a bumper sticker, a college sociology seminar, or an Occupy Wall Street sit-in, but the numbers do not add up.

The President's mantra is that tax increases on the rich are all that is necessary to pay every bill and balance every budget. That is not an oversimplification. If you watch the President's campaign commercials, the only thing he says about balancing the budget is that he wants to ''ask the wealthy to pay a little more.'' If that is truly the extent of the President's plan for solving our fiscal crisis, he is either being dishonest or he needs to invest in a new calculator.

Let me give an example. Our Nation currently faces what some, including Federal Reserve Chairman Ben Bernanke, have called a fiscal cliff. With tax relief scheduled to expire at the end of this year, our Nation faces the possibility of being thrown into another recession. According to the CBO, that outcome is a certainty if the tax relief signed by both Presidents Bush and Obama is allowed to expire under current economic conditions. Yet, rather than working with the Republicans in Congress to extend that tax relief—tax relief that originally passed with bipartisan support and was extended in a similar fashion in 2010—President Obama has opted to hold American taxpayers hostage in order to extract a tax increase for those making more than $250,000 a year. And why? Not to help the economy and not to reduce the deficit but for electoral votes. The President and his supporters claim these tax increases are necessary if we are to get our fiscal house in order, but if you do the math, the President's proposal would only raise enough revenue to reduce this year's deficit by 5 percent. It would be just enough to fund the government's activities for about a week.

Whether we are talking about the Buffett tax in the context of the AMT discussion or the President's fixation with raising the top marginal tax rates in the midst of a historically weak economic recovery, it is clear that the President and his allies in Congress are not serious about addressing the issues most important to the American people. These issues will not go away after the election, but the President has offered no positive program for getting us out of this mess. And I have gotten quite a kick out of them saying Governor Romney should be more specific on what he is doing. Where is the President's plan? What is he going to do? How are we going to get out of this fiscal mess? Not a doggone thing being said except things that do not add up mathematically—to borrow a very important phrase by a person from the Democratic Party during our convention.

Now, the President might envision himself as this century's Franklin Roosevelt, but in this campaign the only thing President Obama has to offer is fear—fear itself. His failure to offer solutions does not just have a theoretical impact, this failure of leadership hits real people in a real way. Do not just ask those making their quarterly tax

payments on Monday. Ask any small business owner whether they are worried about their taxes going up next year. Ask any American who is having trouble making ends meet if they are concerned that Congress has neglected to address so many issues that will dramatically impact their financial well-being.

When the Senate recesses next week until after Election Day, I wonder what my colleagues in the majority will tell their constituents when they are asked why Congress has not acted on these items. This checklist right here that we were talking about before, all of those are important. We have to do those. My guess is they will say it all had to wait until after the election. That is all they can say because if they were to come clean, they would have to admit that they did not want to pass any of these things. They were more interested in campaigning on our tax problems than on fixing them.

If we go until the end of the year without addressing these pressing issues, the wound to our Nation's economic and fiscal well-being will be entirely self-inflicted. These are matters that could have and should have been addressed months ago, and we need to address all of those issues. That we have arrived at this point—three-quarters of the way through the year—without fixing these problems should be an embarrassment to the President and those in Congress who are supportive of his agenda.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, I have a parliamentary inquiry. What is the parliamentary situation as it exists?

The PRESIDING OFFICER. The Senate is on the motion to proceed to S. 3521.

Mr. MCCAIN. Is the pending legislation open for amendment?

The PRESIDING OFFICER. It is not. The Senate is on the motion to proceed.

Mr. MCCAIN. How long has the Senate been on the motion to proceed?

The PRESIDING OFFICER. The Senate went to the motion this morning.

Mr. MCCAIN. I thank the Presiding Officer.

DEFENSE AUTHORIZATION

I was just glancing through the often-read calendar of business here that we chop down a lot of trees to provide on every Senator's desk on a daily basis. It is the Calendar of Business for Thursday, September 13. On page 58, for order No. 419, is S. 3254, by Mr. LEVIN, ''a bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.'' This was reported and placed on the calendar on June 4, 2012. So for nearly 4 months we have had the Defense authorization bill pending on the legislative calendar.

Meanwhile, we have been taken up with other important items, such as the one we are considering now, one that praises, as we all do, our veterans, with efforts for our veterans to obtain jobs. We already have six veterans job-training programs, but, what the heck, let's have another one.

Meanwhile, the men and women who are serving in the military, who will be veterans, are not having authorized the equipment, the training, the programs, the health care, family support systems for military families, for example, strengthening training, oversight, and the prevention of military sexual assault, ensuring that reductions in military personnel are matched with comparable savings in civilian personnel and contractors over the next 5 years, without sacrificing mission-critical capabilities. It authorizes $135 billion for military personnel, for the men and women who are serving today, including the cost of pay allowances, bonuses, and a 1.7-percent much-deserved, across-the-board pay raise for all members of the uniformed armed services. It also includes nearly $1 billion in unemployment benefits for members who leave military service and cannot find civilian jobs. It authorizes all our major weapons systems and every piece of equipment large or small that the Department of Defense needs and the men and women need who are still fighting in a war.

We found out in the last day or so that we still live in an extremely dangerous world. It authorizes $525 billion for the Defense Department, $88 billion for operations in Afghanistan and around the world, and $17.8 billion to maintain our nuclear deterrent. I think we have just seen with the tragic death of our Ambassador that al-Qaida and other extremist organizations are making a comeback in places such as Iraq and Afghanistan; certainly extremists were present in Libya in the tragic death of four Americans.

This legislation enhances the capabilities of our military and partners to counter and ultimately defeat al-Qaida and its regional affiliates which remain intent on attacking the United States and our interests.

But there is an issue that all of us are concerned about, cyber warfare, those attacks that we know are coming sooner or later. This legislation improves the ability of our Armed Forces to counter nontraditional threats focusing on terrorism cyber warfare and the proliferation of weapons of mass destruction.

I could go on and on about the importance of this legislation which has been before this body for 4 months. And what has the Democratic leader of this Senate done? We are about to go out of session next week without addressing the most important responsibility of this Senate and their elected representatives which is our Nation's defense.

In the meantime, when we take up bills, the majority leader ''fills up the tree.'' A lot of people do not know what that means. That means we cannot have an amendment. Then we vote and we drop that particular piece of legislation. Then the next week we will take up a piece of legislation that somehow will enhance the majority leader's ability to maintain his position as majority leader, certainly not believing that that legislation will actually be passed by the Senate.

Every year for 51 years the Senate has passed the Defense authorization bill, it has gone to conference and been signed by the President of the United States. The majority leader of the Senate and the Members on the other side of this body have been derelict in their duties, and we are about for the first time in 50 years not to authorize what the men and women who are putting their lives on the line for us every single day need very badly.

You know, sometimes my colleagues wonder why the American people hold us in such low esteem. If we cannot enact legislation that has us carry out our most important duties as representatives of the people, including the men and women in the military, then I am surprised that so many Americans still approve of the way Congress operates.

What have we watched here on the floor of the Senate for the last 4 months since this bill was put on the calendar and could have been taken up, debated and passed by the Senate as we have every year for 50 years? The majority leader of the Senate has refused to bring this bill before the body for debate, discussion, amendment and passage, our most solemn responsibility.

All I can say is, shame, shame, shame that we have not fulfilled the responsibilities to the men and women who are sacrificing their very lives on our behalf, a failure of colossal proportions. All I can say is I believe that the American people are aware, and I believe the American people deserve a lot better than they are getting from this body.

I yield the floor.

The PRESIDING OFFICER (Mr. COONS.) The Senator from New Hampshire is recognized.

Ms. AYOTTE. Mr. President, I want to follow up on the comments of the distinguished ranking member on the Senate Armed Services Committee who, of course, through his own service and sacrifice for our country knows too well how important it is for us to stand with our men and women in uniform. I wanted to follow up on what he said.

This body is about to go out and adjourn next week without passing a Defense authorization bill. It would be the first time in over 50 years in the history of our country. There is no plan that we have heard from the majority leader as to when we will take up this incredibly important legislation for our country.

What Senator MCCAIN has already outlined addresses issues such as pay for our soldiers and the equipment they

need and benefits they deserve and they have earned, and all of the important issues that impact the protection of our country, and making sure we stand in faith with our men and women in uniform.

But I have to say that, unfortunately, this is part of a pattern of where we are right now in the Senate. It is very disappointing. I got elected in 2010. I know the Presiding Officer did as well. I came here because I saw that our country was in trouble. At the time I ran, we were $13 trillion in debt. Now we are $16 trillion in debt.

I have the privilege of serving on the Senate Armed Services Committee. It really is a privilege. I am the wife of an Iraq war veteran, very proud of our men and women in uniform. I take that responsibility very seriously. But here we stand, about to adjourn without taking up Defense authorization, so important to our men and women in uniform. Here we stand about to adjourn with our military facing what is called sequestration, which is an across-the-board cut which our own military leaders have said will hollow out our force, will undermine our military security for generations. These are the words of our own Secretary of Defense, will break faith with our men and women in uniform. If we do not take action before January 1, this happens to our military, on top of the fact that we have not taken up Defense authorization.

But not only that, it has been 3 years since the Senate has taken up a budget for our country, which is one of the reasons we find ourselves in the situation with the hatchet coming to our military in January.

On top of that, the majority leader has not brought forward one appropriations bill that would go with, if done in the right way, the appropriate budgeting and responsible budgeting process for this Nation. Let's identify some of the appropriations bills. None of them has come to the floor. But there are two important ones I can think of for our men and women in uniform, the Defense appropriations and also the appropriations for our veterans. Yet none of that has come to the floor, and here we are about to adjourn next week, not doing the people's business, the reason why people sent us here. If we cannot have a budget and we cannot take care of the foremost responsibilities of the American people, which is to keep them safe through preventing Draconian defense cuts that are going to undermine and break faith with our military, and, by the way also will cost us a million jobs coming in January, along with I did not even mention our tax rates are expiring, yet we are all leaving town, I think it is irresponsible.

I would call on the majority leader to bring up the Defense authorization bill now. Why can't we do a budget for this country? Without a budget, how are we ever going to address the fiscal issues that are burning and have led us to be $16 trillion in debt?

I stand here today to talk about why we should bring the Defense authorization to the floor. I certainly do not want to be part of a Senate that for the first time in 50 years has not passed that Defense authorization bill for our men and women in uniform.

Here is what is important as well. In the Senate Armed Services Committee we passed Defense authorization out of committee unanimously. At a time when I understand the American people are looking at us saying, there is too much partisanship, we see you fighting too much, this is a bill that passed with unanimous support from Republicans and Democrats from that committee. So in terms of a bill we can bring to the floor that is incredibly important to our country, incredibly important to our men and women in uniform, and a bipartisan bill, I cannot think of a better thing to do for our men and women in uniform, rather than continuing to have what we have seen from the majority leader, which is sort of political show votes rather than doing the real work the American people have sent us here to do.

Defense authorization should be on the top of our list, preventing our military from these receiving these devastating cuts that are going to diminish our national security at a very troubling time in the world, and also averting this fiscal crisis that is coming in January. I think we should stay to do that. I think the American people would expect nothing loss of us.

I thank the Presiding Officer. I know the Senator ran in 2010. I am sure you heard this when you ran for office. We need to do better by the American people. I know this. We owe it to our brave men and women in uniform to pass Defense authorization—bring it to the floor, debate it robustly, and then make sure it goes forward.

The House passed their Defense authorization on May 18. We should do our job here as well and take it up right away. I hope the majority leader will do that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank Senator AYOTTE. She is a great member of the Budget Committee and a very active and aggressive member of the Armed Services Committee. She is the wife of an Iraq veteran, and knows and cares about these issues and contributes greatly. She and some of our other new Members have been flabbergasted to see how little has been accomplished in the 2 years they have been here. In my experience, Senator AYOTTE, this is the worst performance in the 16 years I have ever seen in the Senate. It may be the worst performance in 100 years.

As the Senator mentioned, the House passed the Defense authorization act in May. They passed a Defense appropriations bill in July. We have had all summer and done nothing. The Senator is so correct. We had some intense and good debate in the Armed Services Committee over that bill. Yet when it finished, we had a unanimous vote. I thought that was special. So why did the bill not get brought up? I do not know. I feel as if we have missed an opportunity to do our duty. Not only have we not had a budget, not only have we not had a Defense Authorization bill or a Defense appropriations bill, we have not had 1 of the 12 appropriation bills brought to the floor, not 1. I believe that has never happened perhaps ever before, at least in maybe a century. The decision that was made by the Democratic leader was supported by his conference. He cannot just do things that his conference does not support, so they have decided not to do this. We end up at the end of the year with this massive CR with multiple changes. They say it will be a clean continuing resolution to fund the government for 6 months at the same level of funding. That is not exactly accurate. There are some things in it. But it is not the way to do business—to have every one of the bills cobbled together, all 12 appropriations bills cobbled together, in one 6-month, half-year, appropriations bill. Because, you see, as of September 30, if we don't pass the appropriations bills, the government shuts down. Under the law and the Constitution this government cannot spend a dime that Congress has not appropriated. That is the way the government works. We have to appropriate money before some bureaucrat can spend it.

The House has done their duty but not the Senate. We have not passed a single one. So what will happen to avoid the entire government being shut down, the entire Defense Department being hammered? What will we do? We will pass a continuing resolution that continues to fund the government. For now, we understand it will be 6 months, and that would be a substitute for doing what we should have done. What will we do 6 months from now? Will we have another 6-month CR or will we actually pass appropriations bills?

I appreciate the leadership of Senator AYOTTE and her participation. I have heard her express her frustration as a new member of the Budget Committee that we haven't had a budget and didn't bring one up in the Budget Committee and didn't vote on it. As the ranking member of the Budget Committee, it was a deeply disappointing thing for me. That was a decision made by the majority leader, Senator REID, who said it would be foolish to have a budget. Now we have gone about 1,233 days without a budget in this country and it has created this kind of dysfunction in our government. I don't think it is acceptable. I don't believe there is an excuse for it. I believe it has been done purely for politics, and that is not good, not when the men and women in uniform are serving us, at risk of their lives, losing life and limb on behalf of this Congress because we sent them there and asked them to undertake a

dangerous job. Yet we can't even get together and get a bill to the floor.

I would say we worked hard in the Armed Services Committee. A bill Senator LEVIN and Senator MCCAIN led us to pass was passed unanimously. It was bipartisan. There were some things I would have liked to have seen done differently, and Senator MCCAIN and Senator LEVIN may have had different ideas, but we couldn't get everyone to agree with everything we liked. We did, however, get a pretty good bill and it was within the budget and it was the kind of legislation we need to pass.

So the House has passed their authorization bill, within the budget, and similar to our bill. We should be able to conference and produce legislation in a reasonable amount of time. But when a bill such as that comes to the floor, people are entitled to have amendments. They are entitled to offer an amendment, as Senator PAUL wants, to cut off funding for some foreign aid we have been putting out. But some people don't want to vote on that. It might not be an easy vote, but this is the Senate. People are entitled to offer amendments, they are entitled to have votes on issues they believe in and they campaigned on and they advocate and they are entitled to get their vote. But if it is a tough vote, it seems around here the leadership on the other side doesn't want us to talk about it. They do not want to be on record as voting. So that is a disappointment to us.

I think Senator MCCAIN spoke with clarity. He spoke as a man who served his country, who has been in harm's way, who suffered on behalf of our country, who understands foreign policy, who understands the Defense Department, and understands Congress. His comments were solid, on point and correct, and I hope all Americans listen to him.

I appreciate the opportunity of sharing my disappointment at this point and just want to make one last point before I yield the floor.

Senator MCCAIN, earlier today, and I and others, talked about the sequester. That has to be fixed by the beginning of next year. It needs to be fixed now. We can fix it now. We will fix it, in my opinion, sometime between now and the end of the year. It would be so much better if we brought it up, confronted the difficulties of the sequester and fixed it now rather than leaving a cloud over the Defense Department.

If we somehow fail to alter this sequester, this bill that is currently on the floor—the Veterans Jobs Corps Act—becomes very insignificant because we are going to be laying off so many members of our military who maybe just recently got back from a deployment overseas, in harm's way, who would like to make a career in the U.S. military. Maybe that is their plan and they all of a sudden get a blue slip. All of a sudden they hear Congress couldn't confront the sequester, we don't have money, and we are going to have to lay them off.

Don't think that is not possible. Because if this sequester goes in place, we are going to have to reduce personnel numbers in our military significantly. We have already taken almost $500 billion out of the Defense Department over 10 years. The sequester would take even more—an additional $492 billion in this sequester—and it cannot be done without more personnel reductions.

We have already assumed a decline of military personnel with the overseas deployments going down—some decline. But this would be a rapid, dramatic decline to meet the demands of the cuts of the sequester that are unwisely being imposed at this point, and it would cause substantial layoffs as well as substantial procurement problems.

So I hope we will think about that as we go forward. If we can't get it done before we recess, it needs to be done promptly. It should have been done this summer, and I feel like the leadership of the Senate should have been active in that. I think the President of the United States should have talked to his Secretary of Defense, who said the sequester would be catastrophic, would hollow out the military. He should have talked to Secretary Panetta, and he should be over here with Congress providing some leadership, saying: Mr. REID, fix this sequester. We cannot allow it to happen. I am the Chief Executive of the U.S. Government, I am the Commander in Chief of the U.S. military, and you are going to do damage to the military of the United States. It is my responsibility as President to insist that you and Congress get this thing done. I am prepared to provide leadership and suggestions and help to get it done.

Has the President done that? No. He has not said one word about our advancing or putting any effort into leadership that would lead us to fix this problem. I think that is disappointing. I have to say it is. Maybe others think it is all right for him to lead from behind, to sit in the White House and go make speeches and not worry about the sequester and not worry about the fact we haven't passed a Defense bill. I don't think so. I think you are still President of the United States, even when you are running for reelection. I think a phone call or two to the Senate leadership would get the ball moving. That is about all it takes, frankly.

It seems to me the White House is perfectly happy with inaction. That is the bottom line, in my opinion. They are perfectly happy. They want to tell the Republicans: If you don't raise taxes, like we want taxes to be raised, we are going to hammer the Defense Department. But he is Commander in Chief. He has a moral obligation to those men and women, to make sure we are safe and they are treated fairly. I don't think that is responsible.

I yield the floor, and I suggest the absence of a quorum.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

FAILED ECONOMICS

Mr. MCCONNELL. Mr. President, anyone who happened to be watching the Senate floor a little earlier today got a taste of why, in the midst of a national job crisis, Americans are still in danger of being slammed by one of the biggest tax hikes in history; why the U.S. military is today at risk of cuts that would devastate national security; and why there is now a very good chance another major ratings agency will downgrade our Nation's credit.

There is a reason all these things may actually happen, and it has nothing whatsoever to do with the Republicans:

The Nation is at risk of an entirely avoidable economic calamity because the President of the United States and the Democrats who control the Senate would rather spend their time picking apart PAUL RYAN and his budget plan—which the House has already passed—than producing one of their own. They would rather sit on the sidelines and hope people focus on the other guy's attempts to solve our most pressing domestic problems than bother to do anything about them themselves. This has been the Democratic M.O. for 2 long years, and it is a disgrace.

Later today the House will pass a 6-month continuing resolution to fund the government beyond the end of the month. Why? Well, because Democrats refuse to do the basic work of government. The Democratic Senate hasn't passed a budget in more than 3 years. This year they haven't passed a single appropriations bill. For 2 years Democrats have done nothing—nothing but cast blame.

The law says Democrats have to pass a budget. A simple majority can pass a budget. The law has been ignored. The President proposed a budget of his own. They have opposed that one as well.

The Nation is just 3½ months away from going off a fiscal cliff, and they actually seem to welcome it because their overriding goal isn't to help the American people find work, it isn't to get a handle on the debt, it isn't to give small businesses a boost, it is to make government even bigger than it already is. And they are perfectly willing to let the country plunge into an even deeper economic mess to ensure they get the bigger government they want. That is how extreme Washington Democrats have become.

They are on an ideological crusade. They spent the first 2 years of this Presidency putting their policies in place, and when they lost their big majorities in Congress they decided to sit on their hands rather than change their approach, as all of these challenges built and built and built.

For 2 years this President got absolutely everything he wanted legislatively. Aided by giant majorities in both Houses of Congress and goaded on by a chief of staff who told him to brush aside any pleas for bipartisanship, he spent 2 years putting into

place the big government agenda he and his liberal allies had dreamed of—an agenda so extreme that their biggest challenge was making sure Members of their own party didn't defect.

The results of those efforts are clear for all to see. Unemployment has been above 8 percent for 43 straight months. Growth is an anemic 1.5 percent, the slowest recovery since the Great Depression. The Federal debt is a stratospheric $16 trillion. A full 15 percent of Americans are now on food stamps. The Census Bureau said just yesterday that household incomes have declined every year of the Obama administration, and one out of six Americans is living in poverty. And the labor participation rate—the percentage of those who can work who are actually working—is at its lowest point in decades.

If we count people who have given up looking for work, unemployment is above 11 percent, not the 8 percent we read about. These are the grim realities of the Obama economy. And make no mistake, the framework for it was laid in 2009 and 2010.

So, yes, President Obama and Governor Romney have different philosophies on how to lead America back to prosperity. But the biggest difference is this: One of them has had 4 years to implement his vision, and it should be obvious to everyone it has been a total failure. It has failed to lift us out of a jobs crisis. It has helped prevent the type of recovery we all know is entirely possible. Yet all we get from the President or from Democrats in Congress is feel-good rhetoric, attacks on Republicans who are actually working to solve our problems, and political show votes that are deliberately designed to fail.

Blame the other guy and maybe people will not notice your own refusal to lead or the implications of your own vision. Because, make no mistake, in order to fund the government this President wants, there would be no choice but to go after the very middle class he claims to be fighting for.

That is the dirty little secret behind the President's vision for America. That is the math he didn't mention in Charlotte, and that is the real story about what has been going on around here for 2 long years. The President and Democrats in Congress laid the foundation for the economy we are in right now. They were so sure it would work that the President said if it didn't, he wouldn't deserve reelection. Well, it didn't.

So for the last 2 years Republicans in Congress have done everything we could to convince the President to go in a different direction, to change course. He didn't. He doubled down on the same failed policies, and when he wasn't able to get them through Congress, he blamed Republicans for the consequences. Well, blaming us for the results of his policies is almost as ridiculous as concluding that the vision behind them will be any more successful over the next 4 years than it has been over the last 4 years.

It is time for Democrats, from the President on down, to stop blaming others and to start leading. Our problems are too serious and our challenge is too urgent to wait another day to act.

TRIBUTE TO JAMES BILLINGTON

Mr. MCCONNELL. Mr. President, tomorrow the Librarian of Congress, Dr. Jim Billington, will mark 25 years on the job, and so I would like to just say a few words of congratulations in honor of his service.

Dr. Billington has enjoyed a distinguished career. He is a Rhodes Scholar, earned his doctorate from Oxford, served in the Army, and taught history at Harvard and Princeton. He is a renowned author and a Russian scholar, advising numerous Members of Congress, administration officials, and even Presidents.

Dr. Billington's tenure at the Library of Congress has been exemplary. His most significant contribution is certainly his vision to bring the Library of Congress into the 21st century by digitalizing its collection. Because of his actions, Dr. Billington has expanded the Library of Congress's reach into thousands of educational institutions and millions of homes here and throughout the world. Under Dr. Billington's leadership, the Library of Congress has strengthened and flourished.

So today we honor and we thank Dr. Jim Billington for an outstanding job leading the Library of Congress for the past 25 years. We wish him continued success and thank him for a lifetime of service to inspiring and educating others.

Dr. Billington, congratulations.

Mr. SCHUMER. Mr. President, I too wish to offer congratulations and gratitude to Dr. James H. Billington on the occasion of his 25th Anniversary as Librarian of Congress on September 14, 2012.

Dr. Billington was sworn into office as the 13th Librarian of Congress on September 14, 1987, after being nominated by Ronald Reagan and unanimously confirmed by the U.S. Senate. A distinguished Rhodes Scholar, author, and humanitarian, he has received over 40 honorary doctorates and has authored several books on Russia and the former Soviet Union. Earlier in his career he served in the U.S. Army and taught history at Harvard and Princeton Universities. Later he went on to become the director of the Woodrow Wilson International Center for Scholars in Washington, D.C. where he founded the Kennan Institute for Advanced Russian Studies and seven other new programs as well as the Wilson Quarterly.

Mr. Billington's tenure at the Library has been remarkable for his vision, his commitment to excellence, and for the wide-ranging intellect and experience he has applied to making the Library of Congress one of the most respected citadels of knowledge in the world.

Dr. Billington led the Library into the digital age, giving on-line access to its many treasures to Members of Congress and people throughout the world with the Library of Congress National Digital Library Program, the THOMAS data base, and the Open World Program. He oversaw the establishment of the Kluge Center, an endowment fostering scholarly interaction between world thinkers and policy makers that includes a million-dollar prize honoring lifetime achievement in the study of humanity. His encouragement and enthusiastic leadership led to the creation of the Packard Campus Audio-Visual Conservation Center which consolidated all of the Library's recorded sound and film collection in a single, state-of-the-art facility for conservation and permanent archival storage. These are just some of the many accomplishments for which he will be long remembered.

Dr. Billington has also overseen the restoration of the Thomas Jefferson and John Adams buildings. Today, the Thomas Jefferson building, with its pristinely restored marble columns, staircases, mosaics, and paintings is considered to be one of the most beautiful public buildings in America.

As Chairman of the Joint Committee on the Library and Chairman of the Senate Committee on Rules and Administration, I extend my appreciation to Dr. Billington for his visionary leadership and extraordinary accomplishments that have made the Library of Congress, one our greatest national institutions, the remarkable place that it is today.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THUNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. THUNE. Mr. President, I ask unanimous consent that I be allowed to speak as if in morning business.

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

THE RYAN BUDGET

Mr. THUNE. Mr. President, all week my Democratic colleagues in the Senate have been coming to the floor and using scare tactics and demagoguery on the so-called Ryan budget. Of course, what they are referring to is the budget that was passed by the House of Representatives months ago.

I suppose it is fair anytime someone produces something to have that criticized, critiqued, scrutinized, looked at, and discussed. But at the same time it seems if someone is going to attack the product that somebody else had put forward the natural follow-up question would be: So what are you proposing? Where is your budget proposal?

I think it begs the question on behalf of the American people that the Democrats in the Senate who want to attack the House-passed budget haven't produced a budget of their own.

It has been over 1,200 days—1,232 to be precise—that we have not considered a budget in the Senate. For those who are trying to do that arithmetic in their minds right now, that is 3 years and 4 months—3 years and 4 months without a budget in the U.S. Senate. That, at the same time that we continue to get bad news about the economy.

This week we received news that Moody's intends, if we end up going over the fiscal cliff next year, to downgrade America's credit rating. That would follow with other credit rating agencies that have already made that assumption about the American economy and the American fiscal situation. We also received notice last week that the World Economic Forum had downgraded America's global competitiveness.

When President Obama took office in January 2009, America was ranked first in the world when it comes to global competitiveness. We dropped down to fourth or fifth in the last year or two. But just in the last couple of weeks, the World Economic Forum has dropped the United States even further. We are now seventh in the world when it comes to global competitiveness.

The reasons they cite for that are many, but it comes back to the basic issues of spending and debt and taxes and regulations and redtape and the cost of doing business in this country. It seems as though the Democratic solution is to tax more so we can spend more. Raise taxes to grow government. That seems to be the only solution the other side is willing to put forward.

Now, when I say that is the only solution, that is what we hear coming out of the White House in terms of the so-called fiscal cliff and in terms of the response to dealing with the sequester: Well, we could do away with the sequester if we just had more revenues. If Washington could just raise more money—more tax revenues—from the American people, this problem would all go away.

But what it misses is the fact that the real issue in Washington, DC, isn't that we tax too little; it is that we spend too much. Washington has a spending problem that needs to be corrected. At least the House of Representatives put forward a budget plan that addressed the fundamental problems that plague our Nation's fiscal situation.

You look at what we are facing in terms of obligations, liabilities, responsibilities in the years in the future—Medicare, Social Security, Medicaid, other programs—they continue to grow at two or three times the rate of inflation. That is not sustainable. That is going to lead us to bankruptcy. We are on an unsustainable fiscal path. The trajectory we are on today cannot be sustained over time. Yet we have not seen any proposal put forward by the Democrats here in the Senate—not just for this last year but the year before that and the year before that. It has been 3 years and 4 months now since the Democrats in the Senate have put a budget on the floor that we would have an opportunity to vote on and to give the American people at least an idea about where we want to lead this country.

So when they come down here, hour after hour, day after day, night after night, attacking the House-passed budget, I think the American people have to say to the Democrats here in the Senate: Where is your plan? Where is your budget? Show us what you would do. Show us how you would address the fiscal crisis we are facing.

The answer is, there is none, it is nada, it is zero. There is not one, no budget, no plan, not this year or the year before or the year before that. For 3 years and 4 months now there has not been a budget put on the floor of the Senate for us to vote on, for us to discuss, for us to have any kind of conversation about the future of this country and what we are going to do to address the fiscal crisis that we all acknowledge exists.

This is the most predictable crisis, as has been pointed out, in American history. We all know where we are headed. You can look at the numbers. It is not complicated. It is not rocket science. It is simply a function of math and the math is working against us, and every day we wait it becomes more complicated, difficult, and problematic, I believe, for us to solve this problem, and it further threatens the future and puts at risk our children and grandchildren and the quality of life and the standard of living they are going to experience and enjoy in their lifetimes.

When the ratings agencies such as Moody's come out and say that this fiscal cliff, if we go over it, means a downgrade in the credit rating of the United States, when you have organizations such as the World Economic Forum say that the United States is now seventh when it comes to global competitiveness as opposed to first—which is where it was when the President took office—we all should take notice. It is another flashing light, another warning sign, another red flag, if you will, that things are not well in the United States of America. Yet the only proposal that has been put forward that would address that is the budget passed by the House of Representatives. Why? Because the U.S. Senate again has not passed a budget. We have not produced a budget now for over 3 years.

It is interesting because one of my Democratic colleagues who was down here talking earlier this week described the budget as a set of values; in attacking the House-passed budget, that somehow the House-passed budget represented the wrong values. It did not represent, somehow, American values. If the budget represents a set of values, what does it mean, then, when you do not have one? If you do not have a budget, what does that say about your values?

It seems to me, at least, that at least the House of Representatives, to their credit, has put forward a proposal that, whether or not you agree with it, does address the fundamental problems we have as a Nation; that is, out-of-control Federal spending, a trajectory with regard to entitlement programs that literally will bankrupt the country, and a Tax Code that is overly complicated that needs to be reformed. Those were all addressed in the House budget. A lot of people attacked the whole idea in the House budget with regard to Medicare reform, which is referred to as premium support. Premium support is not a new idea. It is something that was popularized by liberal think tanks years ago. In fact, this year the House-proposed idea, when it comes to premium support, was something advanced by Representative PAUL RYAN and Senator WYDEN here in the U.S. Senate. It was a bipartisan idea.

It was also something advocated by the Rivlin-Domenici task force that looked at our fiscal situation, made recommendations, and when it came to the notion of how to reform Medicare, premium support was something that was put forward as something that could be a new idea that can save the government—the taxpayers—money, introduce competition in the same way that the Medicare Part D Program has introduced competition and actually saved money over what it was proposed to cost.

It is not a new idea. It is an idea that has been tried. When Medicare Part D was adopted, the premium support concept was included as part of that and you can see the results of that have led to lower costs, much lower costs than were predicted. Frankly, that is, I believe, because it introduced the element of competition into the whole way we deliver health care services under Medicare. That was something that was proposed and built upon, developed as part of the budget that was passed in the House of Representatives. But, again, it is something that is not new around here. It has had lots of support in the past from Democrats.

It seems to me at least that if we know what we have today is not working, we ought to be willing to at least entertain a discussion and conversation about some ideas that might actually solve the problem and might work. Yet here in the Senate for 3 years we have not had a budget.

Some would argue that the President of the United States has put forward a budget. In fact, as a matter of I guess delivering a set of papers to the Congress, he did do that. But I would argue and I think most would agree it was not a serious effort. It certainly was not a meaningful attempt to address

the issue of spending and debt or entitlement reform and that was evidenced by the fact that when it was put on the floor in the Senate to be voted on, it was defeated by a vote of 97 to 0. In the previous year the House of Representatives had a vote on the President's budget. That year it was voted down in the House by something like 419 or 420 to 0. The President's budget for 2 consecutive years here in the Senate has not received one vote from any Democrat in either the House or the Senate.

That should speak volumes about the President's attempt to do this. I think what it suggests is it was not serious, it did not make a real effort at trying to address the issues of spending and debt and getting the economy growing again and reforming our Tax Code and driving down the cost of doing business in this country instead of increasing the costs, which is something that seems to be happening every single day. As I travel across my State of South Dakota and listen to businesses from other parts of the country, I hear over and over again that the cost of doing business is making us uncompetitive. We continue to be saddled with regulations, with requirements, with mandates, with taxes. Those sorts of things, the redtape of doing business, are making it incredibly difficult for our small businesses and job creators to get this economy back on its feet and get it growing again.

I would simply say in response to the attacks that have been leveled by my colleagues on the other side on the proposal that was advanced and put forward by the House Republicans, that it would bode well if you want to have a debate about priorities, if you want to have a debate about values and if you want to have a debate about budgets, to have one. It starts with a budget. We don't have one. We do not have any plan for how we are going to deal with the very factors, the very elements that led organizations such as Moody's and the World Economic Forum to determine that the United States credit rating is in jeopardy and that our global competitiveness has dropped from first in the world to seventh.

Those are things I think we ought to be talking about, and you cannot start talking about those things unless you have a plan, unless you have a budget that describes what you would do to address the drivers of Federal spending, the drivers of Federal debt.

Again I cannot emphasize this enough: the only thing I hear coming out of my colleagues on the other side to address it is we need more revenues. We need to raise more taxes. We don't have enough revenue. If we could raise more revenue we could solve all those problems. I say to my colleagues what we have here in Washington, DC, is not a revenue issue, we have a spending problem. Washington does not tax too little, it spends too much. That is why we need to get spending under control, but it starts with the budget.

I think it behooves our colleagues on the other side, as they come down here day after day and berate and attack and suggest somehow that the budget that was passed by the House of Representatives is not representative of American values, to come down here with something of their own that might lay out a plan that actually does address Medicare reform, Medicaid reform, tax reform—the things that we know have to be dealt with in the future if we are going to hand a better and more prosperous and stronger Nation to our children and our grandchildren. That simply has not happened.

They can come down here and say what they want, but when there is no budget, there is no blueprint, there is no plan, then there is no path forward that addresses these difficult, complicated challenges and problems that face us and face our Nation in the future. I hope we eventually see that. I hope the President will come to the table and that we can sit down and talk about how we are going to solve the fiscal cliff we are headed over at the end of this year. Again, it is not just the credit rating, it is not just global competitiveness, it is the American economy that is at stake as well. The Congressional Budget Office has said if we go over this fiscal cliff where taxes go up on January 1, where these disproportionate cuts take effect on the military budget, we are looking at an economic recession next year, a contraction of the economy of 2.9 percent and unemployment above 9 percent. This is about America's standing, about our competitiveness, and it is about jobs in the economy, fundamentally. It is high time that we had help and cooperation and an idea, perhaps, from the other side about how they would solve these problems. I hope we will get that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, first I note Senator GRASSLEY is on the floor and I thank him for the courtesy of allowing me to go next.

I ask unanimous consent to speak as in morning business.

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

THE FARM BILL

Mr. CARDIN. Mr. President, I take this time on behalf of Maryland farmers. They are hurting, along with many farmers around the Nation, because of the devastation from the drought. I am talking on behalf of the poultry farmers. As the Presiding Officer knows, in the Delmarva peninsula the impact they have had from the drought on the corn crop makes it extremely difficult to make ends meet. I am talking about dairy farmers in western Maryland. We have a robust agricultural community. It is one of the largest parts of our economy. That is true in just about every State in the Nation. We have seen the worst drought in 50 years. It is affecting 42 States in this Union. This is widespread. Congress needs to act.

First we should encourage our colleagues in the House of Representatives to take up and pass the farm bill that we have passed. That was a bipartisan bill. It was a bill that was debated in this Chamber. It is a bill that would help our agricultural community to get through this crisis brought about by extreme weather. As I mentioned, the farm bill was a bipartisan effort. It dealt with many components that would help segments of our agricultural community as a result of the conditions from the drought. Let me mention a few.

The livestock disaster provision that expired in 2011 in the farm bill is strengthened, it is made retroactive back to 2012, and it would help those who are in the cattle producing part of agriculture get through the conditions of this drought. Seventy-two percent of the cattle-producing areas are affected by the drought. It is going to have an effect on our entire country. We have a responsibility to make sure our farm policies help them get through the unusually disastrous weather conditions. As I mentioned earlier—and the Presiding Officer being from Delaware knows the poultry industry has suffered unbelievably. The reason, quite frankly, is—and I will talk a little bit more about this—the price to produce a chick in the poultry industry is so much dependent on the price for feed and corn. The corn price is extremely high as a result, in part, of the drought conditions.

The farm bill we passed would help the corn producers which, in fact, would help the poultry industry, so it is an important part of the farm bill. From my fruit and vegetable growers, the reform in the Crop Insurance Program would help them during these very tough times.

Let me mention the conservation programs. I know Chairman STABENOW has talked about this frequently on the floor, but the farm bill we passed reforms the conservation programs and allows our farmers to do the right thing. One of the things we learned from the Dust Bowl—the crisis we confronted in the 1930s—was that we have to take care of and protect our water and soil. We need to be attentive to water and soil. After the Dust Bowl crisis, we passed in the Congress different types of conservation acts.

The farm bill we passed in this House consolidates, reforms, and strengthens the conservation programs so our farmers can do the right thing not only for producing today but producing tomorrow and taking care of the circumstances we know Mother Nature will be throwing at us. We can't do anything about that until the House takes up the farm bill. They have yet to take it up.

I urge my colleagues in the other body to take up this bill. We need to do that for many reasons, one of which, of course, is the extreme conditions that the agricultural community in this country is confronting as a result of this drought.

Let me talk specifically about poultry. On the Delmarva Peninsula, the poultry industry is in crisis. It is in crisis. The Senator from Delaware, the Presiding Officer, understands this. Seventy-five percent of the cost to produce poultry is in the price of feed. The poultry industry uses corn for feed. They need to have corn. At the present time, corn is approaching $9 a barrel. What does that mean? If the price is at that rate, it would cost about $2 per pound to produce a chick for market. The retail price is $2 a pound. It doesn't take too much of an economic background to know we cannot make it under those economic conditions.

Our poultry industry needs help. They need to be competitive, and it is difficult to do that when we are so dependent upon the price of corn. The problem with corn is we are competing uses. It is not only used in the food chain, it is used as an energy source as a result of corn-based ethanol, which distorts the food chain.

I have introduced legislation, along with Senator BOOZMAN and Senator MIKULSKI, that would modify the renewable fuel standards. Those are the standards which require a certain percentage of our renewables in corn ethanol. It would modify that, and let me explain how. It would link the amount of corn ethanol required for the renewable food standards to the amount of the corn supply. That makes sense. When we have more corn, fine, we can meet the renewable standards. But this year we have had drought conditions so we have much less corn. As a result, corn is going up in price, making it very difficult for our poultry industry. So then the requirements would be reduced. We think that makes sense. That is using market forces to help meet our energy needs but also to help deal with the realities of the poultry industry.

I have also joined with Senator HAGAN, Senator CHAMBLISS, Senator PRYOR, and Senator BOOZMAN in authoring a letter to the Environmental Protection Agency calling for them to waive the renewable fuel standards conventional ethanol product mandate for this year. Again, let the farmers be able to compete. Don't let us distort the marketplace.

Let me just say, in summary, agriculture is critically important to this country for many reasons. It is one of the largest parts of our economy, it is important for our national security, and it is part of our way of life. We lead the world in agriculture productivity. It is important for us on international trade and all the reasons I mentioned. We need to be attentive to how we deal with agriculture in this country. We need a farm and agricultural policy.

The farm bill we passed is necessary to be enacted or we are going to have a lapse in our agricultural programs. We have done our work. It is critically important before the House goes home that they take up the farm bill. I hope they will pass our farm bill in order to help farmers in Maryland and around the Nation. I then hope we would also pay special attention to the poultry industry, to recognize that because of the price of corn related not just to the food chain but to energy we have a responsibility to help an industry that is so dependent upon corn as a commodity to produce the poultry product.

We need to help our agricultural community to do the right thing. It is important for our country, and I urge my colleagues to pay attention to these issues before we recess for the fall elections.

With that, I yield the floor.

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

Mr. GRASSLEY. I come to the floor to discuss the State of our economy and to give suggestions on how to improve it. But before I go to the main purpose of why I came here, I wish to say to the Senator from Maryland that I agree with him. The House of Representatives ought to take up a farm bill. I hope they will, and that is my urging.

I also wish to take advantage of the opportunity to explain a little bit about ethanol and how that works in with the situation he brought up about increasing feed for chickens or any other animals.

This year, farmers planted 96 million acres of corn. There were more acres of corn planted than in any other year since 1938. Most of that is because of the ethanol industry. If we didn't have the ethanol industry, we would normally plant somewhere between 80 and 85 million acres of corn.

Let's assume we never heard of the word ''ethanol'' or the product ethanol, that it didn't even exist, and farmers planted the usual 80 to 85 million acres of corn. Let's also assume we had the same drought we had this year—over about two-thirds of the United States—and the corn crop is going to be reduced because of it. If we planted 80 to 85 million acres of corn and we had the same drought, we would still have the high price of grain we have right now, but we wouldn't have ethanol to blame for it.

So the marketplace is bringing about the increased production of corn because of feed, fuel, and fiber. We should not be scapegoating ethanol, because if we didn't have ethanol to blame, we wouldn't be planting 95 or 96 million acres of corn. We would be planting about 80 to 85 million acres of corn and we would still have the same high price and the same problem for the poultry producers.

ECONOMIC LEADERSHIP

Now to the point that I came to the Senate floor. We all recognize our Nation faces challenging times. We have had years with unemployment at unacceptable levels and anemic economic growth that shows no sign of lifting us out of the situation. Meanwhile, rampant government spending, which we were promised would jump-start the economy and create jobs, has instead displaced private sector investment and choked off job creation. More and more Americans are starting to doubt that their children and grandchildren will have better opportunities than they had, not to mention the fact that they will be forced to pay for all that spending.

We keep being told by President Obama and members of his party that change is just around the corner. If we just keep doing what we are doing, things will get better. After almost 4 years of failed policy and dashed hopes, that line is wearing thin. Fortunately, our problems are not insurmountable and the solutions are common sense. All that is needed is sufficient leadership to make the tough decisions.

In fact, this is the same situation Great Britain faced in the 1970s. Britain was mired in debt and even had to go to the IMF for a bailout. Successive British Prime Ministers had recognized the looming financial problem for years but failed to get the budget under control. At that time, in the 1970s, Britain was known as the ''sick man of Europe.'' Still, as in this country, interest groups that benefited from public spending threatened to bring down any British Government that even considered measures to control spending.

We see those same forces in the Congress of the United States telling us we can't cut anyplace. In fact, Britain did face massive strikes in the winter of 1978 to 1979, better known as the winter of discontent.

As a result of the inability of several different Prime Ministers to take the difficult steps necessary to turn things around, many pundits started to speculate Britain had become ungovernable. There were even many British politicians who had decided the best they could accomplish was to manage the economic and political decline of Britain. We hear the term in the United States of a ''new norm.'' I hope we aren't getting into that same attitude the British had in the 1970s.

But they had a leader who came along by the name of Margaret Thatcher. She utterly rejected the notion that decline was an option. In fact, she was famous for repeating the phrase: ''There is no alternative.'' So I would like to take those words, ''there is no alternative,'' as a guiding point for us in the Congress, Republican or Democrat, that we have to do something.

''There is no alternative.'' Prime Minister Thatcher meant that control of the policy based on uncontrolled spending had failed. If economic recovery was the goal, the only alternative was the free market. This meant cutting spending, reducing growth-inhibiting income taxes, and reining in government micromanagement of business—things we hear from the private sector in the United States today.

Despite the hard lessons of experience, the prevailing economic theory of the day still held: that government

spending was good for the economy and that government central planners could operate more efficiently than private business left alone.

That is the situation she was describing in Britain. However, for us in the United States, whether it is government or the private sector, it is like asking: Are 535 Members of Congress smarter to determine the direction of the economy or are the 308 million people outside of the Congress in the United States better prepared to do it, and which will do the most good?

Now, Thatcher faced intense opposition both from true believers in the stimulus ideology and from those with a vested interest in the status quo, but having rejected national decline, as she did, as an option, there really was no alternative. She explained to the British public why her course of action was necessary and stood up to the special interests that stood in the way of prosperity. We hear from our constituents we ought to do something about those special interests, but we don't seem to do much about it.

When the media began speculating she would fail to follow through and that she would lose her spine and make a U-turn as so many of her predecessors had done, Mrs. Thatcher's response was: ''You turn if you want to . . . The lady's not for turning.''

What Prime Minister Thatcher provided for Britain is very simple: Leadership. That is what the United States needs today.

Most Americans I talk to believe in our opportunity society and refuse to accept that the American dream of a better life for our children is dead or that there is a new norm or that America is in decline. For those of us who feel that way, restoring the dynamic American free market economy is essential. In the words of Margaret Thatcher, there is no alternative. We must reduce spending. There is no alternative. We must have low, simple, and stable taxes. There is no alternative. And there is no alternative to reducing and reforming the growing regulatory burden.

During the last 3½ years, the national debt has grown by more than $5 trillion—an increase of 50 percent. This year will be the fourth consecutive year with trillion-dollar annual deficits. These deficits and a Federal debt that now totals $16 trillion are, in fact, dampers on private sector job creation.

When Washington takes and spends the wealth created in the private sector, it crowds out new investments that would have been made by businesses and entrepreneurs, investments that would have resulted in the creation of new wealth and job opportunities for more Americans. The out-of-control spending has created a stagnant economy with unemployment stuck above 8 percent now for 42 consecutive months.

Economic freedom must replace bigger government. Economic growth must be our top priority, and fiscal discipline in Washington is a prerequisite to sustainable economic growth. In the words of Prime Minister Thatcher, there is no alternative.

The 4-year experiment attempting to increase economic prosperity by growing government and managing the economy through government intervention has failed. To address the anemic economic recovery and get America back to work, we must reduce the size and scope of the Federal Government. In the words of Prime Minister Thatcher, there is no alternative.

Again, our Nation is $16 trillion in debt. How much is $16 trillion? Well, if we started counting to 16 trillion one second at a time, it would take a person over 500,000 years to reach that level.

The Federal Government will spend more than $11 trillion just on Medicare and Medicaid over the next 10 years. Medicare and Medicaid serve a vital role in providing health care services to individuals who are poor, elderly, or disabled. But just because those programs have operated a certain way for 47 years doesn't mean they operate efficiently, even though we all agree they are part of the social fabric of America and must be maintained. If we want to save those programs for future generations, the current path of just saying no to every proposal and every special interest is not an option. In the words of Prime Minister Thatcher, there is no alternative. There is no alternative but to look at their very structure and ask the question: Can we do better?

As we begin to take the steps to pull ourselves out of this fiscal mess, we also need to reform how Washington does business so we don't find ourselves in this situation again. One major step that could produce long-term fiscal discipline is a balanced budget amendment, but if we passed that today it would not get us out of the hole we are in. However, once we get out of the hole, it is going to keep us from getting into it again.

The national debt now is reaching a point where if we do not intervene with a constitutional amendment for a balanced budget, it is going to become unsustainable. Mere laws have not controlled deficit spending because Congress can always change a law when it becomes politically expedient. I went through this one time because I was an author with a former Senator in this body by the name of Harry Byrd from the State of Virginia, not West Virginia. He and I worked together when I was a Member of the House. We got legislation passed requiring a balanced budget. For 15 years that law was on the books and never in those 15 years was there ever a balanced budget.

So it makes it very clear that statutes will not control deficit spending. I concluded a long time ago that a constitutional amendment is a ''must'' to provide Congress with necessary discipline. The example right now of Europe's debt situation is sobering. Nations that allow debt to grow out of control risk default.

Think of Greece as an example. If we do not take effective, corrective action, the European future could be ours, and maybe sooner than we think. The time for tinkering around the edges of the budget is over. We must take bold action to address the debt crisis before it is too late. In the words of Prime Minister Thatcher, there is no alternative.

Another area crying out for decisive action is our voluminous Tax Code. Uncertainty in our Tax Code and the threat of higher taxes is like an anchor preventing our economy from setting sail. At the end of the year, the across-the-board tax relief first enacted in 2001 and 2003 will expire. Its expiration will lead to a higher tax bill for virtually every taxpayer, representing one of the largest tax increases in the history of the country, and, as my colleagues know, that can happen without even a vote of Congress. Federal Reserve Chairman Ben Bernanke has testified about the negative impact of higher taxes on a fragile economy.

More importantly, I hear from employers that uncertainty about the future makes it difficult to plan, take risks, and make decisions to expand and hire. Tax certainty must be a priority in creating a progrowth environment. In the words of Prime Minister Thatcher, there is no alternative.

Even President Obama has acknowledged the negative impact of tax increases on economic growth saying we shouldn't raise taxes in a recession. We remember because he campaigned on tax increases in 2008, but before he was even sworn in he warned people we can't have that tax increase now because we are in a recession. Nevertheless, nearly every day our President is on the campaign trail in 2012 talking about tax increases on the so-called rich claiming them to pay their fair share. But I have never had a definition from the President of the United States of what a fair share is.

However, the so-called rich already pay the overwhelming majority of Federal taxes. Do my colleagues know that the top 20 percent of households currently account for 95 percent of Federal income taxes? Moreover, the top 1 percent we hear so much about bears nearly 40 percent of the Federal income tax burden. It is no wonder our job sector, especially the nearly 1 million small businesses targeted by the President's tax increase, are reluctant to make business decisions and invest in this climate when taxes are going to go so high at the end of this year. There are businesses ready to expand and create jobs. There are millions of dollars in private sector investment waiting to be invested and to create jobs. But businesses are holding back, waiting for the heavy boot of higher taxes to drop. It is time we replaced divisiveness and demagoguery with a progrowth tax policy.

This country does not need more taxes; we need more taxpayers. The way to get more taxpayers is to get

more people working. The way to get more people working is to encourage that investment. We need to take the uncertainty out of the present political environment here that has an impact on the economy.

When businesses and entrepreneurs are willing to put everything on the line by opening a new business or expanding an existing business, we must assure them that they will be able to enjoy the fruits of their success, not punish them with a higher tax bill which takes money out of their cashflow. When a business operates on cashflow, they cannot hire people if they don't have the cash.

So we must act decisively to stop job-killing taxes from going up. In the words of Prime Minister Thatcher, there is no alternative.

It isn't just the threat, though, of taxes that has caused uncertainty and held back private sector investment. The threat of costly new regulations has paralyzed many industries. In fact, I hear more complaints from small businesses about regulation than I do this biggest tax increase in the history of the country coming before us this December.

During the past few years, thousands of new Federal rules were finalized. Those who view government intervention into private enterprise as positive might say: So what.

All of these rules come with real costs. This administration has issued about 200 major rules that each have an impact of $100 million or more. A Gallup poll taken at the end of last year found that compliance with government regulations is the single biggest issue facing small business owners today. When 70 percent of the new jobs in America are created by small business, we ought to be concerned about what these small businesspeople are saying is their No. 1 problem.

On top of the outright cost of new regulation and the compliance burden, the uncertainty about when a new regulation might come down makes businesses reluctant to expand. In recent years we have seen regulation on top of regulation. No one knows when the next one will appear or how much it will cost.

During the Great Depression, the avalanche of new agencies with newfound regulatory powers led to businesses sitting on large amounts of cash, even in industries that were not yet affected by the new regulations because the uncertainty about who would be targeted next froze private sector investment. Now we are seeing pretty much the same thing today.

It would be one thing if these were essential protections for the environment or public health as proponents often claim, but for many of these new regulations the cost of compliance outweighs the public benefit.

It doesn't make any sense to try to regulate dust on farms when there is no practical way to stop the wind blowing. Still, I don't know how many years the EPA has been working on what they call a ''fugitive dust rule.'' Does it make any sense to make a dairy farmer fill out pages of documents to prove they have a plan in place in the case of an accidental milk spill? Well, they considered that regulation, but it was too outlandish that they made a public announcement they were not going to do that. Then why was EPA wasting time considering these regulations in the first place? There are legitimate forms of pollution that need attention, but even then the EPA seems intent on overkill.

Did the Utility MACT rule, which was intended to limit mercury emissions from powerplants, really need to be the single most expensive regulation in EPA history?

In addition to this rule, powerplants that rely on coal, like most of those in my State of Iowa, are facing a whole new string of overlapping rules with their own compliance deadlines and paperwork.

These include the Cross-State Air Pollution Rule, the National Ambient Air Quality Standards, regulation of greenhouse gas emissions, cooling water intake regulations, clean water effluent guidelines, and coal ash regulations.

Taken separately, each of these may have some justification, but when you put them all together, the cost and compliance burden is enormous, especially on small utilities.

Yesterday there was a delegation of Iowa rural electric cooperatives in my office explaining exactly how costly this was to them and their consumers.

That leads many people to suspect that the real motivation for this burst of regulation is an ideological drive to artificially raise the cost of electricity generation using coal, which would hurt the economy in places such as Iowa that rely on coal for cost-effective energy. A regulatory approach that imposes excessive costs for little or no benefit does not do anyone any good.

Regulatory agencies should be held accountable for meeting the cost-benefit test and also—a little more difficult to measure—the commonsense test. The deluge of regulations in recent years and the uncertainty—there is that word again: ''uncertainty''—about what is coming next is acting like a wet blanket on our economy. We must put an immediate stop to unnecessary, costly new regulations. In the words of Prime Minister Thatcher, there is no alternative.

In the long run, we need comprehensive regulatory reform. The Constitution vests all legislative powers in the Congress, which is directly accountable to the American people. However, over the years, Congress has delegated more and more authority to unelected and unaccountable bureaucrats. And once delegated, it is difficult to take back. As a result, then, we have a massive administrative state full of well-meaning but unelected government officials who have great power to write regulations with the force of law, with little or no democratic accountability.

This has led to the implementation of major policy decisions that impact the economy and the lives of the American people that likely would never have been approved if they would have had to have been voted on by the Congress.

That is why I am an original cosponsor of the Regulations From the Executive in Need of Scrutiny Act. REINS is the acronym. The REINS Act would require every major Federal regulation to come before both Houses of Congress for a vote and be signed by the President before it can be implemented. This will allow voters to hold their Members of Congress accountable for ill-conceived regulations. It would be a check on the mistake that Congress makes by delegating so much power in the first place. It would also provide more transparency and predictability to the regulatory process, thus reducing job-killing uncertainty.

Reforms such as the REINS Act would be a major change in how Washington does business, and that upsets a lot of apple carts. In the words of Prime Minister Thatcher, there is no alternative.

If we want economic growth and jobs, if we want a brighter future for America, we cannot afford to dither any longer. We need leadership like Britain had under Margaret Thatcher that is willing to tell all the special interests and all the political power players, there is no alternative.

We must take steps I have outlined to reinvigorate the free market economy. Just like Britain in 1979, there is no alternative.

We have tried President Obama's theory on economic stimulus. It was supposed to keep unemployment under 8 percent, and it has never been under 8 percent since the day he signed it. We saw a massive expansion of government and deficit spending as a result. More than $800 billion was spent on a failed economic stimulus bill that was supposed to keep unemployment down. We all know how that turned out.

Government spending in the process has reached unprecedented levels. Today, the size of government—if you combine local, State, and Federal—is 40 percent of our gross domestic product. One hundred years ago, it was 8 percent. If it were true that government spending creates economic growth, then we should be living high off the hog today, but it is not.

The private sector creates jobs. It is the responsibility of the government to merely create an environment that leads to job growth. Remember a very basic premise: Government consumes well. It does not create well. Through economic freedom, entrepreneurs are free to innovate and prosper. This economic success leads to higher standards of living and a better quality of life. Importantly, these gains do not then come at the expense of others. Because, contrary to what some around

here would have you believe, when someone produces a product or a service that others want, they are creating new wealth and everyone is better off. But too often around here, we think matters of the economy are a zero-sum game.

One person's prosperity, then, does not come at the expense of another's. In fact, business success and economic growth lift all boats through employment gains, higher wages, and greater value to the consumer.

We sometimes hear it implied that individual success cannot be achieved without government involvement or intervention. Some people seem to believe that an individual's success must come at somebody else being deprived or that the success was only achieved collectively and with the help of government. This line of thinking concludes that government and society is, therefore, entitled to some of the fruits of that individual's labor. This line of thinking is in stark contradiction to our country's founding principles that government exists to protect the individual's right to life, liberty, and the pursuit of happiness. Happiness is not found in a government paycheck redistributing what somebody else earned. In fact, government dependence leads to resentment.

By contrast, this great American dream of ours is based on individual Americans working hard and earning their own success.

A country with an increasing number of citizens dependent on a government that lives beyond its means and redistributes what remains of a once great economy would, then, cease to be the great America that we have had for 225 years. Such a future is unacceptable to most Americans, just as it was unacceptable to Prime Minister Thatcher, who said, there is no alternative.

The American dream is our birthright and our obligation to posterity. We must return to progrowth policies and an opportunity society. There is no alternative.

I yield the floor.

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.

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mrs. SHAHEEN. I ask unanimous consent to speak as in morning business.

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

TRAVEL TOURISM

Mrs. SHAHEEN. Mr. President, anybody who has been outside today knows that we had a beautiful day, and the last couple of days have been beautiful, so it is hard to believe that the summer is actually coming to a close. But as it does end, I wanted to take a few minutes this afternoon to highlight something that is very important to us in New Hampshire and to the country. That is tourism, particularly the outdoor industry association and its importance to local economies in New Hampshire and across this country.

New Hampshire has long recognized the importance of conservation and the economic benefits that come from supporting outdoor recreation. Our beautiful State, like Connecticut, has an abundance of natural treasures, the White Mountain National Forest, our scenic lakes, our coastline—we may only have 18 miles of coastline but it is beautiful, with beautiful beaches and rocky coves.

These treasures draw visitors from across New England, from all over the world. Protecting these natural resources is not just good for the environment, it is also critical for our economy. In fact, the outdoor recreation economy supports 53,000 jobs in New Hampshire alone, 6.1 million American jobs across the country. That is more than we have in the construction industry, in the finance and insurance industries or in the education industry. And even in this time of economic recovery, outdoor recreation produces $646 billion in direct consumer spending.

Again, that is more than the pharmaceutical industry, motor vehicle parts, and household utilities. Americans today spend nearly as much on snow sports as they do on Internet access, and considerably more on bike gear and trips than on airplane tickets and fees. This is all detailed in a report called the Outdoor Recreation Economy, which is a very interesting analysis of what the outdoor recreation economy means to this country.

I recently had the opportunity to visit Eastern Mountain Sports. EMS is a New Hampshire-based business that specializes in outdoor apparel and equipment. At EMS, I saw the direct economic benefit that comes from our support for the development and conservation of outdoor recreation areas. I had a chance to talk to some of the 300 or so employees at EMS. They have stores throughout the east coast, and they are just one example of the countless businesses that have grown strong, thanks to the careful stewardship of our beautiful areas in this country, of the landscapes that so many of their customers visit.

One of the ways we have preserved the great outdoors at the Federal level is through the Land and Water Conservation Fund. The fund was created in 1965. It protects lands, forests, State and local parks, and critical wildlife habitat. This critical program also helps ensure hunting and fishing access, something also very important to New Hampshire. It supports battlefields, trails, sporting facilities, and outdoor recreation opportunities in every State.

Every year since I arrived in the Senate in 2009, I have led a letter with Senator LEAHY of Vermont to appropriators that supports robust funding for the Land and Water Conservation Fund. The most recent letter was signed by 44 Senators from both sides of the aisle, a very strong showing of bipartisanship from supporters who know this is a program that works for the environment and works for small business.

I am also pleased to cosponsor legislation—bipartisan legislation—that is led by Senator BINGAMAN, which would permanently authorize the Land and Water Conservation Fund with dedicated funding. In New Hampshire, the LWCF has supported more than 650 local recreation and conservation projects and it helps protect locations such as the White Mountain National Forest, the Appalachian Trail, the Umbagog National Wildlife Refuge, and the Silvio Conte Wildlife Refuge.

These scenic locations, whether they are enjoyed for relaxation or exercise, support jobs and local economies by increasing the demand for outdoor recreation equipment and by attracting visitors to our State. Those visitors eat in our restaurants, they shop at our small businesses, they stay in some of the most beautiful hotels you will find anywhere in America.

The outdoor economy supports tourism, and tourism should be recognized as the economic engine that it is throughout this country. The travel and tourism industry is one of the top 10 industries in 48 States in the country. It supports over 14 million American jobs. In New Hampshire, travel and tourism is our second largest industry, supporting over 60,000 jobs.

I had the opportunity yesterday with a number of small business owners and representatives from New Hampshire to visit Brand USA, which is the national initiative that is the result of travel and tourism legislation passed by the Senate and Congress in 2010 to begin advertising the United States outside of this country. They have advertisements now in Canada, in the UK, and in markets that are important as we think about how we can attract visitors to the United States. In New Hampshire, it is not difficult to see why tourism is so important. Visitors are drawn to New Hampshire for our charming attractions, for our landscapes, for our foliage—which is about to begin, actually—and they provide a beautiful environment for families to spend time together.

During August my husband and I actually had the opportunity to take all of our grandchildren—our 7 grandchildren; actually, our entire family, 14 of us—up to the White Mountains. We stayed at the Mount Washington Hotel, which is at the base of Mount Washington. It is a beautiful hotel where the Bretton Woods monetary conference was held back in the late 1940s. We had a great time. We went hiking, my oldest grandson went fishing with his father, one of my granddaughters went horseback riding with my daughter, we visited the flume, which is a naturally

occurring gorge in New Hampshire, and we ended the several days we were there visiting at a place called Clark's Trading Post, which is a great family business in New Hampshire. They work with black bears that roam the woods of New Hampshire, and they have been working with them for 50 years, so it is a real trained-bear show. In addition to that, they have attractions from New England, they have a railroad, and it is just a great place for the family to spend the afternoon. This was a wonderful trip. It brought our family closer. It allowed the cousins to visit with each other. We came back rested, restored, and we had a great time investing in New Hampshire businesses.

As our family saw last month, conservation programs such as LWCF are part of what we need to do to make sure those kinds of experiences are available to everybody in New Hampshire and across this country. They are a part of our responsibility to safeguard our environmental heritage. More than that, as the outdoor recreation economy shows, as so many reports show, they are an economic imperative that supports millions of jobs nationwide.

I am going to continue to work to strengthen programs such as the Land and Water Conservation Fund and to promote tourism and the outdoor recreation economy, and I urge all of my colleagues to join these efforts because they not only protect America's great outdoors, they support the businesses and the outdoor recreation economy they sustain.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mrs. MURRAY. Mr. President, I have come to the floor this evening to make a few things abundantly clear about the Veterans Jobs Corps legislation the Senate is currently considering.

First and foremost, the bill in front of us is fully paid for, using offsets that both Republicans and Democrats have supported in the past. So this bill is paid for.

Secondly, no matter what Republicans try to tell us, this is a bill that includes ideas from both sides of the aisle. In fact, of the 12 provisions in this bill, 8 of them started as Republican ideas.

We in fact included Senator BURR's entire alternative to this bill to make it even more bipartisan. On top of that, we have included bills that are sponsored by Senator TOOMEY, Senator BOOZMAN, Senator JOHANNS, and Senator ISAKSON. So don't let anybody tell you we have not been inclusive in this process.

We know on this side that we do not have a monopoly of good ideas to help solve the problems of veterans who are looking for work today, and that is why we have included as many avenues to employment as possible in this legislation.

Finally and most importantly, I want to make sure that everyone who is considering voting for the budget point of order that Senator SESSIONS has been out here talking about and indicated he may raise knows exactly what is at stake. Believe me, every single veteran in the country needs to know what is at stake as well. What his budget point of order says is we are now going to draw a line in the sand on what we will provide for our Nation's veterans. It does not matter if the bill is paid for. The point of order puts a pricetag on the care of veterans and then says not a dime more.

This point of order really ties our hands. It says even at a time of war, even at a time when nearly one in five young veterans is out of work, at a time when the veterans' suicide rate is skyrocketing and when more young veterans are becoming homeless, we are done; veterans are on their own.

It says even if we find offsets for new investments and ideas to aid our Nation's heroes—we paid for it—tough luck; nothing you can do. It says countless bills waiting for consideration in the Senate, sponsored by Republicans and Democrats, can be tossed along the wayside.

When are we going to realize that our veterans are a cost of these wars; that helping to give them the skills and training to find work is a cost of war; that their transition home is a cost of war and it is a cost we are going to face, not just this year or next year or 10 years from now but for the rest of the lives of these men and women? When are we going to realize it is not enough to pat our veterans on the back for their service but not give them a helping hand when they come home? The budget point of order says we have done enough for veterans.

I say we cannot do enough. Less than 1 percent of U.S. citizens have served. Less than 1 percent of U.S. citizens have served for the well-being of the other 99 percent. It is simply wrong for us to say we are out of help.

Veterans across the country are watching, they are waiting, and they are tired of excuses. They want to see we can get this bill to the finish line.

I know some Republicans have pointed to the calendar as a reason for their opposition to this bill. Honestly I wish it were not September either and we did not have to deal with politics here in Washington, DC. But, you know, who could care less about what month it is or how many days out we are from an election? The nearly 1 million unemployed veterans looking for work. When you talk to them, their concern is not what month it is or how many days before election, it is about what jobs are available in their community. What training program can they take advantage of. What is being done to honor their two or three or more tours overseas.

Our answer cannot be that we are all out of options. It cannot be that their service was worth only so much. I am here to urge Republicans to join us this evening in rising above politics as we have done time and time again throughout history for our veterans, to ignore the calendar and do what is right. Let's send a message from the Senate that our veterans come first; that we will keep our end of the bargain; that we will never put a price on the commitment we owe them.

I urge my colleagues to join me in waiving the budget point of order when it is offered later this evening.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. Pursuant to the Senator's request, the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. SESSIONS. Mr. President, earlier our colleague, Senator MURRAY, complained that objections to the Veterans Jobs Corps bill was political—I think that was the thrust of part of her remarks—and that we should just pass it and move on.

My sole problem with the legislation—and Senator MURRAY, as a member of the Budget Committee understands this—is it violates the budget and is subject to a budget point of order. It would spend more money on this legislation than the veterans committee is authorized to spend. If we do that, we are supposed to vote on it, and a budget point of order would lie, and those who want to waive the budget would move to waive the budget and we would vote. It takes 60 votes to waive the duly agreed upon spending limits we have in that regard. That was part of the Budget Control Act in which we raised the debt ceiling by $2.1 trillion. We agreed to put some limits on spending—not much but some. Here we are already, after several different prior violations of the budget, back at it again. So that is the concern.

Senator BURR has offered legislation that would help solve the problem of unemployment among veterans, and his doesn't violate the budget. We could support it. I would note that the veterans committee never had a hearing on this. Therefore, nobody ever: studied it, called expert witnesses, had hearings in public, or examined witnesses to find out if this plan is the best way to help veterans who are unemployed. We have six programs already that do this. Maybe it would be better to consolidate some of them and add a little to it. Maybe some of them ought to be eliminated and a new program that is outlined in the Murray

amendment could be utilized to do that. But we have had no real opportunity to do that.

So what is the politics? I would say the politics is that the majority party and the majority leader, do not want to talk about real issues of great importance, so this bill is brought up and utilized to fill up the whole week. So we are not going to take up several other pieces of legislation that are important.

It was suggested that those Republicans who don't favor this way of dealing with unemployment of veterans—if we don't do that, we don't like veterans and we don't like people who have served our country and we are insensitive about that. Let me ask a question. If those on the other side care about veterans—if they say this bill, which would cost $900 million, which is a lot of money but not that much in terms of what we deal with—so if we don't support this bill, they say we don't care about veterans. So let me pose this question: If my democratic colleagues care about our men and women in uniform who serve our country and veterans, how could they oppose authorizing the Defense bill?

Senator REID, the majority leader, blocked bringing up the bipartisan-approved Defense authorization bill. It has been passed every year for over 50 years. That amounts to $631 billion. If we don't pass that, we are not taking care of the pay raise for military men and women and a lot of other initiatives that are in there. I would just point out to my colleagues that it passed the Senate Armed Services Committee on a bipartisan basis—not just on a bipartisan basis, unanimously. Yet Senator REID will not bring it up. The House has passed the Defense authorization bill. They passed it in May. We have never brought it to the floor. The leader has refused to bring it to the floor.

I suggest if my colleagues have a question about the jobs bill for veterans for us, why don't we ask this question: What do they think of the military if they will not bring up a military authorization bill? Do they care about them?

What about the Defense appropriations bill? The House has passed the Defense appropriations bill. The Appropriations Committee of the Senate has passed the Defense appropriations bill. It is on the Senate floor waiting to be called up and voted on. It is not being voted on, and we are, again, talking about $600 billion. But this $900 million bill is taking up the whole week and the other bill will not even be brought up.

One more question: If my Democratic colleagues are concerned about veterans and jobs, what about the sequester? We are on track to hammer the Defense Department with half of the budget cuts. The Defense Department makes up about one-sixth of the Federal Government spending. It is going to take half of the cuts. It has already taken almost $500 billion in cuts. This would be another $492 billion in cuts to the Defense Department. Secretary Panetta, the Secretary of Defense, has told the President and the whole world this would be catastrophic. It would hollow out the military. It would endanger our ability to fulfill our mission, but we are on track to have that go into effect—those cuts take place in January—and we are going to have military officials reduce dramatically, if that occurs, the number of men and women in uniform. We are going to have people coming off the battlefield in Iraq and Afghanistan and other places wanting to make a career out of the military, thinking they could make a career out of the military, and all of a sudden, because of this sequester, they are going to walk in and they will get a pink slip. ''Sorry, we don't need you anymore. Good luck.''

We have plans under the cuts that are in place in the Defense Department to draw down the number of personnel. This would be dramatically more. Where are they going to get jobs? Many of the people who would also lose their jobs in that process work for defense contractors or civilian employees of the Department of Defense who also are veterans, who got jobs as civilian employees in the Department of Defense. They will be laid off.

Why aren't we dealing with the sequester? Earlier today Senator MCCAIN said it was a shame that we are not dealing with these issues. ''Shame, shame, shame,'' Senator MCCAIN said. I think that is right. Yet we are having the spectacle of the majority party in this Congress attacking the Republicans for not liking the military because we don't agree to a budget-busting bill on how to create jobs. That has never been through the committee for veterans, jobs for veterans—neve been through the committee and never had a proper process.

I do not agree with that. We have a serious problem in this Senate. We have a majority party in this Senate that is refusing to undertake the basic requirements of the U.S. Senate. We have not passed a budget. We have not passed a single appropriations bill. We certainly did not pass a Defense appropriations bill. The Defense authorization bill, as has been noted, was passed for 50-plus years. It will not be even brought up to have debate on, and it passed the committee unanimously.

What is this? This is a fear, it seems to me, a political fear. And the political fear is, if you bring up these bills, Democrats might have to vote on amendments and things, and they do not want to vote. If you get to bring a budget to the floor, well, you have a right to offer amendments about the future financial course of America, and we get to have full debate about it, and talk about it, and offer amendments and be on record as to what we believe in, how much debt we think we can sustain in this country.

They do not want to do that. Senator REID said it is foolish to have a budget. It is not foolish to have a budget, of course. That is why we are in such a fix today, I would suggest.

So can we do more for veterans? I think we can do more, and I think we can help them with their employment circumstances. I served 10 years in the Army Reserve. One of my duties was to be the representative for the employer support of the Guard and Reserve, and that was to ensure that people who were called up for our National Guard or our Army Reserve or go on active duty—to make sure when they come back they get the job they had, they will not lose their employment position as a result of serving their country. That is one of the things we did.

When I was a U.S. attorney, I prosecuted some cases—and we won—where I felt people had lost their job as a result of being called up to military service. That is not acceptable. We need to protect our men and women. I have a history of that.

But this bill does not guarantee that we are going to use the money wisely that is being spent. So I am amazed we are using our last hours here to move forward a bill that violates the budget when we do not have to. Senator BURR's bill does not violate the budget, and it will, I am confident, do the job, do the same kind of job for helping veterans get jobs. This is very odd, to suggest that somehow those of us on this side are using politics to block a benefit to veterans. Give me a break. That is kind of an odd charge, isn't it?

I would say that people on our side are standing and asking principled questions. Yes, we want to do more for veterans. Yes, we hope to help them find jobs. But we agreed just last August to spending limits. We agreed just last August, in exchange for raising the debt ceiling $2 trillion, to reduce some spending—not a lot, but some spending. Here we are, just over a year later, and we are already busting those limits we agreed to. It is not right, and it cannot be the kind of thing we should be doing.

One more thing, and it is obvious to those of us in the Senate, if we take a minute to think about it; and that is, sustaining the budget point of order, not waiving the budget, does not kill the Murray bill or the Burr bill. It simply says, go back to committee, have a real hearing, bring a bill forward that actually stays within the budget. That is all it says do.

If we continue this process—and we have done it several times already this year—of violating the budget, pretty soon the budget numbers we have are going to be worthless. That would be my concern. Let's send the legislation back to committee, let's have a hearing, let's let a bill come forward, let's consider the six jobs programs for veterans that are already in place, see if they need to be improved, expanded, consolidated, how this bill should be passed to complement those programs, and see if we do not get the maximum benefit for veterans for every dollar the taxpayers have sent to us.

To the extent to which we spend a dime above the budget, it is either borrowed or paid for by new taxes. There is no doubt about it. There are new taxes in this bill, new revenue that is in this bill. Some of it is gimmicky, I have to tell you, and it is not the way we should do business, in my view.

I appreciate the opportunity to share these thoughts. I believe the budget point of order should not be waived. We should not spend more than the deemed budget allocations allow. We should send this bill back to committee, tell them to get busy on a thorough review of the jobs situation of veterans, and come forward and produce a bill we can pass that does the job and does not violate the budget. We spend $3,700 billion. We ought to be able to find $900 million somewhere in that budget to meet this challenge.

I thank the Chair and yield the floor.

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. 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.

Mr. REID. Mr. President, I ask unanimous consent that on Wednesday, September 19, following any leader remarks, the Senate resume consideration of S. 3457, and notwithstanding rule XXII, it be in order for Senator MCCONNELL or his designee to raise a budget point of order against the substitute amendment No. 2789; that if a budget point of order is raised, the majority leader or his designee be recognized for a motion to waive the applicable budget points of order; that the time until 12 noon be equally divided between the two leaders or their designees on the motion to waive; that upon the use or yielding back of time, the Senate proceed to vote on the motion to waive; that if the motion to waive the applicable budget points of order is not agreed to, the cloture motions with respect to the substitute and the underlying bill be withdrawn and the bill be returned to the calendar and the majority leader then be recognized; that if the motion to waive is agreed to, at a time to be determined by the majority leader, after consultation with the Republican leader and notwithstanding rule XXII, the motion to commit be withdrawn; that all pending amendments be withdrawn with the exception of the pending substitute amendment No. 2789; that there be 30 minutes of debate, equally divided between the two leaders or their designees; that upon the use or yielding back of time, the Senate proceed to vote on the motion to invoke cloture on the substitute amendment No. 2789; if cloture is invoked, the remaining postcloture time be yielded back and the Senate then proceed to vote in relation to the substitute amendment No. 2789; that following that vote, the Senate proceed to vote on the motion to invoke cloture on S. 3457, as amended, if amended; and if cloture is invoked, the postcloture time be yielded back, the bill be read a third time and the Senate proceed to vote on passage of the bill as amended, if amended, and following the vote on passage, the majority leader be recognized; if cloture is not invoked on the substitute amendment No. 2789, the cloture motion on the underlying bill be withdrawn and the bill be returned to the calendar; further, that no amendments, motions or points of order be in order to the substitute amendment or the bill other than those listed in this agreement; finally, that when the Senate receives H.J. Res. 117, the continuing resolution for fiscal year 2013, it be placed on the calendar; that on Wednesday, September 19, it be in order for the majority leader to move to proceed to H.J. Res. 117 and file cloture on the motion to proceed; finally, that if a cloture motion is filed, notwithstanding rule XXII, the vote on the motion to invoke cloture on the motion to proceed to H.J. Res. 117 occur at 2:15 p.m., on Wednesday, September 19.

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

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. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

MORNING BUSINESS

Mr. DURBIN. 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.

COMMENDING CONGRESSMAN JERRY COSTELLO

Mr. DURBIN. Mr. President, I would like to take a moment to thank a man who has been a good friend to me and a strong advocate for working people in our home State of Illinois, across America and beyond.

Congressman JERRY COSTELLO has represented the 12th Congressional District of Illinois in the House of Representatives for nearly a quarter century. We served together for 8 years in the House, from 1988 to 1996.

Congressman COSTELLO will be retiring at the end of this Congress. He has flown home nearly every weekend for 24 years. He and I have shared more flights between Washington and Illinois than either of us can count. I will miss his company on those flights, and all of us in the Illinois congressional delegation will miss his leadership and good counsel in our ranks.

JERRY COSTELLO and I were both born in East St. Louis, IL, which was a hard-scrabble, working class town even back then. JERRY'S family lived in Holy Angels Parish and I was a St. Elizabeth Parish kid, but we were both taught by the Marianist brothers at Assumption High School, home of the Pioneers.

JERRY's family moved to Belleville, IL, when JERRY was in high school and his dad was elected St. Clair County sheriff. In seventh grade, he met the love of his life, Georgia Cockrum. They married when they were just 18.

JERRY put himself through college working as a court bailiff. He also worked as a deputy sheriff, probation officer and court administrator.

In 1980 he was elected St. Clair County Board chairman, making him CEO of one of Illinois' largest counties.

In 1988 he won a special election to fill the term of a longtime Congressman who had died in office. Mel Price was a veritable legend who had served in Congress since before JERRY COSTELLO was born.

I remember when JERRY COSTELLO was sworn in. I was one of the newer members of the Illinois delegation back then. Welcoming him to our delegation that day were Illinois Senators Paul Simon and Alan Dixon, along with Congressmen Sid Yates, Frank Anunzio, Ken Gray and me.

We kidded JERRY and called him ''Landslide'' because of his narrow margin of victory. It was the one and only time in his congressional career that he had a close election.

The 12th Congressional District in southern and southwest Illinois runs along the Mississippi River, from Alton south to Cairo. It is a mix of agricultural and industrial communities including East St. Louis, Belleville, Carbondale and Granite City.

People there don't care much about political labels, they care about results—and that is what JERRY COSTELLO has always focused on. He is pragmatic and bipartisan.

The Almanac of American Politics said it well. JERRY COSTELLO: As practical and district-minded as any member of the House. If it can be done, COSTELLO will surely do it.

He has fought for smart, responsible economic policies. He supported historic deficit reduction bills in 1993 and 1997 that helped produce the first balanced budget in a generation. Four years ago when our Nation was on the verge of economic collapse, he voted for the Recovery Act to help prevent a second Great Depression.

On that day 24 years ago that he was sworn in, JERRY COSTELLO expressed interest in serving on the House Public Works and Transportation Committee. He won that assignment. Today he is the senior Democrat on the House Transportation Aviation Subcommittee, an assignment he has used to keep the aerospace industry alive and well in southern Illinois.

He has also been a relentless advocate for aviation safety. He has had a

hand in every major aviation safety bill over the past decade. Congressman COSTELLO'S legacy will be safer skies and runways for America.

No one in Congress has a better understanding of or a stronger commitment to improving America's transportation infrastructure.

JERRY COSTELLO has helped write three national Transportation bills. We served together on the conference committee for the most recent Transportation Act, which passed earlier this year. It was a bipartisan victory that will create or save 3 million good jobs, strengthen America's infrastructure and provide the certainty that transportation planners and builders need.

Building modern, regional transportation networks to support economic development and improve people's quality of life has always been one of his top priorities.

JERRY COSTELLO has been involved in every major transportation project in the St. Louis-Metro East region for the last 30 years, from construction of the Clark Bridge to the New Mississippi River Bridge connecting St. Louis and East St. Louis.

He helped bring light rail to the Metro East region and he helped lead the effort to create a high-speed rail corridor connecting St. Louis and Chicago. He helped pass the strongest airline safety law in 50 years. His leadership was critical in securing the funding to strengthen the flood control levees and dams along the Mississippi River and in the adoption of new flood insurance maps that are fair and equitable.

The first vote JERRY COSTELLO cast in Congress was a ''yes'' vote to help bring a South Africa trade sanctions bill to the floor for debate. He has remained a committed, consistent champion of basic human rights and worker rights—including worker safety and the right to bargain collectively.

He has fought for fair trade, for efforts to create good jobs in America, and against rewarding companies for shipping American jobs overseas. He has voted to make college more affordable, and he helped pass the Affordable Care Act. Presidents and Congresses tried for a century to pass comprehensive health care. JERRY COSTELLO bravely cast one of the votes that finally got the job done.

Coal lies below 65 percent of Illinois' surface. It could be a real economic and energy boon to America—if we can find a way to use it safely and cleanly. JERRY COSTELLO has fought for cutting-edge new technologies and public-private partnerships including FutureGen and the new Prairie State Energy Campus that can advance clean coal exploration and bring thousands of good new jobs to Illinois. He has also been a strong supporter of expanding the use of biofuels—a move that would help our environment, boost our energy security and benefit Illinois farmers.

Scott Air Force Base is the largest employer in Illinois south of Springfield. When the future of the base hung in the balance during successive rounds of BRAC closings between 1995 and 2005, JERRY COSTELLO led the effort to maintain and expand its missions. Instead of shutting down, Scott Air Force Base actually added 800 new jobs and when then-Defense Secretary Robert Gates visited Scott in 2007 he hailed it as one of America's three most important air bases.

Congressman JOHN SHIMKUS has called JERRY COSTELLO the ''patron saint of Scott Air Force Base'' and he's right. JERRY'S energy and skill did more to save Scott Air Force Base from being closed by the BRAC process than any other factor.

Loretta and I want to thank JERRY'S wife, Georgia, their three grown children, Jerry, John and Gina, and their eight grandchildren for sharing so much of their husband, father and grandfather with our State and our Nation all these years.

JERRY has said that he might like to teach government next. He would be good at it. The success of our democracy depends on our ability to solve hard problems by reaching honorable compromises. JERRY COSTELLO could teach that lesson because he has lived it. Whatever his future holds, I wish my old friend the best of luck and I want to thank him again for all he has done for our State and our Nation.

I now ask unanimous consent to enter Senator KIRK'S statement honoring Congressman COSTELLO'S service to the State of Illinois into the RECORD following my remarks.

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

Mr. KIRK. Mr. President, I rise today to give thanks to the dean of Illinois' House of Representatives delegation, Congressman JERRY COSTELLO, who has announced his retirement after more than two decades of service in the Congress. Congressman COSTELLO has been a fixture in the halls of the Capitol long before I took office in 2001, and we will miss his leadership and dedication to the people of the 12th Congressional District.

From his senior position on the House Transportation and Infrastructure Committee, he has been a tireless advocate for our Nation's road, rail, waterway and aviation infrastructure. His work to improve southwestern Illinois' levee system in particular will pay lasting dividends for his district's safety and economic development.

Congressman COSTELLO has been such an effective legislator not just because of his knowledge of the issues, but also due to his ability to work across the aisle. In a time of increasing partisanship in Washington, Congressman COSTELLO has established himself as a bipartisan partner, more interested in delivering for his district than scoring political points. This fact is underscored by his close relationship with our colleague Congressman JOHN SHIMKUS. Together, they have advanced numerous priorities for southern Illinois, including their support for clean, domestic energy production.

But his work on behalf of the men and women of Scott Air Force Base is what I believe will be one of his lasting legacies. Congressman COSTELLO fought to keep Scott open during Base Realignment and Closure Commission process and has been a strong advocate for the base's core medical, communications, and logistics missions, along with the communities that surround Scott.

I know I speak for our entire delegation when I wish Congressman COSTELLO a happy and well-earned retirement. His leadership will be missed.

2012 PARALYMPIC GAMES

Mr. DURBIN. Mr. President, this past Sunday, the closing ceremonies of the 2012 summer Paralympic games were held in London. More than 4,200 athletes seated in the arena were joined by 80,000 cheering spectators to celebrate the culmination of 11 days of athletic achievement with parades, fireworks, and music.

Of the 227 American athletes competing in this year's London games, 20 are members or veterans of the U.S. Armed Forces, including three Active Duty servicemembers. This is especially noteworthy given that it was disabled British World War II veterans using sports as rehabilitation who founded what has become today's modern Paralympic games.

Among those representing Team USA in the London Paralympic games were many athletes from Illinois, including a number of students and alumni of the University of Illinois' acclaimed Adapted Varsity Athletics Program.

Evanston native Greta Neimanas arrived at her second Paralympic games as a 7-time national champion, 13-time world championship medalist and ParaPan Am games gold medalist. A longtime patient of the Rehabilitation Institute of Chicago (RIC) and an inspiration to many of RIC's younger patients, she competed in both track and road cycling events in London.

Joe Berenyi left London with three Paralympic medals: a gold, a silver, and a bronze. The cyclist, who was born in Aurora, IL, also set a world record on his way to becoming the Paralympic champion in the men's individual C3 Pursuit. A father of three, Joe returned to Oswego this week where he was surprised by a parade of family and friends in his honor.

Centennial High School graduate Nichole Millage of Champaign won her second silver medal in sitting volleyball as a member of the women's team. Even before winning silver in Beijing, Nichole saw the amputation of her left leg as an opportunity, not a disability.

Born in Chicago, Justin Zook is a three-time Paralympic gold medalist and world recordholder. Justin's victory in the 100-meter backstroke in London was all the more impressive given his disability reclassification on the eve of the games, placing him alongside athletes with a lower level of physical disability than he had competed against previously.

University of Illinois junior Tatyana McFadden, who goes by the nickname ''Lady Velocity,'' won four medals in London: three gold and one bronze. She competed in the 100, 400, 800, and 1,500 meters and the marathon and was only

prevented from medaling in all five by a punctured tire during the marathon. She still came in ninth. As a leading voice advocating for disability rights, her motto is ''Sports is my passion, paving access for others is my purpose.''

Born and raised in Chicago, Eric Barber has been playing wheelchair basketball for 20 years. He captured his second Paralympic medal this year in London as a member of the bronze-winning U.S. men's wheelchair basketball team. Eric was also a member of the wheelchair basketball team that won bronze in Sydney in 2000.

Joining him on the men's wheelchair basketball team was former University of Illinois point guard Steve Serio, who led the U.S. team with 20 points and recorded four rebounds and eight assists during the team's bronze-medal game against host Great Britain.

Team captain Will Waller was the third Illini on the men's wheelchair basketball team at his fourth Paralympic games.

Jennifer Chew represented the University of Illinois on the women's wheelchair basketball team. When not training herself, she manages the Denver Lady Nuggets basketball team and assistant coaches the Junior Rolling Nuggets basketball team.

Teammate and fellow Illini Sarah Castle was in London at her fourth Paralympic games but only her second as a basketball player. Sarah competed at the 2000 and 2004 Paralympic games as a swimmer—winning silver in Sydney—before a shoulder injury prompted her to pursue wheelchair basketball instead.

Paralympian Adam Bleakney has competed in wheelchair racing events ranging from 100 meters to the marathon in the 2000, 2004, 2008, and now 2012 summer games. Adam completed both his undergraduate and graduate education at the University of Illinois in Champaign, where he now serves as head coach of the wheelchair track team.

Three-time Chicago Marathon winner Josh George claimed bronze in London in the men's 800 meters. After graduating with honors from the University of Illinois, Josh continued to participate in the school's program as a volunteer assistant coach. When not racing, he works at Intelliwheels, a startup that develops innovative wheelchair technologies at the University of Illinois' EnterpriseWorks.

Anjali Forber-Pratt began wheelchair racing when she was just 9 years old. She went on to win a total of four gold, six silver, and two bronze medals at the Junior National Wheelchair Games before claiming two bronze medals at the Paralympic games in Beijing and competing in the 100, 200, and 400 meters in London. Anjali embodies her personal motto, ''Dream, Drive, Do'' not only as an athlete but also as a student—she holds three degrees from the University of Illinois, including her doctorate.

Illinois freshman Ray Martin dominated the track, sweeping the men's 100, 200, 400, 800 meters. His impressive four gold medals placed him at the top of the medal count for Illini athletes.

Since competing in his first marathon in 2007, Aaron Pike has become one of the top wheelchair racers in America in the event. At the University of Illinois, he led the Illini to four straight finals of the National Intercollegiate Wheelchair Basketball Tournament, and two titles.

Jessica Galli of Savoy has competed in four Paralympic games, where she has won one gold, one bronze, and four silver medals. She holds both a bachelor's and a master's degree from the University of Illinois, where she also competed on the wheelchair track team. She serves as an advocate for disabled athletes through her work on the U.S. Olympic Committee's Athletes' Advisory Council, Wheelchair and Ambulatory Sports USA, and USA Wheelchair Track and Field.

In a momentous year for Brian Siemann, he not only competed in his first Paralympic games, but he will also graduate from the University of Illinois, where he is currently a senior. The 2012 U.S. Paralympic National Champion in the 100 and 200 meters, Brian lives his favorite quote: ''Don't stop believing.''

Recent University of Illinois graduate Ryan Chalmers competed as a collegiate athlete in both basketball and track, where his multisport talent earned him an athletic scholarship. Ryan chose track over basketball before being selected as a member of Team USA for the 2012 Paralympics.

After an intense summer training in Champaign, Amanda McGrory competed in London in five events, including the 800, 1,500, 5,000 and the marathon. The University of Illinois graduate began as a sprinter but changed her mind after her first marathon, one of the sport's most grueling events.

Although she hadn't ever competed in a marathon until moving to Champaign to attend the University of Illinois just a few years ago, Susannah Scaroni represented the United States in the distance event in London. A member of the Illini track and road racing team, this was her first Paralympics.

It is no coincidence that so many of Illinois' Paralympians are current students or alumni of the University of Illinois at Urbana-Champaign. Since becoming the first in the Nation to open its doors to those with disabilities in 1949, our State's flagship university has become a world leader in disability sports. The University of Illinois' adaptive sports program draws athletes from across the globe, and has sent students, alumni or coaches to every Paralympics since 1960.

Just as their nondisabled counterparts, the athletic ability and tenacious commitment of each and every one of these athletes serves as an inspiration to their friends, their families, and to Americans across the country. Although each faces some form of physical limitation, these athletes accept no limits on what they can achieve.

I congratulate all of Team USA's athletes on their success at this year's Paralympic games, and especially those from Illinois. It is an honor to represent them.

VOTE EXPLANATION

Ms. LANDRIEU. Mr. President, I regret having missed the September 12, 2012, vote on the motion to proceed to S. 3457, the Veterans Jobs Corps Act of 2012.

Had I been present, I would have voted in favor of the motion to proceed to the Veterans Jobs Corps Act of 2012. I am a proud supporter of our Nation's veterans, and I believe this bill will provide our veterans with much needed support in order to start new careers.

REAUTHORIZING THE EB–5 REGIONAL CENTER PROGRAM

Mr. LEAHY. Mr. President, today, the House of Representatives passed S. 3245, legislation to reauthorize the job-creating EB–5 Regional Center Program for an additional 3 years. In addition to this important program, the legislation also prevents the expiration of three other immigration programs important to Senator CONRAD, Senator HATCH, and Senator GRASSLEY.

I am very pleased the House acted with such strong bipartisan support, and I commend House Judiciary Committee chairman LAMAR SMITH for his quick action on the bill. Once again I thank the Judiciary Committee's ranking member, Senator GRASSLEY, for his partnership on this legislation.

Passage of this legislation in the House today will ensure that the job-creating EB–5 Regional Center Program will continue. Today's action will allow the U.S. Citizenship and Immigration Services to continue to improve and grow the program administratively and will give me and other interested lawmakers, agency officials, and private citizens the time needed to consider and find consensus on lasting statutory improvements to the program so that it may continue as a permanent and vital part of our immigration system. Most importantly, it will allow American entrepreneurs to continue building job-creating development projects around the country.

This program is and will remain a productive part of America's immigration system. Like Canada, Australia, New Zealand, and the United Kingdom, the United States is right to provide the world's citizens the opportunity to immigrate to its shores based upon investment. This program welcomes people from around the world who devote substantial investment capital to American businesses to invigorate American communities. And it does so at no cost to the American taxpayer. Moreover, those who immigrate through this program will purchase

real estate and other goods, enroll their children in our schools, colleges, and universities, pay taxes, and enrich the communities in which they will live and work.

As the availability of credit in the United States has become restricted, particularly for new and small businesses, many have turned to this program for capital. The program's growth over the last several years has been significant. And with increased growth comes the need for the law to keep pace and for the administering agency to adapt to this growth and devote the necessary resources. As we move forward, I look forward to continuing my work on comprehensive legislation to make this program an efficient, more productive, and permanent part of our immigration law. We have already seen many instances of the way in which this program can harness together many individual investments to do big things in many communities. But the law can and will benefit from some improvement in the coming months, and I stand ready to work with any Senators who recognize the value and potential of this program.

Our immigration law provides 10,000 visas each year for this program. When this program reaches the point at which it is fully subscribed, based on the minimum required investment amount and the statutory job creation requirement, it has the potential to direct $5 billion in foreign capital investment into American communities each year, with the potential for the creation of 100,000 American jobs. And that calculation does not take into account the domestic capital that can be attracted when projects are capitalized and carried out through this program or the ancillary benefits that communities experience when local economies are strengthened, nor does it account for the immeasurable contributions that new Americans make to our communities across the country every day.

We all recognize the need to take steps to do whatever we can to spur our economy and create jobs for American citizens. I have no doubt that the action taken unanimously by the Senate on August 3 and the decisive action taken by the House of Representatives today to complete the legislative process on this bill will help us meet this shared goal.

2012 OLYMPIANS

Mr. LEVIN. Mr. President, every 4 years families across the United States and around the world come together as summer begins to wind to a close to watch as supremely gifted athletes from across the globe showcase their talents in peaceful competition. The many thrilling moments that comprise this 16-day span are both awe-inspiring and riveting, and I congratulate each of the athletes who competed in the 2012 Olympic games in London for their effort, sacrifice and competitive spirit. Being an Olympian is a tremendous feat and is the product of a relentless commitment to intense, event-specific training, coupled with the drive, determination, and perseverance to excel. These events and these athletes captured our imagination, and once again, reminded us that achievement is limited only by our will and our audacity to dream big.

Representing their country in London is an experience these athletes will cherish for a lifetime. They leave with new bonds and new friendships borne of mutual respect. London was a welcoming and gracious host for these athletes, their family and friends, as well as the multitudes of fans that witnessed these enthralling sporting events firsthand. The venues were breathtaking, and the opening and closing ceremony was a feast for the senses, taking us on a splendid journey through history and foreshadowing what was to come. I, along with many across Michigan, applaud their effort.

There were many firsts at these games. For the first time, a woman was a member of every Olympic delegation, including a Saudi Arabian woman competing bravely for her home country. The London games also featured the debut of women's boxing. It was particularly gratifying to watch a Flint Northwestern High School student earn the first gold medal in Women's Boxing for the United States. The poise, quickness and grit of Flint native Claressa Shield displayed en route to her victory was a delight to watch. There was also Oscar Pistorius, a bold and graceful athlete who has overcome many obstacles to compete alongside able-bodied athletes as peers.

And none of us will forget Michael Phelps, who followed up his brilliance in Athens with another dramatic and impressive performance in London, solidifying his place among the greatest Olympians of all time. The medal total for this Michigan Wolverine is astonishing—22 Olympic medals, 18 of them gold.

Nor will we forget the passion and spunk of the ''Fierce Five'', led by DeWitt's own Jordyn Weiber. Jordyn experienced a range of emotion at these games, from the high of winning the team gold in gymnastics for the United States to disappointment of falling just short of qualifying, by the narrowest of margin, for the highly coveted individual All-Around title. Her grace in both victory and disappointment set a fine example for aspiring young gymnasts.

And there was two-time Olympian Allison Schmitt, who earned three gold medals in swimming to increase her lifetime Olympic medal total to six.

As evidenced by these and other impressive performances, Michigan was well-represented in London. Impressively, 30 athletes with strong ties to Michigan competed in these games, including Chas Betts in wrestling, Tia Brooks in track, Tyler Clary in swimming, Ellis Coleman in wrestling, Desiree Davila in track, Geena Gall in track, Jake Herbert in wrestling, Charlie Houchin in swimming, Connor Jaeger in swimming, Kara Lynn Joyce in swimming, Ken Jurkowski in rowing, Justin Lester in wrestling, Spenser Mango in wrestling, Sam Mikulak in gymnastics, Brett Newlin in rowing, Jamie Nieto in track, Tom Peszek in rowing, Jeff Porter in track, Ben Provisor in wrestling, Dathan Ritzenhein in track, Daryl Szarenski in shooting, Davis Tarwater in swimming, Sarah Trowbridge in rowing, Peter Vanderkaay in swimming, Lauryn Williams in track, and Sarah Zelenka in rowing.

In addition to these outstanding American athletes, Michiganians proudly witnessed a number of talented athletes from other nations with strong ties to Michigan compete in these games, including Eric Alejandro in track, Bradley Ally in swimming, George Bovell in swimming, Nate Brannen in track, Syque Caesar in gymnastics, Milorad Cavic in swimming, Franklin Gomez in wrestling, Janine Hanson in rowing, Barry Murphy in swimming, Wu Peng in swimming, Krista Phillips in basketball, Tiffany Porter in track, Nicole Sifuentes in track, and Nick Willis in track.

The joy and excitement on the faces of these fine athletes as they fulfilled their dream to compete against the best in the world was infectious. Their determination was searing. Watching them compete in a gracious way as the world tuned in reminds us of what is possible. They navigated cultural differences, overcame language barriers and set aside historical disputes to engage in fair, peaceful competition. While it is in many ways symbolic, it is nonetheless significant. It reminds us all that we are a human family and that respect and dignity is deserved for all.

Barbara and I are honored to salute the many athletes with ties to Michigan who competed in London. Their hard work was evident; their skill was exquisite; and the competition that resulted was fascinating to watch. The inspiring example of excellence these athletes have put forth will not soon be forgotten. In homes across our State, young people are working a little harder, setting their goals a little higher and aspiring to equal or exceed the athletic prowess displayed in London time and time again. Our future is a little brighter as a result of each of them.

WORLD WAR II VETERANS

Mr. TESTER. Mr. President, On September 23, nearly 100 World War II veterans from Montana will be visiting our Nation's Capital.

With a great deal of honor and respect, I extend a hearty Montana welcome to each and every one of them.

Together, they will visit the World War II Memorial and share stories about their service. This journey will

no doubt bring about a lot of memories. I hope it will give them a deep sense of pride also.

What they achieved together almost 70 years ago was remarkable. That memorial is a testament to the fact that a grateful nation will never forget what they did nor what they sacrificed. To us, they were the greatest generation. They left the comforts of their family and their communities to confront evil from Iwo Jima to Bastogne. Together, they won the war in the Pacific by conquering an empire and liberated a continent by defeating Hitler and the Nazis.

To them, they were simply doing their jobs. They enlisted in unprecedented numbers to defend our freedoms and our values. They represented the very best of us and made us proud.

From a young age I remember playing the bugle at the memorial services of veterans of the first two world wars. It instilled in me a profound sense of respect I will never forget.

Honoring the service of every generation of American veterans is a Montana value. I deeply appreciate the work of the Big Sky Honor Flight, a nonprofit organization that made this trip and the first trip in June possible.

To the World War II veterans making the trip, I salute you. We will always be grateful, and we will never forget your service or sacrifice.

ADDITIONAL STATEMENTS

CONGRATULATING THE NEVADA COMMUNITY FOUNDATION

● Mr. HELLER. Mr. President, today I wish to congratulate one of my home State's local leaders in charitable giving, the Nevada Community Foundation, on obtaining its National Standards for U.S. Community Foundations accreditation from the Community Foundations National Standards Board.

The Foundation's commitment to the highest philanthropic standards for operational quality, integrity, and accountability has continuously provided the citizens of southern Nevada with invaluable services and leadership in their neighborhoods.

In the fall of 1988, the Nevada Community Foundation was incorporated as the first community foundation of Nevada. Designed to be a center of philanthropy for Nevada, the foundation is dedicated to improving the lives of current and future generations of southern Nevadans. By encouraging philanthropy, providing leadership, and promoting grant lending, the Nevada Community Foundation has worked tirelessly to meet the needs of southern Nevada. The foundation is committed to supporting local services, including education, social services, health, arts and culture, and the environment.

Serving the southern region of the Silver State for more than 24 years, the Nevada Community Foundation has remained a trusted philanthropic partner and champion for community investment. I applaud the Foundation's values of community, humility, and stewardship that have helped to enrich our communities and hope that they serve as an example for others within the state.

Today, I ask my colleagues to join me in recognizing the Nevada Community Foundation on receiving its National Standards accreditation. On behalf of the residents of southern Nevada, I congratulate the Nevada Community foundation on this accomplishment and commend the foundation's dedication to my home State.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, 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

At 12:55 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3857. An act to amend the Implementing Recommendations of the 9/11 Commission Act of 2007 to require the Secretary of Homeland Security to include as an eligible use the sustainment of specialized operational teams used by local law enforcement under the Transit Security Grant Program, and for other purposes.

H.R. 5544. An act to authorize and expedite a land exchange involving National Forest System land in the Laurentian District of the Superior National Forest and certain other National Forest System land in the State of Minnesota that has limited recreational and conservation resources and lands owned by the State of Minnesota in trust for the public school system that are largely scatered in checkerboard fashion within the Boundary Waters Canoe Area Wilderness and have important recreational, scenic, and conservation resources, and for other purposes.

H.R. 5865. An act to promote the growth and competitiveness of American manufacturing.

H.R. 5949. An act to extend the FISA Amendments Act of 2008 for five years.

ENROLLED BILL SIGNED

At 6:39 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 6336. An act to direct the Joint Committee on the Library to accept a statue depicting Frederick Douglass from the District of Columbia and to provide for the permanent display of the statue in Emancipation Hall of the United States Capitol.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3857. An act to amend the Implementing Recommendations of the 9/11 Commission Act of 2007 to require the Secretary of Homeland Security to include as an eligible use the sustainment of specialized operational teams used by local law enforcement under the Transit Security Grant Program, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5544. An act to authorize and expedite a land exchange involving National Forest System land in the Laurentian District of the Superior National Forest and certain other National Forest System land in the State of Minnesota that has limited recreational and conservation resources and lands owned by the State of Minnesota in trust for the public school system that are largely scattered in checkerboard fashion within the Boundary Waters Canoe Area Wilderness and have important recreational, scenic, and conservation resources, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

H.R. 5865. An act to promote the growth and competitiveness of American manufacturing; to the Committee on Commerce, Science, and Transportation.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 5949. An act to extend the FISA Amendments Act of 2008 for five years.

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–7441. A communication from the President of the United States, transmitting, pursuant to law, a report relative to an alternative plan for pay increases for civilian Federal employees covered by the General Schedule and certain other pay systems for 2013; to the Committee on Homeland Security and Governmental Affairs.

EC–7442. A communication from the Associate General Counsel for General Law, Department of Homeland Security, transmitting, pursuant to law, a report relative to a vacancy in the position of Acting Commissioner, U.S. Customs and Border Protection, received in the Office of the President of the Senate on September 10, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC–7443. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–439, ''Compulsory/No Fault Motor Vehicle Insurance Amendment Act of 2012''; to the Committee on Homeland Security and Governmental Affairs.

EC–7444. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–440, ''Automated Traffic Enforcement Amendment Act of 2012''; to the

Committee on Homeland Security and Governmental Affairs.

EC–7445. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–441, ''Anacostia River Clean Up and Protection Amendment Act of 2012''; to the Committee on Homeland Security and Governmental Affairs.

EC–7446. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–442, ''Immigration Detainer Compliance Amendment Act of 2012''; to the Committee on Homeland Security and Governmental Affairs.

EC–7447. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–443, ''Access to Selective Service Registration Amendment Act of 2012''; to the Committee on Homeland Security and Governmental Affairs.

EC–7448. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–444, ''DOC Inmate Processing and Release Amendment Act of 2012''; to the Committee on Homeland Security and Governmental Affairs.

EC–7449. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–445, ''Block Party Act of 2012''; to the Committee on Homeland Security and Governmental Affairs.

EC–7450. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–446, ''Pesticide Education and Control Amendment Act of 2012''; to the Committee on Homeland Security and Governmental Affairs.

EC–7451. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–447, ''Anacostia Waterfront Environmental Standards Amendment Act of 2012''; to the Committee on Homeland Security and Governmental Affairs.

EC–7452. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–448, ''Regulation of Body Artists and Body Art Establishments Act of 2012''; to the Committee on Homeland Security and Governmental Affairs.

EC–7453. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, ''District of Columbia Agencies' Compliance with Small Business Enterprise Expenditure Goals through the 3rd Quarter of Fiscal Year 2012''; to the Committee on Homeland Security and Governmental Affairs.

EC–7454. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the Commission's fiscal year 2012 FAIR Act inventory; to the Committee on Homeland Security and Governmental Affairs.

EC–7455. A communication from the Chief of the Planning and Regulatory Affairs Branch, Food and Nutrition Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Food Distribution Program on Indian Reservations: Administrative Funding Allocations'' (RIN0584–AD85) received in the Office of the President of the Senate on September 10, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC–7456. A communication from the Chairman of the National Transportation Safety Board, transmitting, pursuant to law, the Board's amended Fiscal Year 2011 Annual Report on The Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Homeland Security and Governmental Affairs.

EC–7457. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the Office of the Inspector General's Semiannual Report for the period of October 1, 2012 through March 31, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC–7458. A communication from the Director of the Acquisition Policy and Legislation Branch, Office of the Chief Procurement Officer, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Homeland Security Acquisition Regulation (HSAR); Revision Initiative'' (RIN1601–AA28) received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC–7459. A communication from the Administrator, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, a report relative to the cost of response and recovery efforts for FEMA–3345–EM in the State of West Virginia having exceeded the $5,000,000 limit for a single emergency declaration; to the Committee on Homeland Security and Governmental Affairs.

EC–7460. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to three violations of the Antideficiency Act occurring in an Indian Health Services (IHS) account; to the Committee on Appropriations.

EC–7461. A communication from the Assistant Secretary of Defense (Global Strategic Affairs), transmitting, pursuant to law, a report entitled ''Report on Proposed Obligations for Cooperative Threat Reduction, September 2012''; to the Committee on Armed Services.

EC–7462. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Updated Statements of Legal Authority for the Export Administration Regulations'' (RIN0694–AF78) received in the Office of the President of the Senate on September 12, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC–7463. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2012–0119—2012–0122); to the Committee on Foreign Relations.

EC–7464. A communication from the Program Manager, Centers for Disease Control and Prevention, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Specifications for Medical Examinations of Underground Coal Miners'' (RIN0920–AA21) received in the Office of the President of the Senate on September 12, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC–7465. A communication from the Program Manager, Centers for Disease Control and Prevention, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''World Trade Center Health Program; Addition of Certain Types of Cancer to the List of WTC-Related Health Conditions'' (RIN0920–AA49) received in the Office of the President of the Senate on September 12, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC–7466. A communication from the Senior Procurement Executive/Deputy Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Federal Acquisition Circular 2005–61, Introduction'' (FAC 2005–61) received in the Office of the President of the Senate on September 12, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC–7467. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, ''Audit of the Closure and Consolidation of 23 D.C. Public Schools''; to the Committee on Homeland Security and Governmental Affairs.

EC–7468. A communication from the Special Inspector General for Iraq Reconstruction, transmitting, pursuant to law, the Quarterly Report for July 2012; to the Committee on Homeland Security and Governmental Affairs.

EC–7469. A communication from the Acting Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report entitled ''Debt Collection Recovery Activities of the Department of Justice for Debts Referred to the Department for Collection Annual Report for Fiscal Year 2011''; to the Committee on the Judiciary.

EC–7470. A communication from the Federal Liaison Officer, Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''CPI Adjustment of Patent Fees for Fiscal Year 2013'' (RIN0651–AC55) received in the Office of the President of the Senate on September 10, 2012; to the Committee on the Judiciary.

EC–7471. A communication from the Secretary, Judicial Conference of the United States, transmitting, a report of proposed legislation entitled ''Criminal Judicial Procedure, Administration, and Technical Amendments Act of 2012''; to the Committee on the Judiciary.

EC–7472. A communication from the Director, Administrative Office of the United States Courts, transmitting, pursuant to law, a report entitled ''2011 Report of Statistics Required by the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005''; to the Committee on the Judiciary.

EC–7473. A communication from the President, American Academy of Arts and Letters, transmitting, pursuant to law, a report relative to the Academy's activities during the year ending December 31, 2011; to the Committee on the Judiciary.

EC–7474. A joint communication from the Chair and Vice Chair, Federal Election Commission, transmitting, pursuant to law, the Commission's fiscal year 2014 budget request; to the Committee on Rules and Administration.

EC–7475. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report entitled ''Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) Quarterly Report to Congress; Third Quarter of Fiscal Year 2012''; to the Committee on Veterans' Affairs.

EC–7476. 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 ''Sharing Information Between the Department of Veterans Affairs and the Department of Defense'' (RIN2900–AN95) received in the Office of the President of the Senate on September 10, 2012; to the Committee on Veterans' Affairs.

EC–7477. 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 ''Guide and Service Dogs'' (RIN2900–AN51) received in the Office of the President of the Senate on September 10, 2012; to the Committee on Veterans' Affairs.

EC–7478. A communication from the Program Manager, Information Sharing Environment, Office of the Director of National Intelligence, transmitting, pursuant to law, a report entitled, ''Annual Report to the Congress on the Information Sharing Environment''; to the Select Committee on Intelligence.

EC–7479. A communication from the Program Manager, Information Sharing Environment, Office of the Director of National Intelligence, transmitting, pursuant to law, a cover letter, without the listed attachment, relative to the report entitled ''Annual Report to the Congress on the Information Sharing Environment''; to the Select Committee on Intelligence.

EC–7480. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zones; Fourth of July Fireworks Displays within the Captain of the Port Charleston Zone, SC'' ((RIN1625–AA00) (Docket No. USCG–2012–0384)) received during adjournment of the Senate in the Office of the President of the Senate on August 6, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7481. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Rocketts Red Glare Fireworks, Ancarrows Landing Park, James River, Richmond, VA'' ((RIN1625–AA00) (Docket No. USCG–2012–0114)) received during adjournment of the Senate in the Office of the President of the Senate on August 6, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7482. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Baltimore Air Show, Patapsco River, Baltimore, MD'' ((RIN1625–AA00) (Docket No. USCG–2012–0076)) received during adjournment of the Senate in the Office of the President of the Senate on August 6, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7483. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; America's Cup World Series, East Passage, Narragansett Bay, Rhode Island'' ((RIN1625–AA00) (Docket No. USCG–2011–1172)) received during adjournment of the Senate in the Office of the President of the Senate on August 6, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7484. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Spiny Lobster Fishery of the Gulf of Mexico and South Atlantic; Amendment 11'' (RIN0648–BB44) received during adjournment of the Senate in the Office of the President of the Senate on August 8, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7485. 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; Arrowtooth Flounder in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XC129) received during adjournment of the Senate in the Office of the President of the Senate on August 8, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7486. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States; Pacific Coast Groundfish Fishery Management Plan; Trawl Rationalization Program'' (RIN0648–BC00) received during adjournment of the Senate in the Office of the President of the Senate on August 8, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7487. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species; 2012 Atlantic Bluefin Tuna Quota Specifications'' (RIN0648–XA920) received during adjournment of the Senate in the Office of the President of the Senate on August 8, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7488. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Western Pacific Pelagic Fisheries; Revised Swordfish Trip Limits in the Hawaii Deep-Set Longline Fishery'' (RIN0648–BB48) received during adjournment of the Senate in the Office of the President of the Senate on August 8, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7489. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Taking of Marine Mammals Incidental to Commercial Fishing Operations; Bottlenose Dolphin Take Reduction Plan'' (RIN0648–BA34) received during adjournment of the Senate in the Office of the President of the Senate on August 8, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7490. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States; Coastal Pelagic Species Fisheries; Annual Specifications'' (RIN0648–XB045) received during adjournment of the Senate in the Office of the President of the Senate on August 13, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7491. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Revisions to Framework Adjustment 47 to the Northeast Multispecies Fishery Management Plan and Sector Annual Catch Entitlements; Updated Annual Catch Limits for Sectors and the Common Pool for Fishing Year 2012'' (RIN0648–BB62) received during adjournment of the Senate in the Office of the President of the Senate on August 10, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7492. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Red Snapper Management Measures'' (RIN0648–BB91) received during adjournment of the Senate in the Office of the President of the Senate on August 13, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7493. A communication from the 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; Annual Specifications'' (RIN0648–XA882) received during adjournment of the Senate in the Office of the President of the Senate on August 22, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7494. 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 Caribbean, Gulf of Mexico, and South Atlantic; Comprehensive Annual Catch Limit Amendment Supplement'' (RIN0648–BB93) received during adjournment of the Senate in the Office of the President of the Senate on August 22, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7495. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Gulf of Alaska; Final 2012 and 2013 Harvest Specifications for Groundfish; Correction'' (RIN0648–XA711) received during adjournment of the Senate in the Office of the President of the Senate on August 22, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7496. 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 Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Amendment 32 Supplement'' (RIN0648–AY56) received during adjournment of the Senate in the Office of the President of the Senate on August 22, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7497. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species; North and South Atlantic Swordfish Quotas and Management Measures'' (RIN0648–BB75) received during adjournment of the Senate in the Office of the President of the Senate on August 22, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7498. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species; Electronic Dealer Reporting Requirements'' (RIN0648–BA75) received in the Office of the President of the Senate on September 10, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7499. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish of the Gulf of Alaska; Amendment 88; Correction'' (RIN0648–BC23) received during adjournment of the Senate in the Office of the President of the Senate on August 8, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7500. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries'' (RIN0648–XC055) received during adjournment of the Senate in

the Office of the President of the Senate on August 17, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7501. A communication from the Acting 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; Shallow-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska'' (RIN0648–XC056) received during adjournment of the Senate in the Office of the President of the Senate on August 17, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7502. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species; Commercial Gulf of Mexico Non-Sandbar Large Coastal Shark Fishery'' (RIN0648–XC080) received during adjournment of the Senate in the Office of the President of the Senate on August 17, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7503. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Reef Fish Fishery of the Gulf of Mexico; 2012 Commercial Accountability Measure and Closure for Gulf of Mexico Gray Triggerfish'' (RIN0648–XC076) received during adjournment of the Senate in the Office of the President of the Senate on August 17, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7504. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Chinook Salmon Bycatch Management in the Gulf of Alaska Pollock Fishery; Amendment 93'' (RIN0648–BB24) received during adjournment of the Senate in the Office of the President of the Senate on August 22, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7505. 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; 'Other Rockfish' in the Central Regulatory Area of the Gulf of Alaska'' (RIN0648–XC167) received in the Office of the President of the Senate on September 10, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7506. 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 Northeastern United States; Northeast Multispecies Fishery; White Hake Trimester Total Allowable Catch Area Closure for the Common Pool Fishery'' (RIN0648–XC153) received in the Office of the President of the Senate on September 11, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7507. 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; Squid in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XC119) received during adjournment of the Senate in the Office of the President of the Senate on August 8, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7508. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; 2012–2013 Accountability Measure and Closure for Gulf King Mackerel in Western Zone'' (RIN0648–XC160) received in the Office of the President of the Senate on September 11, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7509. 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; Deep-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska'' (RIN0648–XC142) received in the Office of the President of the Senate on September 11, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7510. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Snapper-Grouper Fishery of the South Atlantic; 2012 Recreational Accountability Measure and Closure for South Atlantic Golden Tilefish'' (RIN0648–XC025) received during adjournment of the Senate in the Office of the President of the Senate on August 17, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7511. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Temporary Change for Recurring Fireworks Display within the Fifth Coast Guard District, Pamlico River and Tar River; Washington, NC'' ((RIN1625–AA00) (Docket No. USCG–2012–0097)) received during adjournment of the Senate in the Office of the President of the Senate on August 6, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7512. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Approval of Classification Societies'' ((RIN1625–AB35) (Docket No. USCG–2007–27668)) received during adjournment of the Senate in the Office of the President of the Senate on August 8, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7513. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Validation of Merchant Mariners' Vital Information and Issuance of Coast Guard Merchant Mariner's Licenses and Certificates of Registry (MMLs)'' ((RIN1625–AA85) (Docket No. USCG–2004–17455)) received during adjournment of the Senate in the Office of the President of the Senate on August 6, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7514. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Alternate Tonnage Threshold for Oil Spill Response Vessels'' ((RIN1625–AB82) (Docket No. USCG–2011–0966)) received during adjournment of the Senate in the Office of the President of the Senate on August 6, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7515. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Swim Events in the Captain of the Port New York Zone; Hudson River, East River, Upper New York Bay, Lower New York Bay; New York, NY'' ((RIN1625–AA00) (Docket No. USCG–2011–1000)) received during adjournment of the Senate in the Office of the President of the Senate on August 6, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7516. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Navigation and Navigable Waters; Technical, Organizational and Conforming Amendments'' ((RIN1625–AB86) (Docket No. USCG–2012–0306)) received during adjournment of the Senate in the Office of the President of the Senate on August 6, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7517. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Validation of Merchant Mariners' Vital Information and Issuance of Coast Guard Merchant Mariner's Documents (MMDs)'' ((RIN1625–AB81) (Docket No. USCG–2003–14500)) received during adjournment of the Senate in the Office of the President of the Senate on August 6, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7518. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Carbon Dioxide Fire Suppression Systems on Commercial Vessels'' ((RIN1625–AB44) (Docket No. USCG–2006–24797)) received during adjournment of the Senate in the Office of the President of the Senate on August 6, 2012; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 2170. A bill to amend the provisions of title 5, United States Code, which are commonly referred to as the ''Hatch Act'' to eliminate the provision preventing certain State and local employees from seeking elective office, clarify the application of certain provisions to the District of Columbia, and modify the penalties which may be imposed for certain violations under subchapter III of chapter 73 of that title (Rept. No. 112–211).

By Mr. AKAKA, from the Committee on Indian Affairs, without amendment:

S. 2389. A bill to deem the submission of certain claims to an Indian Health Service contracting officer as timely.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SCHUMER:

S. 3537. A bill to require all recreational vessels to have and post passenger capacity limits and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. JOHANNS (for himself and Mr. TESTER):

S. 3538. A bill to reform laws relating to small public housing agencies, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KERRY:

S. 3539. A bill to encourage the adoption and use of certified electronic health record

technology by safety net providers and clinics; to the Committee on Finance.

By Mr. TESTER:

S. 3540. A bill to reduce Federal advertising budgets; to the Committee on Homeland Security and Governmental Affairs.

By Mr. NELSON of Nebraska (for himself and Mr. JOHANNS):

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; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. KLOBUCHAR (for herself and Mr. BLUNT):

S. 3542. A bill to authorize the Assistant Secretary of Homeland Security (Transportation Security Administration) to modify screening requirements for checked baggage arriving from preclearance airports, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CORNYN (for himself and Mrs. HUTCHISON):

S. 3543. A bill to exempt from the Lacey Act Amendments of 1981 certain water transfers by the North Texas Municipal Water District and the Greater Texoma Utility Authority; to the Committee on Environment and Public Works.

By Mr. BROWN of Ohio (for himself, Mr. SCHUMER, and Ms. STABENOW):

S. 3544. A bill to make available funds from the Emergency Economic Stabilization Act of 2008 for funding pension benefits with respect to former employees of Delphi Corporation; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GRASSLEY (for himself and Mr. FRANKEN):

S. 3545. A bill to amend title 11 of the United States Code to clarify the rule allowing discharge as a nonpriority claim of governmental claims arising from the disposition of farm assets under chapter 12 bankruptcies; to the Committee on Finance.

By Mr. JOHNSON of South Dakota (for himself, Mr. AKAKA, Mr. TESTER, Mr. UDALL of New Mexico, and Mr. FRANKEN):

S. 3546. A bill to amend the Native American Programs Act of 1974 to reauthorize a provision to ensure the survival and continuing vitality of Native American languages; to the Committee on Indian Affairs.

By Mr. KERRY (for himself, Mr. LIEBERMAN, Mr. SANDERS, and Mr. BLUMENTHAL):

S. 3547. A bill to amend the Lacey Act Amendments of 1981 to clarify provisions enacted by the Captive Wildlife Safety Act, to further the conservation of certain wildlife species, and for other purposes; to the Committee on Environment and Public Works.

By Mr. AKAKA:

S. 3548. A bill to clarify certain provisions of the Native American Veterans' Memorial Establishment Act of 1994; to the Committee on Indian Affairs.

By Mrs. GILLIBRAND:

S. 3549. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to provide grants for the revitalization of waterfront brownfields, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BLUMENTHAL (for himself and Mr. HARKIN):

S. 3550. A bill to amend the Higher Education Act of 1965 to protect students from deceptive practices and high-pressure sales by institutions of higher education, to provide a waiting period for students to make enrollment decisions, to guard against misrepresentation, to standardize and elevate institutional disclosures, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DEMINT (for himself and Mr. CORKER):

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; to the Committee on Foreign Relations.

By Ms. STABENOW (for herself and Mr. ROBERTS):

S. 3552. A bill to reauthorize the Federal Insecticide, Fungicide, and Rodenticide Act; 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 Mrs. BOXER (for herself and Mr. CORNYN):

S. Res. 554. A resolution calling on the Government of the People's Republic of China to facilitate the immediate and unconditional release of Gao Zhisheng, and for other purposes; to the Committee on Foreign Relations.

By Mr. CONRAD (for himself, Mr. ENZI, and Mr. CARDIN):

S. Res. 555. A resolution 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; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INHOFE:

S. Res. 556. A resolution expressing the sense of the Senate that foreign assistance funding to the Governments of Libya and Egypt should be suspended until the President certifies to Congress that both governments are providing proper security at United States embassies and consulates pursuant to the Vienna Convention on Consular Relations; to the Committee on Foreign Relations.

By Mr. KERRY (for himself, Mr. LUGAR, Mrs. FEINSTEIN, Mr. LEAHY, Mr. UDALL of Colorado, Mr. LIEBERMAN, Mr. KIRK, Mr. MCCAIN, and Mrs. BOXER):

S. Res. 557. A resolution honoring the contributions of Lodi Gyaltsen Gyari as Special Envoy of His Holiness the Dalai Lama and in promoting the legitimate rights and aspirations of the Tibetan people; to the Committee on Foreign Relations.

By Mr. REID:

S. Res. 558. A resolution 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; to the Committee on Commerce, Science, and Transportation.

ADDITIONAL COSPONSORS

S. 621

At the request of Mr. ROCKEFELLER, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of S. 621, a bill to amend the Surface Mining Control and Reclamation Act of 1977 to provide for use of excess funds available under that Act to provide for certain benefits, and for other purposes.

S. 755

At the request of Mr. WYDEN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 755, a bill to amend the Internal Revenue Code of 1986 to allow an offset against income tax refunds to pay for restitution and other State judicial debts that are past-due.

S. 810

At the request of Ms. CANTWELL, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 810, a bill to prohibit the conducting of invasive research on great apes, and for other purposes.

S. 821

At the request of Mr. LEAHY, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 821, a bill to amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships.

S. 829

At the request of Mr. CARDIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 829, a bill to amend title XVIII of the Social Security Act to repeal the Medicare outpatient rehabilitation therapy caps.

S. 996

At the request of Mr. ROCKEFELLER, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 996, a bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit through 2016, and for other purposes.

S. 998

At the request of Mr. AKAKA, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 998, a bill to amend title IV of the Employee Retirement Income Security Act of 1974 to require the Pension Benefit Guaranty Corporation, in the case of airline pilots who are required by regulation to retire at age 60, to compute the actuarial value of monthly benefits in the form of a life annuity commencing at age 60.

S. 1171

At the request of Mr. SCHUMER, the names of the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 1171, a bill to amend the Internal Revenue Code of 1986 to extend the exclusion from gross income for employer-provided health coverage for employees' spouses and dependent children to coverage provided to other eligible dependent beneficiaries of employees.

S. 1301

At the request of Mr. LEAHY, the name of the Senator from Iowa (Mr. HARKIN) 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. 1324

At the request of Mrs. BOXER, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1324, a bill to amend the Lacey Act Amendments of 1981 to prohibit the importation, exportation, transportation, and sale, receipt, acquisition, or purchase in interstate or foreign commerce, of any live animal of any prohibited wildlife species, and for other purposes.

S. 1512

At the request of Mr. CARDIN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1512, a bill to amend the Internal Revenue Code of 1986 and the Small Business Act to expand the availability of employee stock ownership plans in S corporations, and for other purposes.

S. 1894

At the request of Mr. SCHUMER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1894, a bill to deter terrorism, provide justice for victims, and for other purposes.

S. 1910

At the request of Mr. LIEBERMAN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1910, a bill to provide benefits to domestic partners of Federal employees.

S. 1966

At the request of Ms. AYOTTE, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1966, a bill to direct the Secretary of Homeland Security to reform the process for enrolling, activating, issuing, and renewing Transportation Worker Identification Credentials so that applicants are not required to visit a designated enrollment center more than once.

S. 2046

At the request of Ms. MIKULSKI, the name of the Senator from Illinois (Mr. DURBIN) 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. 2172

At the request of Ms. SNOWE, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 2172, a bill to remove the limit on the anticipated award price for contracts awarded under the procurement program for women-owned small business concerns, and for other purposes.

S. 2234

At the request of Mr. BLUMENTHAL, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 2234, a bill to prevent human trafficking in government contracting.

S. 2288

At the request of Ms. LANDRIEU, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 2288, a bill to amend title XXVII of the Public Health Service Act to preserve consumer and employer access to licensed independent insurance producers.

S. 2620

At the request of Mr. SCHUMER, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor 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. 3196

At the request of Ms. SNOWE, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 3196, a bill to establish the National Women's High-Growth Business Bipartisan Task Force, and for other purposes.

S. 3197

At the request of Ms. SNOWE, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 3197, a bill to reauthorize the women's business center program of the Small Business Administration, and for other purposes.

S. 3204

At the request of Mr. JOHANNS, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 3204, a bill to address fee disclosure requirements under the Electronic Fund Transfer Act, and for other purposes.

S. 3244

At the request of Mr. FRANKEN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 3244, a bill to amend the Higher Education Opportunity Act to add disclosure requirements to the institution financial aid offer form and to amend the Higher Education Act of 1965 to make such form mandatory.

S. 3248

At the request of Mr. ENZI, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 3248, a bill to designate the North American bison as the national mammal of the United States.

S. 3252

At the request of Mr. PORTMAN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 3252, a bill to provide for the award of a gold medal on behalf of Congress to Jack Nicklaus, in recognition of his service to the Nation in promoting excellence, good sportsmanship, and philanthropy.

S. 3402

At the request of Mr. CASEY, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 3402, a bill to require the Secretary of Labor to maintain a publicly available list of all employers that relocate a call center overseas, to make such companies ineligible for Federal grants or guaranteed loans, and to require disclosure of the physical location of business agents engaging in customer service communications, and for other purposes.

S. 3426

At the request of Mr. MERKLEY, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 3426, a bill to amend the Truth in Lending Act to address certain issues related to the extension of consumer credit, and for other purposes.

S. 3457

At the request of Mr. NELSON of Florida, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from West Virginia (Mr. MANCHIN) were added as cosponsors of S. 3457, a bill to require the Secretary of Veterans Affairs to establish a veterans jobs corps, and for other purposes.

S. 3463

At the request of Mr. FRANKEN, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 3463, a bill to amend title XVIII of the Social Security Act to reduce the incidence of diabetes among Medicare beneficiaries.

S. 3477

At the request of Mrs. BOXER, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Maryland (Mr. CARDIN) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 3477, a bill to ensure that the United States promotes women's meaningful inclusion and participation in mediation and negotiation processes undertaken in order to prevent, mitigate, or resolve violent conflict and implements the United States National Action Plan on Women, Peace, and Security.

S. 3485

At the request of Mr. BROWN of Ohio, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 3485, a bill to limit the authority of States to tax certain income of employees for employment duties performed in other States.

S. 3522

At the request of Mr. MENENDEZ, the name of the Senator from Louisiana (Ms. LANDRIEU) 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. 3536

At the request of Mr. BLUMENTHAL, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 3536, a bill to amend the Internal Revenue Code of 1986 to extend the work opportunity credit for hiring veterans, and for other purposes.

S.J. RES. 50

At the request of Mr. HATCH, the names of the Senator from North Dakota (Mr. HOEVEN), the Senator from Texas (Mrs. HUTCHISON), the Senator from Tennessee (Mr. ALEXANDER), the Senator from Georgia (Mr. ISAKSON) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of S.J. Res. 50, a 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.

S. RES. 543

At the request of Mrs. BOXER, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. Res. 543, a resolution to express the sense of the Senate on international parental child abduction.

AMENDMENT NO. 2782

At the request of Mr. MCCONNELL, his name was added as a cosponsor of amendment No. 2782 intended to be proposed to S. 3457, a bill to require the Secretary of Veterans Affairs to establish a veterans jobs corps, and for other purposes.

AMENDMENT NO. 2790

At the request of Mr. BLUMENTHAL, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of amendment No. 2790 intended to be proposed to S. 3457, a bill to require the Secretary of Veterans Affairs to establish a veterans jobs corps, and for other purposes.

AMENDMENT NO. 2801

At the request of Ms. SNOWE, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of amendment No. 2801 intended to be proposed to S. 3457, a bill to require the Secretary of Veterans Affairs to establish a veterans jobs corps, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERRY:

S. 3539. A bill to encourage the adoption and use of certified electronic health record technology by safety net providers and clinics; to the Committee on Finance.

Mr. KERRY. Mr. President, the American Recovery and Reinvestment Act of 2009, ARRA, provided Medicare and Medicaid incentive payments to providers that adopt and meaningfully use electronic health records, EHRs, in their practices. While this program has helped thousands of providers, practices, and hospitals nationwide, many safety net providers and clinics have not been able to benefit from the Medicaid EHR incentives.

Safety net providers serve as a critical entry point into the health care system, and provide essential health care services for millions of low-income, uninsured and underinsured individuals. Given that Medicaid eligibility levels are so low in many States, it is difficult for many safety net providers to meet the 30 percent Medicaid threshold required to participate in the Medicaid EHR incentive program even though their patients are predominately low-income. Congress addressed this problem only for practitioners working in federally-qualified health centers and rural health centers by creating a 30 percent ''needy'' threshold in ARRA for those providers. Unfortunately, ARRA fails to provide a similar standard for other providers serving low-income individuals.

The Medicaid Information Technology to Enhance Community Health, MITECH, Act of 2012 seeks to eliminate the barriers that prevent safety net providers from qualifying from Medicaid EHR incentives. Specifically, it would expand eligibility for meaningful use incentives to providers that practice predominantly in a qualified safety net clinic, QSNC. The act defines a QSNC as a clinic or network of clinics that is operated by a private non-profit or public entity and that has at least 30 percent of its patient volume attributable to needy individuals. The act also directs the Secretary of Health and Human Services to develop a methodology to allow these clinics to be eligible for meaningful use payments as an entity, similar to the current process that exists for hospitals.

I would like to thank the 13 national organizations who have been integral to the development of this legislation and who have endorsed it today, including the Association of State and Territorial Health Officials, the HIV Medicine Association, Mental Health America, the National Association of Public Hospitals, the National Family Planning and Reproductive Health Association, and the Trust for America's Health.

The MITECH Act will allow safety net clinics to better communicate with patients about necessary screenings, help ensure compliance with prescription drugs, and will strengthen the safety net which provides essential care to so many Americans. It is my hope that we can move forward with this bill in a bipartisan manner. I ask all of my colleagues to support this important legislation.

By Mr. GRASSLEY (for himself and Mr. FRANKEN):

S. 3545. A bill to amend title 11 of the United States Code to clarify the rule allowing discharge as a nonpriority claim of governmental claims arising from the disposition of farm assets under chapter 12 bankruptcies; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, I rise today to introduce, along with Senator FRANKEN, the Family Farmer Bankruptcy Tax Clarification Act of 2012. This bill addresses the recent United States Supreme Court case Hall v. United States. In a 5–4 decision, the Supreme Court ruled the provision I inserted into the 2005 Bankruptcy Abuse Prevention and Consumer Protection Act did not accomplish what we intended. The Family Farmer Bankruptcy Tax Clarification Act of 2012 corrects this and clarifies that bankrupt family farmers reorganizing their debts are able to treat capital gains taxes owed to a governmental unit, arising from the sale of farm assets during a bankruptcy, as general unsecured claims. This bill will remove the Internal Revenue Service's veto power over a bankruptcy reorganization plan's confirmation, giving the family farmer a chance to reorganize successfully.

In 1986 Congress enacted Chapter 12 of the Bankruptcy Code to provide a specialized bankruptcy process for family farmers. In 2005 Chapter 12 was made permanent. Between 1986 and 2005 we learned what aspects worked and did not work for family farmers reorganizing in bankruptcy. One problematic area was where a family farmer needed to sell assets in order to generate cash for the reorganization. Specifically, a family farmer would have to sell portions of the farm to generate cash to fund a reorganization plan so that the creditors could receive payment. Unfortunately, in situations like this, the family farmer is selling land that has been owned for a very long time, with a very low cost basis. Thus, when the land is sold, the family farmer is hit with a substantial capital gains tax, which is owed to the Internal Revenue Service.

Under the Bankruptcy Code, taxes owed to the Internal Revenue Service receive priority treatment. Holders of priority claims must receive payment in full, unless the claim holder agrees to be treated differently. This creates problems for the family farmer who needs the cash to pay creditors to reorganize. However, since the Internal Revenue Service has the ability to require full payment, they hold veto power over a plan's confirmation, which means in many instances the plan will not be confirmed. This does not make sense if the goal is to give the family farmer a fresh start. Thus, in 2005 Congress said that in these limited situations, the taxes owed to the Internal Revenue Service could be treated as general, unsecured debt. This removed the government's veto power over plan confirmation and paved the way for family farmers to reorganize successfully.

However, in Hall v. United States, the Supreme Court ruled that despite Congress's express goal of helping family farmers, the language inserted into the Bankruptcy Code in 2005 conflicted with the Tax Code. The Hall case was one of statutory interpretation. There is no question what Congress was trying to do; rather, did Congress use the

correct language? My goal, along with others at the time, was to relieve family farmers from having their reorganization plans fail because of huge tax liabilities to the federal government. Justice Breyer noted this in the dissent: ''Congress was concerned about the effect on the farmer of collecting capital gains tax debts that arose during (and were connected with) the Chapter 12 proceedings themselves. . . . The majority does not deny the importance of Congress' objective. Rather, it feels compelled to hold that Congress put the Amendment in the wrong place.'' Hall v. United States, 132 S.Ct. 1882, 1897, 2012, Breyer, J., dissenting, internal citations and quotations omitted.

As a result of the Hall case, family farmers facing bankruptcy now find themselves caught in an unfortunate situation. The rules have changed and must be corrected in order to provide certainty and clarity in the law. The Family Farmer Bankruptcy Tax Clarification Act of 2012 will provide the clarity needed to help family farmers reorganize in bankruptcy.

This bill strikes the current language in the Bankruptcy Code, which the Supreme Court said does not work, 11 U.S.C. §1222(a)(2)(A) and inserts a new 11 U.S.C. §1222(a)(5). The new provision transforms all government claims arising as a result of the sale or transfer of post-petition farm assets into unsecured, non-priority claims, notwithstanding any language in the Internal Revenue Code to the contrary. The bill also provides new sections for treatment of these claims during the bankruptcy process. The bill recognizes that some asset sales may occur post-confirmation. As a result, we also provide a mechanism for plan modification as a result of these sales, if used for the specified purpose of reorganization, to assist in reorganization. Finally, we make a technical change to 11 U.S.C. §1228(a), which practitioners and commentators have long argued is needed. This technical change is within the limited scope of this clarification bill, as it provides greater certainty and clarity that has troubled courts and practitioners alike.

I recognize the end of this session of Congress is near and the time to do something is short. However, we have been fine tuning this legislation to ensure it properly corrects the Hall case. We will seek to do what we can during the remaining Congressional calendar to fix the problem this year. Should we run out of time, then we will maintain our focus on this problem into the next year. The Family Farmer Bankruptcy Tax Clarification Act of 2012 ensures that what Congress sought to do in 2005 actually occurs. In the wake of the Hall decision, clarification is needed to help ensure family farmers facing bankruptcy will have a chance to reorganize successfully.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3545

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 ''Family Farmer Bankruptcy Tax Clarification Act of 2012''.

SEC. 2. CLARIFICATION OF RULE ALLOWING DISCHARGE TO GOVERNMENTAL CLAIMS ARISING FROM THE DISPOSITION OF FARM ASSETS UNDER CHAPTER 12 BANKRUPTCIES.

(a) IN GENERAL.—Section 1222(a) of title 11, United States Code, is amended—

(1) in paragraph (2), by striking ''unless—'' and all that follows through ''the holder'' and inserting ''unless the holder'';

(2) in paragraph (3), by striking ''and'' at the end;

(3) in paragraph (4), by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(5) notwithstanding the application of the rules under subchapter V of chapter 1 of the Internal Revenue Code of 1986, and without regard to whether the claim arose before or after the filing of the petition, provide for the treatment and payment of any unsecured claim owed to a governmental unit by the debtor or the estate that arises as a result of the sale, transfer, exchange, or other disposition of any farm asset used in the debtor's farming operation as an unsecured claim that is not entitled to priority under section 507.''.

(b) POSTPETITION CLAIMS RELATING TO SALE, TRANSFER, EXCHANGE, OR OTHER DISPOSITION OF FARM ASSETS.—

(1) IN GENERAL.—Section 1222 of title 11, United States Code, is amended by adding at the end the following:

''(e)(1) A governmental unit may file a proof of claim for a claim described in subsection (a)(5) that arises after the date on which the petition is filed.

''(2)(A) Except as provided in subparagraph (B), if a governmental unit has not filed a proof of claim under paragraph (1) for a claim described in subsection (a)(5), after the date that is 120 days after the date on which the claim arises, the trustee or the debtor may file proof of such claim.

''(B)(i) For a claim described in subsection (a)(5) that is a tax for which a return is due, if the debtor or trustee has provided notice as described in clause (ii) and the governmental unit has not filed a proof of claim under paragraph (1), after the date that is 180 days after the date on which the debtor or trustee provides the notice, the debtor or the trustee may file proof of such claim.

''(ii) Notice as described in this clause is notice by the debtor or the trustee—

''(I) indicating the intent to file the applicable claim;

''(II) setting forth the amount of the claim;

''(III) that includes a copy of the filed return relating to the claim; and

''(IV) that is delivered to the governmental unit at the address designated for requests made under section 505(b)(1)(A).

''(3) A claim filed under paragraph (1) or (2) shall be allowed or disallowed under section 502, but shall be determined as of the date such claim arises, and shall be allowed under section 502(a), (b), or (c) of this title, or disallowed under section 502(d) or 502(e) of this title the same as if such claim had arisen before the date of the filing of the petition.''.

(2) MODIFICATION OF PLAN AFTER CONFIRMATION.—Section 1229(a) of title 11, United States Code, is amended—

(A) in paragraph (2), by striking ''or'' at the end;

(B) in paragraph (3), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(4) provide for the payment of a claim described in section 1222(a)(5) that arose after the date on which the petition is filed.''.

(c) TECHNICAL CORRECTION.—Section 1228(a) of title 11, United States Code, is amended in the matter preceding paragraph (1)—

(1) by inserting a comma after ''all debts provided for by the plan''; and

(2) by inserting a comma after ''allowed under section 503 of this title''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to any bankruptcy case that—

(1) is pending on the date of enactment of this Act and relating to which an order of discharge under section 1228 of title 11, United States Code, has not been entered; or

(2) commences on or after the date of enactment of this Act.

By Mr. KERRY (for himself, Mr. LIEBERMAN, Mr. SANDERS, and Mr. BLUMENTHAL):

S. 3547. A bill to amend the Lacey Act Amendments of 1981 to clarify provisions enacted by the Captive Wildlife Safety Act, to further the conservation of certain wildlife species, and for other purposes; to the Committee on Environment and Public Works.

Mr. KERRY. Mr. President, today I am introducing the Big Cats and Public Safety Protection Act to protect public safety, improve animal welfare, assist international big cat conservation, and to help clarify the existing patchwork of current state regulation. This is a companion for legislation previously introduced in the House by Representatives HOWARD MCKEON and LORETTA SANCHEZ. Amazingly, it is unknown even how many big cats such as lions, cougars, leopards, and cheetahs live or are bred in private possession in the United States. This bill would prevent the private possession and breeding of big cats, while still allowing properly accredited zoos and wildlife sanctuaries to continue to operate in the critical conservation and animal welfare roles that they occupy today.

Why is this legislation so important? First, this is a public safety issue, which was made tragically clear almost a year ago in Zanesville, Ohio, when the owner of a backyard zoo opened the cages of his tigers, leopards, lions, wolves, bears, and monkeys before killing himself. Wild animals were literally roaming the streets where children were playing and people were going about their daily lives. Sadly, the situation gave police no choice but to shoot and kill almost 50 animals, including 38 big cats, before they could enter populated areas. Public safety officials were, understandably, not trained or equipped to deal with large exotic animals especially 300 pound tigers. This tragedy should serve as a chilling wakeup call about our lack of safeguards around large, wild species being kept as pets. In the past 11 years in the United States, incidents involving captive big cats have resulted in the deaths of 21 people, 16 adults and 5 children. During the same time period,

there have been 246 maulings, 253 escapes, 143 big cat deaths, and 128 confiscations.

This is also an animal welfare issue. Research shows that the captive big cat community is characterized by a systemic culture of inhumane mistreatment of the animals. One major reason for this is that once individual big cats have outgrown the infancy stage when they are most profitable, they are often warehoused in terrible conditions. Because private ownership is allowed to continue, many sanctuaries for mistreated or unwanted big cats are at or nearing capacity and lack financial reserves to provide greater assistance. The recent closure of a major sanctuary in Texas that had over 50 big cats has made matters worse.

Third, this is a matter of conservation. Tigers, for example, are extremely endangered by poaching and trade, and illegal tiger products continue to be smuggled into the U.S. from foreign countries. One of the biggest threats to wild tigers is the demand for tiger parts and products, and leakage of captive tiger parts and products into the illegal market continues to encourage demand, perpetuating poaching and threatening remaining wild populations.

Finally, this bill will address the current patchwork state regulation. There are still two states that have no regulations or permits at all regarding private ownership of exotic animals including big cats. Seven other States have little to no regulations of private ownership of exotic animals including big cats. Another 14 states allow big cat possession only with a state permit, and 27 states and the District of Columbia have enacted full bans on private ownership of big cats, though all of those exempt federally-licensed exhibitors. Given the risks I have already outlined, this kind of regulatory patchwork is simply unacceptable and could be dangerous.

I believe that the Big Cats and Public Safety Protection Act will help ensure that lions, tigers, and other potentially dangerous big cats do not threaten public safety, harm global conservation efforts, or end up living in squalid conditions where they are subject to mistreatment and cruelty.

A number of organizations are supportive of this bill, including the International Fund for Animal Welfare, the Humane Society of the United States, Born Free USA, Big Cat Rescue, the Animal Welfare Institute, and the World Wildlife Foundation.

I would like to recognize Senators LIEBERMAN, SANDERS, and BLUMENTHAL as original cosponsors of this bill. I look forward to continued progress in enhancing the protection and conservation of wild big cats and in increasing public safety from the dangers of these untamed animals.

By Mr. AKAKA:

S. 3548. A bill to clarify certain provisions of the Native American Veterans Memorial Establishment Act of 1994; to the Committee on Indian Affairs.

Mr. AKAKA. Mr. President, as Chairman of the Committee on Indian Affairs, I am introducing legislation to make technical corrections to the National Native American Veterans' Memorial Act of 1994.

The 1994 Act honors the profound contributions of Native Veterans by authorizing the construction of a National Native American Veterans' Memorial. Unfortunately, technical issues with the law have made it difficult to move forward with the Memorial. The bill I am introducing today seeks to alleviate those obstacles.

My legislation would make technical corrections in order to allow the National Museum of American Indian to join the National Congress of American Indians in the fundraising efforts for the Memorial. In addition, my bill would allow the Memorial to be constructed on the property provided for by the National Museum of American Indian Act.

Per capita, American Indians, Alaska Natives, and Native Hawaiians serve at a higher rate in the Armed Forces than any other group of Americans. Native peoples have served in all of the Nation's wars since the Revolutionary War. A memorial in their honor is well-deserved and long overdue.

My non-controversial, no cost, technical amendments bill will make it easier to construct the authorized memorial to honor our Native Veterans.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 554—CALLING ON THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA TO FACILITATE THE IMMEDIATE AND UNCONDITIONAL RELEASE OF GAO ZHISHENG, AND FOR OTHER PURPOSES

Mrs. BOXER (for herself and Mr. CORNYN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 554

Whereas Gao Zhisheng is a prominent Chinese human rights lawyer known for representing religious minority groups, factory workers, coal miners, and victims of government land seizures;

Whereas, in 2001, the Ministry of Justice of the People's Republic of China listed Gao Zhisheng as one of the top ten lawyers in China;

Whereas the Government of the People's Republic of China arrested Gao Zhisheng on August 15, 2006, and prevented him from meeting with chosen legal counsel;

Whereas, on December 22, 2006, Gao Zhisheng was convicted of inciting subversion and received a suspended sentence of three years subject to five years of probation;

Whereas, in September 2007, authorities in China apprehended and detained Gao Zhisheng for 50 days;

Whereas Gao Zhisheng claimed that during his detention, government officials threatened his life and tortured him, including beating him with electrified batons, urinating on him, leaving him tied up for hours, and holding lighted cigarettes close to his eyes and nose;

Whereas the Government of the People's Republic of China arrested and detained Gao Zhisheng again on February 4, 2009;

Whereas Gao Zhisheng's whereabouts were unknown until March 2010, when he resurfaced, only to be arrested once more on April 20, 2010;

Whereas, on November 19, 2010, the United Nations Working Group on Arbitrary Detention determined Gao Zhisheng's ongoing detention to be arbitrary and in violation of international law;

Whereas Gao Zhisheng was held for 20 months before officials in China informed his family in December 2011 that he was being held at the Shaya County Prison in remote Xinjiang, China;

Whereas authorities allowed Gao Zhiyi to visit his brother, Gao Zhisheng, in the Shaya County Prison for 30 minutes on March 24, 2012, but then warned him not to speak to the media or he would not be allowed to visit his brother again;

Whereas the arbitrary arrest and detention of attorneys who represent minority groups and human rights activists could have a chilling effect on other attorneys working with similar clients;

Whereas Article 9 of the International Covenant on Civil and Political Rights, adopted at New York December 16, 1966, to which the Government of the People's Republic of China is a signatory, states, ''No one shall be subjected to arbitrary arrest or detention.'';

Whereas the International Covenant on Civil and Political Rights also guarantees the right to freedom of expression;

Whereas the wife of Gao Zhisheng, Geng He, and their two children have been afforded protection as political asylees in the United States;

Whereas the United States Government has authorized Gao Zhisheng to enter the United States, based on his family's successful claim of political asylum; and

Whereas the continued detention of Gao Zhisheng, with limited or no access to family or legal counsel, by the Government of the People's Republic of China is a source of grave concern to the United States Senate: Now, therefore, be it

Resolved, That the Senate calls on the Government of the People's Republic of China—

(1) to immediately facilitate continued access to Gao Zhisheng by his family and lawyers;

(2) to facilitate the immediate and unconditional release of Gao Zhisheng, including allowing Mr. Gao to leave China to come to the United States to be reunited with his family, should he wish to do so; and

(3) to release all persons in China who have been arbitrarily detained.

SENATE RESOLUTION 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

Mr. CONRAD (for himself, Mr. ENZI, and Mr. CARDIN) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

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.

SENATE RESOLUTION 556—EXPRESSING THE SENSE OF THE SENATE THAT FOREIGN ASSISTANCE FUNDING TO THE GOVERNMENTS OF LIBYA AND EGYPT SHOULD BE SUSPENDED UNTIL THE PRESIDENT CERTIFIES TO CONGRESS THAT BOTH GOVERNMENTS ARE PROVIDING PROPER SECURITY AT UNITED STATES EMBASSIES AND CONSULATES PURSUANT TO THE VIENNA CONVENTION ON CONSULAR RELATIONS

Mr. INHOFE submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 556

Resolved, That it is the sense of the Senate that foreign assistance funding to the Governments of Libya and Egypt should be suspended until the President certifies to Congress that both governments are providing, and will provide in the future, security necessary to protect United States personnel in and around the United States embassies and consulates in these two countries, pursuant to the Vienna Convention on Consular Relations, done at Vienna April 24, 1963.

SENATE RESOLUTION 557—HONORING THE CONTRIBUTIONS OF LODI GYALTSEN GYARI AS SPECIAL ENVOY OF HIS HOLINESS THE DALAI LAMA AND IN PROMOTING THE LEGITIMATE RIGHTS AND ASPRIATIONS OF THE TIBETAN PEOPLE

Mr. KERRY (for himself, Mr. LUGAR, Mrs. FEINSTEIN, Mr. LEAHY, Mr. UDALL of Colorado, Mr. LIEBERMAN, Mr. KIRK, Mr. MCCAIN, and Mrs. BOXER) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 557

Whereas Lodi Gyaltsen Gyari, who was born in Nyarong, Kham in 1949, was recognized according to Tibetan Buddhist tradition as a reincarnate lama and began his monastic studies at 4 years of age in Lhumorhab Monastery, which was located in what is now Kardze Prefecture, Sichuan Province;

Whereas, in 1958, 9-year-old Lodi Gyari fled Nyarong with his family to avoid pursuit by the Chinese People's Liberation Army and was said to have led his group to safety in India through prayer and divinations;

Whereas Lodi Gyari, as a young man in India, began a career-long commitment to the Tibetan struggle against Chinese oppression in Tibet, becoming editor for the Tibetan Freedom Press, founder of the Tibetan Review, the first English language journal published by Tibetans in exile, and a founding member of the Tibetan Youth Congress;

Whereas Lodi Gyari served as a civil servant in the Central Tibetan Administration of His Holiness the Dalai Lama, as Chairman of the Tibetan Parliament in exile, and as a Deputy Cabinet Minister for the Departments of Religious Affairs and Health and Cabinet Minister for the Department of Information and International Relations;

Whereas, in 1991, Lodi Gyari moved to the United States in the capacity of Special Envoy of His Holiness the Dalai Lama and was soon after selected to be President of the International Campaign for Tibet;

Whereas, for 3 decades Lodi Gyari has met with leaders and diplomats of governments around the world and with Members of the United States Congress and parliaments of other nations—

(1) to explain the Tibetan position with regard to engagement with China;

(2) to urge supportive strategies and policies from governments;

(3) to explain the Dalai Lama's ''Middle Way'' philosophy of seeking genuine autonomy for Tibet within the People's Republic of China that contributes to harmony between the Tibetan and Chinese peoples; and

(4) to promote Tibetan statecraft as the Dalai Lama's senior ambassador-at-large;

Whereas, during his time as Special Envoy based in Washington, D.C., Congress approved many policy and programmatic measures on Tibet, which served to institutionalize the Tibet issue within the Government of the United States, most notably the establishment of a Special Coordinator on Tibetan Issues within the Department of State and support for Tibetan refugees;

Whereas, in 1999, Lodi Gyari became a United States citizen;

Whereas in May 1998, His Holiness the Dalai Lama authorized Special Envoy Lodi Gyari to be the principal person to reestablish contact with the Chinese government on the Tibetan issue;

Whereas, between September 2002 and January 2010, Lodi Gyari led the Dalai Lama's negotiating team in 9 formal rounds of meetings with Chinese officials with tireless drive and immense skill, winning the respect of the international community;

Whereas Lodi Gyari presented the Chinese government with the Memorandum on Genuine Autonomy for the Tibetan People and its accompanying Note, thus detailing the Tibetan side's vision for a political solution for Tibet consistent within the framework of the Chinese constitutional and laws on autonomy;

Whereas Lodi Gyari, in service to the Dalai Lama, came to represent in national capitals around the world, the great hope and conviction that the rights of Tibetans could be protected and their repression could be ended.

Whereas, in the personally and professionally difficult task of representing Tibetan interests in dialogue with the People's Republic of China, Lodi Gyari demonstrated spirit, intelligence, and extraordinary tact, and brought civility, reason and a measure of mutual understanding to the Tibetan-Chinese relationship;

Whereas Lodi Gyari has credited the farsighted wisdom of His Holiness the Dalai Lama in empowering the Tibetan people by his devolution of his political authority to an elected Tibetan leadership; and

Whereas, Lodi Gyari resigned his position, effective June 1, 2012, in the context of the deteriorating situation inside Tibet, including increasing incidents of Tibetan self-immolations, and expressing deep frustration over the lack of positive response from the Chinese side in their nearly 10-year dialogue, and in respect for the process of the devolution of political power to the elected Tibetan leaders.

Now, therefore, be it

Resolved, That the Senate—

(1) honors the service of Lodi Gyaltsen Gyari as Special Envoy of His Holiness the Dalai Lama;

(2) commends the achievements of Lodi Gyaltsen Gyari in building an international coalition of support for Tibet that recognizes—

(A) the imperative to preserve the distinct culture and religious traditions of Tibet; and

(B) that the Tibetan people are entitled under international law to their own identity and dignity and genuine autonomy within the People's Republic of China that fully preserves the rights and dignity of the Tibetan people;

(3) acknowledges the role of Lodi Gyaltsen Gyari, as a naturalized United States citizen, to promoting understanding in the United States of the Tibetan people, their culture and religion, and their struggle for genuine autonomy, human rights, dignity, and the preservation of unique linguistic, cultural, and religious traditions; and

(4) strongly supports a political solution for Tibet within the People's Republic of China that satisfies the legitimate grievances and aspirations of the Tibetan people.

SENATE RESOLUTION 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

Mr. REID of Nevada submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

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.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2817. Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill S. 3457, to require the Secretary of Veterans Affairs to establish a veterans jobs corps, and for other purposes; which was ordered to lie on the table.

SA 2818. Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill S. 3457, supra; which was ordered to lie on the table.

SA 2819. Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill S. 3457, supra; which was ordered to lie on the table.

SA 2820. Mr. LEVIN (for himself, Ms. LANDRIEU, and Mr. COCHRAN) submitted an amendment intended to be proposed by him to the bill S. 3457, supra; which was ordered to lie on the table.

SA 2821. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 3457, supra; which was ordered to lie on the table.

SA 2822. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3457, supra; which was ordered to lie on the table.

SA 2823. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3457, supra; which was ordered to lie on the table.

SA 2824. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3457, supra; which was ordered to lie on the table.

SA 2825. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3457, supra; which was ordered to lie on the table.

SA 2826. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3457, supra; which was ordered to lie on the table.

SA 2827. Mrs. SHAHEEN (for herself and Mr. PORTMAN) submitted an amendment intended to be proposed by her to the bill S. 3457, supra; which was ordered to lie on the table.

SA 2828. Mr. HOEVEN (for himself and Mr. MANCHIN) submitted an amendment intended to be proposed by him to the bill S. 3457, supra; which was ordered to lie on the table.

SA 2829. Ms. KLOBUCHAR (for herself and Mr. ENZI) submitted an amendment intended to be proposed by her to the bill S. 3457, supra; which was ordered to lie on the table.

SA 2830. Mr. COCHRAN submitted an amendment intended to be proposed to amendment SA 2789 proposed by Mrs. MURRAY to the bill S. 3457, supra; which was ordered to lie on the table.

SA 2831. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 3457, supra; which was ordered to lie on the table.

SA 2832. Mr. HOEVEN (for himself and Mr. MANCHIN) submitted an amendment intended to be proposed to amendment SA 2789 proposed by Mrs. MURRAY to the bill S. 3457, supra; which was ordered to lie on the table.

SA 2833. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 2789 proposed by Mrs. MURRAY to the bill S. 3457, supra; which was ordered to lie on the table.

SA 2834. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3457, supra; which was ordered to lie on the table.

SA 2835. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 2789 proposed by Mrs. MURRAY to the bill S. 3457, supra; which was ordered to lie on the table.

SA 2836. Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. CARPER, and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed by him to the bill S. 3457, supra; which was ordered to lie on the table.

SA 2837. Ms. LANDRIEU (for herself, Ms. SNOWE, and Mrs. SHAHEEN) submitted an amendment intended to be proposed by her to the bill S. 3457, supra; which was ordered to lie on the table.

SA 2838. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 3457, supra; which was ordered to lie on the table.

SA 2839. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 2782 submitted by Mr. BURR and intended to be proposed to the bill S. 3457, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2817. Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill S. 3457, to require the Secretary of Veterans Affairs to establish a veterans jobs corps, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ____. REPORT ON ESTABLISHMENT OF VETERANS JOBS WEBSITE.

Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report—

(1) assessing the feasibility and advisability of the establishment by the Secretary of Veterans Affairs of a website designed specifically for public and private sector employers to advertize employment opportunities for veterans; and

(2) estimating the funds and other resources required to establish and maintain such a website.

SA 2818. Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill S. 3457, to require the Secretary of Veterans Affairs to establish a veterans jobs corps, and for other purposes; which was ordered to lie on the table; as follows:

On page 13, between lines 18 and 19, insert the following:

''(v) Any other license to operate equipment or engage in a trade.

SA 2819. Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill S. 3457, to require the Secretary of Veterans Affairs to establish a veterans jobs corps, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. SENSE OF THE SENATE ON EMPLOYMENT BY MEMBERS OF CONGRESS OF VETERANS AND MEMBERS OF THE NATIONAL GUARD AND RESERVES.

It is the sense of the Senate that Members of Congress should lead by example by hiring qualified veterans and members of the National Guard and Reserves for open positions on their personal and committee staff.

SA 2820. Mr. LEVIN (for himself, Ms. LANDRIEU and Mr. COCHRAN) submitted an amendment intended to be proposed by him to the bill S. 3457, to require the Secretary of Veterans Affairs to establish a veterans jobs corps, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. REDESIGNATED AREAS.

Section 3(p)(4)(C) of the Small Business Act (15 U.S.C. 632(p)(4)(C)) is amended—

(1) in clause (i), by striking ''or'' at the end;

(2) in clause (ii), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(iii) September 30, 2013.''.

SA 2821. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 3457, to require the Secretary of Veterans Affairs to establish a veterans jobs corps, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. _____. CONTRIBUTIONS TO THE HOMELESS VETERANS ASSISTANCE FUND.

(a) IN GENERAL.—Subchapter A of chapter 61 of the Internal Revenue Code of 1986 is amended by adding at the end the following new part:

''PART IX—CONTRIBUTIONS TO THE HOMELESS VETERANS ASSISTANCE FUND

''Sec. 6098. Contributions to the Homeless Veterans Assistance Fund.

''SEC. 6098. CONTRIBUTIONS TO THE HOMELESS VETERANS ASSISTANCE FUND.

''(a) IN GENERAL.—Every individual, with respect to the taxpayer's return for the taxable year of the tax imposed by chapter 1—

''(1) may designate that a specified portion (not less than $1) of any overpayment of tax shall be paid over to the Homeless Veterans Assistance Fund in accordance with the provisions of section 9512, and

''(2) in addition to any payment (if any) under paragraph (1), may make a contribution to the United States of an additional amount which shall be paid over to such Fund.

''(b) MANNER AND TIME OF DESIGNATION AND CONTRIBUTION.—A designation and contribution under subsection (a) may be made with respect to any taxable year—

''(1) at the time of filing the return of the tax imposed by chapter 1 for such taxable year, or

''(2) at any other time (after such time of filing) specified in regulations prescribed by the Secretary.

Such designation and contribution shall be made in such manner as the Secretary prescribes by regulations except that, if such designation is made at the time of filing the return of the tax imposed by chapter 1 for such taxable year, such designation shall be made either on the first page of the return or on the page bearing the taxpayer's signature.

''(c) OVERPAYMENTS TREATED AS REFUNDED.—For purposes of this title, any portion of an overpayment of tax designated under subsection (a) shall be treated as—

''(1) being refunded to the taxpayer as of the last date prescribed for filing the return of tax imposed by chapter 1 (determined without regard to extensions) or, if later, the date the return is filed, and

''(2) a contribution made by such taxpayer on such date to the United States.''.

(b) HOMELESS VETERANS ASSISTANCE FUND.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

''SEC. 9512. HOMELESS VETERANS ASSISTANCE FUND.

''(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'Homeless Veterans Assistance Fund', consisting of such amounts as may be appropriated or credited to such fund as provided in this section or section 9602(b).

''(b) TRANSFERS TO TRUST FUND.—There are hereby appropriated to the Homeless Veterans Assistance Fund amounts equivalent to the amounts designated and contributed under section 6098.

''(c) EXPENDITURES.—

''(1) IN GENERAL.—Subject to paragraphs (2) and (3), amounts in the Homeless Veterans Assistance Fund shall be available (and shall remain available until expended) to the Department of Veterans Affairs, in consultation with the Department of Labor Veterans Employment and Training Service and Department of Housing and Urban Development, for the purpose of providing services to homeless veterans, through—

''(A) the development and implementation of new and innovative strategies to prevent and end veteran homelessness, and

''(B) any homeless veteran program administered by the Department of Veterans Affairs, the Department of Labor Veterans Employment and Training Service, and the Department of Housing and Urban Development.

''(2) ADDITIONAL ALLOCATIONS.—The Secretary of Veterans Affairs is authorized to make transfers from the amounts described in paragraph (1) to the Department of Labor Veterans Employment and Training Service and the Department of Housing and Urban Development for the purpose of supporting programs that serve homeless veterans.

''(3) ADVANCE NOTICE.—The Secretary of Veterans Affairs, in collaboration with the Secretary of Labor and Secretary of Housing and Urban Development, shall submit a detailed expenditure plan for any amounts in the Homeless Veterans Assistance Fund to the Committees on Veterans' Affairs and Committees on Appropriations of the House of Representatives and of the Senate not later than 60 days prior to any expenditure of such amounts.

''(d) PRESIDENT'S ANNUAL BUDGET INFORMATION.—Beginning with the President's annual budget submission for fiscal year 2014 and every year thereafter, the Department of Veterans Affairs, the Department of Labor, and the Department of Housing and Urban Development shall include a description of the use of funds from the Homeless Veterans Assistance Fund from the previous fiscal year and the proposed use of such funds for the next fiscal year.''.

(c) CLERICAL AMENDMENTS.—

(1) The table of parts for subchapter A of chapter 61 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''PART IX—CONTRIBUTIONS TO THE HOMELESS VETERANS ASSISTANCE FUND''.

(2) The table of sections for subchapter A of chapter 98 of such Code is amended by adding at the end the following new item:

''Sec. 9512. Homeless Veterans Assistance Fund.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SA 2822. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3457, to require the Secretary of Veterans Affairs to establish a veterans jobs corps, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. SMALL BUSINESS PROCUREMENT.

Part 19 of the Federal Acquisition Regulation, section 15 of the Small Business Act (15 U.S.C. 644), and any other applicable laws or regulations establishing procurement requirements relating to small business concerns (as defined in section 3 of the Small Business Act (15 U.S.C. 632)) may not be waived with respect to any contract awarded under any program or other authority under this Act or an amendment made by this Act.

SEC. ___. PROHIBITION ON WAIVER OF REQUIREMENTS REGARDING DEPARTMENT OF VETERANS AFFAIRS CONTRACTING GOALS AND PREFERENCES.

Neither section 8127 nor section 8128 of title 38, United States Code, may be waived with respect to any contract awarded under any program or other authority under this Act or any amendment made by this Act.

SA 2823. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3457, to require the Secretary of Veterans Affairs to establish a veterans jobs corps, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. TERMINATION OF TAXPAYER FINANCING OF PRESIDENTIAL ELECTION CAMPAIGNS.

(a) TERMINATION OF DESIGNATION OF INCOME TAX PAYMENTS.—Section 6096 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(d) TERMINATION.—This section shall not apply to taxable years beginning after December 31, 2011.''.

(b) TERMINATION OF FUND AND ACCOUNT.—

(1) TERMINATION OF PRESIDENTIAL ELECTION CAMPAIGN FUND.—

(A) IN GENERAL.—Chapter 95 of subtitle H of such Code is amended by adding at the end the following new section:

''SEC. 9014. TERMINATION.

''The provisions of this chapter shall not apply with respect to any presidential election (or any presidential nominating convention) after the date of the enactment of this section, or to any candidate in such an election.''.

(B) TRANSFER OF EXCESS FUNDS TO GENERAL FUND.—Section 9006 of such Code is amended by adding at the end the following new subsection:

''(d) TRANSFER OF FUNDS REMAINING AFTER TERMINATION.—The Secretary shall transfer all amounts in the fund after the date of the enactment of this section to the general fund of the Treasury, to be used only for reducing the deficit.''.

(2) TERMINATION OF ACCOUNT.—Chapter 96 of subtitle H of such Code is amended by adding at the end the following new section:

''SEC. 9043. TERMINATION.

''The provisions of this chapter shall not apply to any candidate with respect to any presidential election after the date of the enactment of this section.''.

(c) CLERICAL AMENDMENTS.—

(1) The table of sections for chapter 95 of subtitle H of such Code is amended by adding at the end the following new item:

''Sec. 9014. Termination.''.

(2) The table of sections for chapter 96 of subtitle H of such Code is amended by adding at the end the following new item:

''Sec. 9043. Termination.''.

SA 2824. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3457, to require the Secretary of Veterans Affairs to establish a veterans jobs corps, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 14 and all that follows and insert the following:

SEC. 14. EXTENSION OF MODIFIED PENSION FOR CERTAIN VETERANS COVERED BY MEDICAID PLANS FOR SERVICES FURNISHED BY NURSING FACILITIES.

Section 5503(d)(7) of title 38, United States Code, is amended by striking ''September 30, 2016'' and inserting ''March 31, 2017''.

SEC. 15. REVOCATION OR DENIAL OF PASSPORT IN CASE OF CERTAIN UNPAID TAXES.

(a) IN GENERAL.—Subchapter D of chapter 75 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

''SEC. 7345. REVOCATION OR DENIAL OF PASSPORT IN CASE OF CERTAIN TAX DELINQUENCIES.

''(a) IN GENERAL.—If the Secretary receives certification by the Commissioner of Internal Revenue that any individual has a seriously delinquent tax debt in an amount in excess of $50,000, the Secretary shall transmit such certification to the Secretary of State for action with respect to denial, revocation, or limitation of a passport pursuant to section 15(d) of the Veterans Jobs Corps Act of 2012.

''(b) SERIOUSLY DELINQUENT TAX DEBT.—For purposes of this section, the term 'seriously delinquent tax debt' means an outstanding debt under this title for which a notice of lien has been filed in public records pursuant to section 6323 or a notice of levy has been filed pursuant to section 6331, except that such term does not include—

''(1) a debt that is being paid in a timely manner pursuant to an agreement under section 6159 or 7122, and

''(2) a debt with respect to which collection is suspended because a collection due process hearing under section 6330, or relief under subsection (b), (c), or (f) of section 6015, is requested or pending.

''(c) ADJUSTMENT FOR INFLATION.—In the case of a calendar year beginning after 2012, the dollar amount in subsection (a) shall be increased by an amount equal to—

''(1) such dollar amount, multiplied by

''(2) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year, determined by substituting 'calendar year 2011' for 'calendar year 1992' in subparagraph (B) thereof.

If any amount as adjusted under the preceding sentence is not a multiple of $1,000, such amount shall be rounded to the next highest multiple of $1,000.''.

(b) CLERICAL AMENDMENT.—The table of sections for subchapter D of chapter 75 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''Sec. 7345. Revocation or denial of passport in case of certain tax delinquencies.''.

(c) AUTHORITY FOR INFORMATION SHARING.—

(1) IN GENERAL.—Subsection (l) of section 6103 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(23) DISCLOSURE OF RETURN INFORMATION TO DEPARTMENT OF STATE FOR PURPOSES OF PASSPORT REVOCATION UNDER SECTION 7345.—

''(A) IN GENERAL.—The Secretary shall, upon receiving a certification described in section 7345, disclose to the Secretary of State return information with respect to a taxpayer who has a seriously delinquent tax debt described in such section. Such return information shall be limited to—

''(i) the taxpayer identity information with respect to such taxpayer, and

''(ii) the amount of such seriously delinquent tax debt.

''(B) RESTRICTION ON DISCLOSURE.—Return information disclosed under subparagraph (A) may be used by officers and employees of the Department of State for the purposes of, and to the extent necessary in, carrying out the requirements of section 15(d) of the Veterans Jobs Corps Act of 2012.''.

(2) CONFORMING AMENDMENT.—Paragraph (4) of section 6103(p) of such Code is amended by striking ''or (22)'' each place it appears in subparagraph (F)(ii) and in the matter preceding subparagraph (A) and inserting ''(22), or (23)''.

(d) AUTHORITY TO DENY OR REVOKE PASSPORT.—

(1) DENIAL.—

(A) IN GENERAL.—Except as provided under subparagraph (B), upon receiving a certification described in section 7345 of the Internal Revenue Code of 1986 from the Secretary of the Treasury, the Secretary of State may not issue a passport to any individual who has a seriously delinquent tax debt described in such section.

(B) EMERGENCY AND HUMANITARIAN SITUATIONS.—Notwithstanding subparagraph (A), the Secretary of State may issue a passport, in emergency circumstances or for humanitarian reasons, to an individual described in subparagraph (A).

(2) REVOCATION.—

(A) IN GENERAL.—The Secretary of State may revoke a passport previously issued to any individual described in paragraph (1)(A).

(B) LIMITATION FOR RETURN TO UNITED STATES.—If the Secretary of State decides to revoke a passport under subparagraph (A), the Secretary of State, before revocation, may—

(i) limit a previously issued passport only for return travel to the United States; or

(ii) issue a limited passport that only permits return travel to the United States.

(3) HOLD HARMLESS.—The Secretary of the Treasury and the Secretary of State shall not be liable to an individual for any action with respect to a certification by the Commissioner of Internal Revenue under section 7345 of the Internal Revenue Code of 1986.

(e) REVOCATION OR DENIAL OF PASSPORT IN CASE OF INDIVIDUAL WITHOUT SOCIAL SECURITY ACCOUNT NUMBER.—

(1) DENIAL.—

(A) IN GENERAL.—Except as provided under subparagraph (B), upon receiving an application for a passport from an individual that either—

(i) does not include the social security account number issued to that individual, or

(ii) includes an incorrect or invalid social security number willfully, intentionally, negligently, or recklessly provided by such individual,

the Secretary of State is authorized to deny such application and is authorized to not issue a passport to the individual.

(B) EMERGENCY AND HUMANITARIAN SITUATIONS.—Notwithstanding subparagraph (A), the Secretary of State may issue a passport, in emergency circumstances or for humanitarian reasons, to an individual described in subparagraph (A).

(2) REVOCATION.—

(A) IN GENERAL.—The Secretary of State may revoke a passport previously issued to any individual described in paragraph (1)(A).

(B) LIMITATION FOR RETURN TO UNITED STATES.—If the Secretary of State decides to revoke a passport under subparagraph (A), the Secretary of State, before revocation, may—

(i) limit a previously issued passport only for return travel to the United States; or

(ii) issue a limited passport that only permits return travel to the United States.

(f) EFFECTIVE DATE.—The provisions of, and amendments made by, this section shall take effect on January 1, 2013.

SEC. 16. NO MORTGAGE INTEREST DEDUCTION FOR MILLIONAIRES AND BILLIONAIRES.

(a) IN GENERAL.—Section 163(h)(4) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(G) NO DEDUCTION FOR MILLIONAIRES AND BILLIONAIRES.—

''(i) IN GENERAL.—Except as provided in clause (ii), no deduction shall be allowed by reason of paragraph (2)(D) for any taxable year with respect to any taxpayer with an adjusted gross income equal to or greater than $1,000,000 for such taxable year.

''(ii) TERMINATION.—Clause (i) shall not apply to any taxable year beginning after the date on which the aggregate savings from the elimination of the deductions and credits for millionaires attributable to the enactment of sections 16 through 22 of the Veterans Jobs Corps Act of 2012 matches dollar for dollar the increase of expenditures attributable to the enactment of sections 2 through 14 of such Act.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2012.

SEC. 17. NO RENTAL EXPENSE DEDUCTION FOR MILLIONAIRES AND BILLIONAIRES.

(a) IN GENERAL.—Section 212 of the Internal Revenue Code of 1986 is amended by adding at the end the following new flush sentence:

''Paragraph (2) shall not apply for any taxable year with respect to any taxpayer with an adjusted gross income equal to or greater than $1,000,000 for such taxable year. The preceding sentence shall not apply to any taxable year beginning after the date on which the aggregate savings from the elimination of the deductions and credits for millionaires attributable to the enactment of sections 16 through 22 of the Veterans Jobs Corps Act of 2012 matches dollar for dollar the increase of expenditures attributable to the enactment of sections 2 through 14 of such Act.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2012.

SEC. 18. NO GAMBLING LOSS DEDUCTION FOR MILLIONAIRES AND BILLIONAIRES.

(a) IN GENERAL.—Section 165(d) of the Internal Revenue Code of 1986 is amended by adding at the end the following: ''In the case of a taxpayer with an adjusted gross income equal to or greater than $1,000,000 for the taxable year, the preceding sentence shall not apply for any taxable year beginning before the date on which the aggregate savings from the elimination of the deductions and credits for millionaires attributable to the enactment of sections 16 through 22 of the Veterans Jobs Corps Act of 2012 matches dollar for dollar the increase of expenditures attributable to the enactment of sections 2 through 14 of such Act.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2012.

SEC. 19. NO DISCHARGE OF INDEBTEDNESS DEDUCTION FOR MILLIONAIRES AND BILLIONAIRES.

(a) IN GENERAL.—Section 108 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(j) NO DEDUCTION FOR MILLIONAIRES AND BILLIONAIRES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), no exclusion shall be allowed by reason of this section for any taxable year with respect to any taxpayer with an adjusted gross income equal to or greater than $1,000,000 for such taxable year.

''(2) TERMINATION.—Paragraph (1) shall not apply to any taxable year beginning after the date on which the aggregate savings from the elimination of the deductions and credits for millionaires attributable to the enactment of sections 16 through 22 of the Veterans Jobs Corps Act of 2012 matches dollar for dollar the increase of expenditures attributable to the enactment of sections 2 through 14 of such Act.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2012.

SEC. 20. NO ELECTRIC PLUG-IN VEHICLE TAX CREDIT FOR MILLIONAIRES AND BILLIONAIRES.

(a) IN GENERAL.—Section 30D(f) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(8) NO CREDIT FOR MILLIONAIRES AND BILLIONAIRES.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), no credit described in subsection (c)(2) shall be allowed under this section for any taxable year with respect to any taxpayer with an adjusted gross income equal to or greater than $1,000,000 for such taxable year.

''(B) TERMINATION.—Subparagraph (A) shall not apply to any taxable year beginning after the date on which the aggregate savings from the elimination of the deductions and credits for millionaires attributable to the enactment of sections 16 through 22 of the Veterans Jobs Corps Act of 2012 matches dollar for dollar the increase of expenditures attributable to the enactment of sections 2 through 14 of such Act.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2012.

SEC. 21. NO HOUSEHOLD AND DEPENDENT CARE CREDIT FOR MILLIONAIRES AND BILLIONAIRES.

(a) IN GENERAL.—Section 21 of the Internal Revenue Code of 1986 is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

''(f) NO CREDIT FOR MILLIONAIRES AND BILLIONAIRES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), no credit shall be allowed under this section for any taxable year with respect to any taxpayer with an adjusted gross income equal to or greater than $1,000,000 for such taxable year.

''(2) TERMINATION.—Paragraph (1) shall not apply to any taxable year beginning after the date on which the aggregate savings from the elimination of the deductions and credits for millionaires attributable to the enactment of sections 16 through 22 of the Veterans Jobs Corps Act of 2012 matches dollar for dollar the increase of expenditures attributable to the enactment of sections 2 through 14 of such Act.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2012.

SEC. 22. NO RESIDENTIAL ENERGY EFFICIENT PROPERTY CREDIT FOR MILLIONAIRES AND BILLIONAIRES.

(a) IN GENERAL.—Section 25D(e) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(9) NO CREDIT FOR MILLIONAIRES AND BILLIONAIRES.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), no credit shall be allowed under this section for any taxable year with respect to any taxpayer with an adjusted gross income equal to or greater than $1,000,000 for such taxable year.

''(B) TERMINATION.—Subparagraph (A) shall not apply to any taxable year beginning after the date on which the aggregate savings from the elimination of the deductions and credits for millionaires attributable to the enactment of sections 16 through 22 of the Veterans Jobs Corps Act of 2012 matches dollar for dollar the increase of expenditures attributable to the enactment of sections 2 through 14 of such Act.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2012.

SEC. 23. SCORING OF BUDGETARY EFFECTS.

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

SA 2825. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3457, to require the Secretary of Veterans Affairs to establish a veterans jobs corps, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 8 and all that follows and insert the following:

SEC. 8. EXTENSION OF MODIFIED PENSION FOR CERTAIN VETERANS COVERED BY MEDICAID PLANS FOR SERVICES FURNISHED BY NURSING FACILITIES.

Section 5503(d)(7) of title 38, United States Code, is amended by striking ''September 30, 2016'' and inserting ''March 31, 2017''.

SEC. 9. REVOCATION OR DENIAL OF PASSPORT IN CASE OF CERTAIN UNPAID TAXES.

(a) IN GENERAL.—Subchapter D of chapter 75 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

''SEC. 7345. REVOCATION OR DENIAL OF PASSPORT IN CASE OF CERTAIN TAX DELINQUENCIES.

''(a) IN GENERAL.—If the Secretary receives certification by the Commissioner of Internal Revenue that any individual has a seriously delinquent tax debt in an amount in excess of $50,000, the Secretary shall transmit such certification to the Secretary of State for action with respect to denial, revocation, or limitation of a passport pursuant to section 9(d) of the Veterans Jobs Corps Act of 2012.

''(b) SERIOUSLY DELINQUENT TAX DEBT.—For purposes of this section, the term 'seriously delinquent tax debt' means an outstanding debt under this title for which a notice of lien has been filed in public records pursuant to section 6323 or a notice of levy has been filed pursuant to section 6331, except that such term does not include—

''(1) a debt that is being paid in a timely manner pursuant to an agreement under section 6159 or 7122, and

''(2) a debt with respect to which collection is suspended because a collection due process hearing under section 6330, or relief under subsection (b), (c), or (f) of section 6015, is requested or pending.

''(c) ADJUSTMENT FOR INFLATION.—In the case of a calendar year beginning after 2012, the dollar amount in subsection (a) shall be increased by an amount equal to—

''(1) such dollar amount, multiplied by

''(2) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year, determined by substituting 'calendar year 2011' for 'calendar year 1992' in subparagraph (B) thereof.

If any amount as adjusted under the preceding sentence is not a multiple of $1,000, such amount shall be rounded to the next highest multiple of $1,000.''.

(b) CLERICAL AMENDMENT.—The table of sections for subchapter D of chapter 75 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''Sec. 7345. Revocation or denial of passport in case of certain tax delinquencies.''.

(c) AUTHORITY FOR INFORMATION SHARING.—

(1) IN GENERAL.—Subsection (l) of section 6103 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(23) DISCLOSURE OF RETURN INFORMATION TO DEPARTMENT OF STATE FOR PURPOSES OF PASSPORT REVOCATION UNDER SECTION 7345.—

''(A) IN GENERAL.—The Secretary shall, upon receiving a certification described in section 7345, disclose to the Secretary of State return information with respect to a taxpayer who has a seriously delinquent tax debt described in such section. Such return information shall be limited to—

''(i) the taxpayer identity information with respect to such taxpayer, and

''(ii) the amount of such seriously delinquent tax debt.

''(B) RESTRICTION ON DISCLOSURE.—Return information disclosed under subparagraph (A) may be used by officers and employees of the Department of State for the purposes of, and to the extent necessary in, carrying out the requirements of section 9(d) of the Veterans Jobs Corps Act of 2012.''.

(2) CONFORMING AMENDMENT.—Paragraph (4) of section 6103(p) of such Code is amended by striking ''or (22)'' each place it appears in subparagraph (F)(ii) and in the matter preceding subparagraph (A) and inserting ''(22), or (23)''.

(d) AUTHORITY TO DENY OR REVOKE PASSPORT.—

(1) DENIAL.—

(A) IN GENERAL.—Except as provided under subparagraph (B), upon receiving a certification described in section 7345 of the Internal Revenue Code of 1986 from the Secretary of the Treasury, the Secretary of State may not issue a passport to any individual who has a seriously delinquent tax debt described in such section.

(B) EMERGENCY AND HUMANITARIAN SITUATIONS.—Notwithstanding subparagraph (A), the Secretary of State may issue a passport, in emergency circumstances or for humanitarian reasons, to an individual described in subparagraph (A).

(2) REVOCATION.—

(A) IN GENERAL.—The Secretary of State may revoke a passport previously issued to any individual described in paragraph (1)(A).

(B) LIMITATION FOR RETURN TO UNITED STATES.—If the Secretary of State decides to revoke a passport under subparagraph (A), the Secretary of State, before revocation, may—

(i) limit a previously issued passport only for return travel to the United States; or

(ii) issue a limited passport that only permits return travel to the United States.

(3) HOLD HARMLESS.—The Secretary of the Treasury and the Secretary of State shall not be liable to an individual for any action with respect to a certification by the Commissioner of Internal Revenue under section 7345 of the Internal Revenue Code of 1986.

(e) REVOCATION OR DENIAL OF PASSPORT IN CASE OF INDIVIDUAL WITHOUT SOCIAL SECURITY ACCOUNT NUMBER.—

(1) DENIAL.—

(A) IN GENERAL.—Except as provided under subparagraph (B), upon receiving an application for a passport from an individual that either—

(i) does not include the social security account number issued to that individual, or

(ii) includes an incorrect or invalid social security number willfully, intentionally, negligently, or recklessly provided by such individual,

the Secretary of State is authorized to deny such application and is authorized to not issue a passport to the individual.

(B) EMERGENCY AND HUMANITARIAN SITUATIONS.—Notwithstanding subparagraph (A), the Secretary of State may issue a passport, in emergency circumstances or for humanitarian reasons, to an individual described in subparagraph (A).

(2) REVOCATION.—

(A) IN GENERAL.—The Secretary of State may revoke a passport previously issued to any individual described in paragraph (1)(A).

(B) LIMITATION FOR RETURN TO UNITED STATES.—If the Secretary of State decides to revoke a passport under subparagraph (A), the Secretary of State, before revocation, may—

(i) limit a previously issued passport only for return travel to the United States; or

(ii) issue a limited passport that only permits return travel to the United States.

(f) EFFECTIVE DATE.—The provisions of, and amendments made by, this section shall take effect on January 1, 2013.

SEC. 10. NO MORTGAGE INTEREST DEDUCTION FOR MILLIONAIRES AND BILLIONAIRES.

(a) IN GENERAL.—Section 163(h)(4) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(G) NO DEDUCTION FOR MILLIONAIRES AND BILLIONAIRES.—

''(i) IN GENERAL.—Except as provided in clause (ii), no deduction shall be allowed by reason of paragraph (2)(D) for any taxable year with respect to any taxpayer with an adjusted gross income equal to or greater than $1,000,000 for such taxable year.

''(ii) TERMINATION.—Clause (i) shall not apply to any taxable year beginning after the date on which the aggregate savings from the elimination of the deductions and credits for millionaires attributable to the enactment of sections 10 through 16 of the Veterans Jobs Corps Act of 2012 matches dollar for dollar the increase of expenditures attributable to the enactment of sections 2 through 8 of such Act.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2012.

SEC. 11. NO RENTAL EXPENSE DEDUCTION FOR MILLIONAIRES AND BILLIONAIRES.

(a) IN GENERAL.—Section 212 of the Internal Revenue Code of 1986 is amended by adding at the end the following new flush sentence:

''Paragraph (2) shall not apply for any taxable year with respect to any taxpayer with an adjusted gross income equal to or greater than $1,000,000 for such taxable year. The preceding sentence shall not apply to any taxable year beginning after the date on which the aggregate savings from the elimination of the deductions and credits for millionaires attributable to the enactment of sections 10 through 16 of the Veterans Jobs Corps Act of 2012 matches dollar for dollar the increase of expenditures attributable to the enactment of sections 2 through 8 of such Act.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2012.

SEC. 12. NO GAMBLING LOSS DEDUCTION FOR MILLIONAIRES AND BILLIONAIRES.

(a) IN GENERAL.—Section 165(d) of the Internal Revenue Code of 1986 is amended by adding at the end the following: ''In the case of a taxpayer with an adjusted gross income equal to or greater than $1,000,000 for the taxable year, the preceding sentence shall not apply for any taxable year beginning before the date on which the aggregate savings from the elimination of the deductions and credits for millionaires attributable to the enactment of sections 10 through 16 of the Veterans Jobs Corps Act of 2012 matches dollar for dollar the increase of expenditures attributable to the enactment of sections 2 through 8 of such Act.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2012.

SEC. 13. NO DISCHARGE OF INDEBTEDNESS DEDUCTION FOR MILLIONAIRES AND BILLIONAIRES.

(a) IN GENERAL.—Section 108 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(j) NO DEDUCTION FOR MILLIONAIRES AND BILLIONAIRES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), no exclusion shall be allowed by reason of this section for any taxable year with respect to any taxpayer with an adjusted gross income equal to or greater than $1,000,000 for such taxable year.

''(2) TERMINATION.—Paragraph (1) shall not apply to any taxable year beginning after the date on which the aggregate savings from the elimination of the deductions and credits for millionaires attributable to the enactment of sections 10 through 16 of the Veterans Jobs Corps Act of 2012 matches dollar for dollar the increase of expenditures attributable to the enactment of sections 2 through 8 of such Act.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2012.

SEC. 14. NO ELECTRIC PLUG-IN VEHICLE TAX CREDIT FOR MILLIONAIRES AND BILLIONAIRES.

(a) IN GENERAL.—Section 30D(f) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(8) NO CREDIT FOR MILLIONAIRES AND BILLIONAIRES.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), no credit described in subsection (c)(2) shall be allowed under this section for any taxable year with respect to any taxpayer with an adjusted gross income equal to or greater than $1,000,000 for such taxable year.

''(B) TERMINATION.—Subparagraph (A) shall not apply to any taxable year beginning after the date on which the aggregate savings from the elimination of the deductions and credits for millionaires attributable to the enactment of sections 10 through 16 of the Veterans Jobs Corps Act of 2012 matches dollar for dollar the increase of expenditures attributable to the enactment of sections 2 through 8 of such Act.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2012.

SEC. 15. NO HOUSEHOLD AND DEPENDENT CARE CREDIT FOR MILLIONAIRES AND BILLIONAIRES.

(a) IN GENERAL.—Section 21 of the Internal Revenue Code of 1986 is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

''(f) NO CREDIT FOR MILLIONAIRES AND BILLIONAIRES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), no credit shall be allowed under this section for any taxable year with respect to any taxpayer with an adjusted gross income equal to or greater than $1,000,000 for such taxable year.

''(2) TERMINATION.—Paragraph (1) shall not apply to any taxable year beginning after the date on which the aggregate savings from the elimination of the deductions and credits for millionaires attributable to the enactment of sections 10 through 16 of the Veterans Jobs Corps Act of 2012 matches dollar for dollar the increase of expenditures attributable to the enactment of sections 2 through 8 of such Act.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2012.

SEC. 16. NO RESIDENTIAL ENERGY EFFICIENT PROPERTY CREDIT FOR MILLIONAIRES AND BILLIONAIRES.

(a) IN GENERAL.—Section 25D(e) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(9) NO CREDIT FOR MILLIONAIRES AND BILLIONAIRES.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), no credit shall be allowed under this section for any taxable year with respect to any taxpayer with an adjusted gross income equal to or greater than $1,000,000 for such taxable year.

''(B) TERMINATION.—Subparagraph (A) shall not apply to any taxable year beginning after the date on which the aggregate savings from the elimination of the deductions and credits for millionaires attributable to the enactment of sections 10 through 16 of the Veterans Jobs Corps Act of 2012 matches dollar for dollar the increase of expenditures attributable to the enactment of sections 2 through 8 of such Act.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2012.

SEC. 17. SCORING OF BUDGETARY EFFECTS.

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

SA 2826. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3457, to require the Secretary of Veterans Affairs to establish a veterans jobs corps, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 38, strike line 11 and all that follows through page 39, line 7, and insert the following:

SEC. 17. CONSOLIDATION OF VETERANS EMPLOYMENT ASSISTANCE PROGRAMS.

(a) IN GENERAL.—The Secretary of Labor and the Secretary of Veterans Affairs shall take such actions as may be necessary to consolidate the programs described in subsection (b) into a single program to be carried out by the Secretary of Veterans Affairs.

(b) PROGRAMS.—The programs described in this subsection are the following:

(1) Disabled Veterans' Outreach Program of the Department of Labor.

(2) Homeless Veterans' Reintegration Project of the Department of Labor.

(3) Local Veterans' Employment Representative Program of the Department of Labor.

(4) Transition Assistance Program of the Department of Labor.

(5) Veterans' Workforce Investment Program of the Department of Labor.

(6) Vocational Rehabilitation for Disabled Veterans of the Department of Veterans Affairs.

(c) METRICS.—The Secretary of Veterans Affairs shall establish metrics to assess the program resulting from consolidation under subsection (a).

SA 2827. Mrs. SHAHEEN (for herself and Mr. PORTMAN) submitted an amendment intended to be proposed by her to the bill S. 3457, to require the Secretary of Veterans Affairs to establish a veterans jobs corps, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE II—ENERGY SAVINGS AND INDUSTRIAL COMPETITIVENESS

SEC. 201. SHORT TITLE.

This title may be cited as the ''Energy Savings and Industrial Competitiveness Act of 2012''.

Subtitle A—Buildings

PART I—BUILDING ENERGY CODES

SEC. 211. GREATER ENERGY EFFICIENCY IN BUILDING CODES.

(a) DEFINITIONS.—Section 303 of the Energy Conservation and Production Act (42 U.S.C. 6832) is amended—

(1) by striking paragraph (14) and inserting the following:

''(14) MODEL BUILDING ENERGY CODE.—The term 'model building energy code' means a voluntary building energy code and standards developed and updated through a consensus process among interested persons, such as the IECC or the code used by—

''(A) the Council of American Building Officials;

''(B) the American Society of Heating, Refrigerating, and Air-Conditioning Engineers; or

''(C) other appropriate organizations.''; and

(2) by adding at the end the following:

''(17) IECC.—The term 'IECC' means the International Energy Conservation Code.

''(18) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103).''.

(b) STATE BUILDING ENERGY EFFICIENCY CODES.—Section 304 of the Energy Conservation and Production Act (42 U.S.C. 6833) is amended to read as follows:

''SEC. 304. UPDATING STATE BUILDING ENERGY EFFICIENCY CODES.

''(a) IN GENERAL.—The Secretary shall—

''(1) encourage and support the adoption of building energy codes by States, Indian tribes, and, as appropriate, by local governments that meet or exceed the model building energy codes, or achieve equivalent or greater energy savings; and

''(2) support full compliance with the State and local codes.

''(b) STATE AND INDIAN TRIBE CERTIFICATION OF BUILDING ENERGY CODE UPDATES.—

''(1) REVIEW AND UPDATING OF CODES BY EACH STATE AND INDIAN TRIBE.—

''(A) IN GENERAL.—Not later than 2 years after the date on which a model building energy code is updated, each State or Indian tribe shall certify whether or not the State or Indian tribe, respectively, has reviewed and updated the energy provisions of the building code of the State or Indian tribe, respectively.

''(B) DEMONSTRATION.—The certification shall include a demonstration of whether or not the energy savings for the code provisions that are in effect throughout the State or Indian tribal territory meet or exceed—

''(i) the energy savings of the updated model building energy code; or

''(ii) the targets established under section 307(b)(2).

''(C) NO MODEL BUILDING ENERGY CODE UPDATE.—If a model building energy code is not updated by a target date established under section 307(b)(2)(D), each State or Indian tribe shall, not later than 2 years after the specified date, certify whether or not the State or Indian tribe, respectively, has reviewed and updated the energy provisions of the building code of the State or Indian tribe, respectively, to meet or exceed the target in section 307(b)(2).

''(2) VALIDATION BY SECRETARY.—Not later than 90 days after a State or Indian tribe certification under paragraph (1), the Secretary shall—

''(A) determine whether the code provisions of the State or Indian tribe, respectively, meet the criteria specified in paragraph (1); and

''(B) if the determination is positive, validate the certification.

''(c) IMPROVEMENTS IN COMPLIANCE WITH BUILDING ENERGY CODES.—

''(1) REQUIREMENT.—

''(A) IN GENERAL.—Not later than 3 years after the date of a certification under subsection (b), each State and Indian tribe shall certify whether or not the State and Indian tribe, respectively, has—

''(i) achieved full compliance under paragraph (3) with the applicable certified State and Indian tribe building energy code or with the associated model building energy code; or

''(ii) made significant progress under paragraph (4) toward achieving compliance with the applicable certified State and Indian tribe building energy code or with the associated model building energy code.

''(B) REPEAT CERTIFICATIONS.—If the State or Indian tribe certifies progress toward achieving compliance, the State or Indian tribe shall repeat the certification until the State or Indian tribe certifies that the State or Indian tribe has achieved full compliance, respectively.

''(2) MEASUREMENT OF COMPLIANCE.—A certification under paragraph (1) shall include documentation of the rate of compliance based on—

''(A) independent inspections of a random sample of the buildings covered by the code in the preceding year; or

''(B) an alternative method that yields an accurate measure of compliance.

''(3) ACHIEVEMENT OF COMPLIANCE.—A State or Indian tribe shall be considered to achieve full compliance under paragraph (1) if—

''(A) at least 90 percent of building space covered by the code in the preceding year substantially meets all the requirements of the applicable code specified in paragraph (1), or achieves equivalent or greater energy savings level; or

''(B) the estimated excess energy use of buildings that did not meet the applicable code specified in paragraph (1) in the preceding year, compared to a baseline of comparable buildings that meet this code, is not more than 5 percent of the estimated energy use of all buildings covered by this code during the preceding year.

''(4) SIGNIFICANT PROGRESS TOWARD ACHIEVEMENT OF COMPLIANCE.—A State or Indian tribe shall be considered to have made significant progress toward achieving compliance for purposes of paragraph (1) if the State or Indian tribe—

''(A) has developed and is implementing a plan for achieving compliance during the 8-year-period beginning on the date of enactment of this paragraph, including annual targets for compliance and active training and enforcement programs; and

''(B) has met the most recent target under subparagraph (A).

''(5) VALIDATION BY SECRETARY.—Not later than 90 days after a State or Indian tribe certification under paragraph (1), the Secretary shall—

''(A) determine whether the State or Indian tribe has demonstrated meeting the criteria of this subsection, including accurate measurement of compliance; and

''(B) if the determination is positive, validate the certification.

''(d) STATES OR INDIAN TRIBES THAT DO NOT ACHIEVE COMPLIANCE.—

''(1) REPORTING.—A State or Indian tribe that has not made a certification required under subsection (b) or (c) by the applicable deadline shall submit to the Secretary a report on—

''(A) the status of the State or Indian tribe with respect to meeting the requirements and submitting the certification; and

''(B) a plan for meeting the requirements and submitting the certification.

''(2) FEDERAL SUPPORT.—For any State or Indian tribe for which the Secretary has not validated a certification by a deadline under subsection (b) or (c), the lack of the certification may be a consideration for Federal support authorized under this section for code adoption and compliance activities.

''(3) LOCAL GOVERNMENT.—In any State or Indian tribe for which the Secretary has not validated a certification under subsection (b) or (c), a local government may be eligible for Federal support by meeting the certification requirements of subsections (b) and (c).

''(4) ANNUAL REPORTS BY SECRETARY.—

''(A) IN GENERAL.—The Secretary shall annually submit to Congress, and publish in the Federal Register, a report on—

''(i) the status of model building energy codes;

''(ii) the status of code adoption and compliance in the States and Indian tribes;

''(iii) implementation of this section; and

''(iv) improvements in energy savings over time as result of the targets established under section 307(b)(2).

''(B) IMPACTS.—The report shall include estimates of impacts of past action under this section, and potential impacts of further action, on—

''(i) upfront financial and construction costs, cost benefits and returns (using investment analysis), and lifetime energy use for buildings;

''(ii) resulting energy costs to individuals and businesses; and

''(iii) resulting overall annual building ownership and operating costs.

''(e) TECHNICAL ASSISTANCE TO STATES AND INDIAN TRIBES.—The Secretary shall provide technical assistance to States and Indian tribes to implement the goals and requirements of this section, including procedures and technical analysis for States and Indian tribes—

''(1) to improve and implement State residential and commercial building energy codes;

''(2) to demonstrate that the code provisions of the States and Indian tribes achieve equivalent or greater energy savings than the model building energy codes and targets;

''(3) to document the rate of compliance with a building energy code; and

''(4) to otherwise promote the design and construction of energy efficient buildings.

''(f) AVAILABILITY OF INCENTIVE FUNDING.—

''(1) IN GENERAL.—The Secretary shall provide incentive funding to States and Indian tribes—

''(A) to implement the requirements of this section;

''(B) to improve and implement residential and commercial building energy codes, including increasing and verifying compliance with the codes and training of State, tribal, and local building code officials to implement and enforce the codes; and

''(C) to promote building energy efficiency through the use of the codes.

''(2) ADDITIONAL FUNDING.—Additional funding shall be provided under this subsection for implementation of a plan to achieve and document full compliance with residential and commercial building energy codes under subsection (c)—

''(A) to a State or Indian tribe for which the Secretary has validated a certification under subsection (b) or (c); and

''(B) in a State or Indian tribe that is not eligible under subparagraph (A), to a local government that is eligible under this section.

''(3) TRAINING.—Of the amounts made available under this subsection, the State may use amounts required, but not to exceed $750,000 for a State, to train State and local building code officials to implement and enforce codes described in paragraph (2).

''(4) LOCAL GOVERNMENTS.—States may share grants under this subsection with local governments that implement and enforce the codes.

''(g) STRETCH CODES AND ADVANCED STANDARDS.—

''(1) IN GENERAL.—The Secretary shall provide technical and financial support for the development of stretch codes and advanced standards for residential and commercial buildings for use as—

''(A) an option for adoption as a building energy code by local, tribal, or State governments; and

''(B) guidelines for energy-efficient building design.

''(2) TARGETS.—The stretch codes and advanced standards shall be designed—

''(A) to achieve substantial energy savings compared to the model building energy codes; and

''(B) to meet targets under section 307(b), if available, at least 3 to 6 years in advance of the target years.

''(h) STUDIES.—The Secretary, in consultation with building science experts from the National Laboratories and institutions of higher education, designers and builders of energy-efficient residential and commercial buildings, code officials, and other stakeholders, shall undertake a study of the feasibility, impact, economics, and merit of—

''(1) code improvements that would require that buildings be designed, sited, and constructed in a manner that makes the buildings more adaptable in the future to become zero-net-energy after initial construction, as advances are achieved in energy-saving technologies;

''(2) code procedures to incorporate measured lifetimes, not just first-year energy use, in trade-offs and performance calculations; and

''(3) legislative options for increasing energy savings from building energy codes, including additional incentives for effective State and local action, and verification of compliance with and enforcement of a code other than by a State or local government.

''(i) EFFECT ON OTHER LAWS.—Nothing in this section or section 307 supersedes or modifies the application of sections 321 through 346 of the Energy Policy and Conservation Act (42 U.S.C. 6291 et seq.).

''(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section and section 307 $200,000,000, to remain available until expended.''.

(c) FEDERAL BUILDING ENERGY EFFICIENCY STANDARDS.—Section 305 of the Energy Conservation and Production Act (42 U.S.C. 6834) is amended by striking ''voluntary building energy code'' each place it appears in subsections (a)(2)(B) and (b) and inserting ''model building energy code''.

(d) MODEL BUILDING ENERGY CODES.—Section 307 of the Energy Conservation and Production Act (42 U.S.C. 6836) is amended to read as follows:

''SEC. 307. SUPPORT FOR MODEL BUILDING ENERGY CODES.

''(a) IN GENERAL.—The Secretary shall support the updating of model building energy codes.

''(b) TARGETS.—

''(1) IN GENERAL.—The Secretary shall support the updating of the model building energy codes to enable the achievement of aggregate energy savings targets established under paragraph (2).

''(2) TARGETS.—

''(A) IN GENERAL.—The Secretary shall work with State, Indian tribes, local governments, nationally recognized code and standards developers, and other interested parties to support the updating of model building energy codes by establishing 1 or more aggregate energy savings targets to achieve the purposes of this section.

''(B) SEPARATE TARGETS.—The Secretary may establish separate targets for commercial and residential buildings.

''(C) BASELINES.—The baseline for updating model building energy codes shall be the 2009 IECC for residential buildings and ASHRAE Standard 90.1–2010 for commercial buildings.

''(D) SPECIFIC YEARS.—

''(i) IN GENERAL.—Targets for specific years shall be established and revised by the Secretary through rulemaking and coordinated with nationally recognized code and standards developers at a level that—

''(I) is at the maximum level of energy efficiency that is technologically feasible and life-cycle cost effective, while accounting for the economic considerations under paragraph (4);

''(II) is higher than the preceding target; and

''(III) promotes the achievement of commercial and residential high-performance buildings through high performance energy efficiency (within the meaning of section 401 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17061)).

''(ii) INITIAL TARGETS.—Not later than 1 year after the date of enactment of this clause, the Secretary shall establish initial targets under this subparagraph.

''(iii) DIFFERENT TARGET YEARS.—Subject to clause (i), prior to the applicable year, the Secretary may set a later target year for any of the model building energy codes described in subparagraph (A) if the Secretary determines that a target cannot be met.

''(iv) SMALL BUSINESS.—When establishing targets under this paragraph through rulemaking, the Secretary shall ensure compliance with the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note; Public Law 104–121).

''(3) APPLIANCE STANDARDS AND OTHER FACTORS AFFECTING BUILDING ENERGY USE.—In establishing building code targets under paragraph (2), the Secretary shall develop and adjust the targets in recognition of potential savings and costs relating to—

''(A) efficiency gains made in appliances, lighting, windows, insulation, and building envelope sealing;

''(B) advancement of distributed generation and on-site renewable power generation technologies;

''(C) equipment improvements for heating, cooling, and ventilation systems;

''(D) building management systems and SmartGrid technologies to reduce energy use; and

''(E) other technologies, practices, and building systems that the Secretary considers appropriate regarding building plug load and other energy uses.

''(4) ECONOMIC CONSIDERATIONS.—In establishing and revising building code targets under paragraph (2), the Secretary shall consider the economic feasibility of achieving the proposed targets established under this section and the potential costs and savings for consumers and building owners, including a return on investment analysis.

''(c) TECHNICAL ASSISTANCE TO MODEL BUILDING ENERGY CODE-SETTING AND STANDARD DEVELOPMENT ORGANIZATIONS.—

''(1) IN GENERAL.—The Secretary shall, on a timely basis, provide technical assistance to model building energy code-setting and standard development organizations consistent with the goals of this section.

''(2) ASSISTANCE.—The assistance shall include, as requested by the organizations, technical assistance in—

''(A) evaluating code or standards proposals or revisions;

''(B) building energy analysis and design tools;

''(C) building demonstrations;

''(D) developing definitions of energy use intensity and building types for use in model building energy codes to evaluate the efficiency impacts of the model building energy codes;

''(E) performance-based standards;

''(F) evaluating economic considerations under subsection (b)(4); and

''(G) developing model building energy codes by Indian tribes in accordance with tribal law.

''(3) AMENDMENT PROPOSALS.—The Secretary may submit timely model building energy code amendment proposals to the model building energy code-setting and standard development organizations, with supporting evidence, sufficient to enable the model building energy codes to meet the targets established under subsection (b)(2).

''(4) ANALYSIS METHODOLOGY.—The Secretary shall make publicly available the entire calculation methodology (including input assumptions and data) used by the Secretary to estimate the energy savings of code or standard proposals and revisions.

''(d) DETERMINATION.—

''(1) REVISION OF MODEL BUILDING ENERGY CODES.—If the provisions of the IECC or ASHRAE Standard 90.1 regarding building energy use are revised, the Secretary shall make a preliminary determination not later than 90 days after the date of the revision, and a final determination not later than 15 months after the date of the revision, on whether or not the revision will—

''(A) improve energy efficiency in buildings compared to the existing model building energy code; and

''(B) meet the applicable targets under subsection (b)(2).

''(2) CODES OR STANDARDS NOT MEETING TARGETS.—

''(A) IN GENERAL.—If the Secretary makes a preliminary determination under paragraph (1)(B) that a code or standard does not meet the targets established under subsection (b)(2), the Secretary may at the same time provide the model building energy code or standard developer with proposed changes that would result in a model building energy code that meets the targets and with supporting evidence, taking into consideration—

''(i) whether the modified code is technically feasible and life-cycle cost effective;

''(ii) available appliances, technologies, materials, and construction practices; and

''(iii) the economic considerations under subsection (b)(4).

''(B) INCORPORATION OF CHANGES.—

''(i) IN GENERAL.—On receipt of the proposed changes, the model building energy code or standard developer shall have an additional 270 days to accept or reject the proposed changes of the Secretary to the model building energy code or standard for the Secretary to make a final determination.

''(ii) FINAL DETERMINATION.—A final determination under paragraph (1) shall be on the modified model building energy code or standard.

''(e) ADMINISTRATION.—In carrying out this section, the Secretary shall—

''(1) publish notice of targets and supporting analysis and determinations under this section in the Federal Register to provide an explanation of and the basis for such actions, including any supporting modeling, data, assumptions, protocols, and cost-benefit analysis, including return on investment; and

''(2) provide an opportunity for public comment on targets and supporting analysis and determinations under this section.

''(f) VOLUNTARY CODES AND STANDARDS.—Nothwithstanding any other provision of this section, any model building code or standard established under this section shall not be binding on a State, local government, or Indian tribe as a matter of Federal law.''.

PART II—WORKER TRAINING AND CAPACITY BUILDING

SEC. 221. BUILDING TRAINING AND ASSESSMENT CENTERS.

(a) IN GENERAL.—The Secretary of Energy shall provide grants to institutions of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) and Tribal Colleges or Universities (as defined in section 316(b) of that Act (20 U.S.C. 1059c(b)) to establish building training and assessment centers—

(1) to identify opportunities for optimizing energy efficiency and environmental performance in buildings;

(2) to promote the application of emerging concepts and technologies in commercial and institutional buildings;

(3) to train engineers, architects, building scientists, building energy permitting and enforcement officials, and building technicians in energy-efficient design and operation;

(4) to assist institutions of higher education and Tribal Colleges or Universities in training building technicians;

(5) to promote research and development for the use of alternative energy sources and distributed generation to supply heat and power for buildings, particularly energy-intensive buildings; and

(6) to coordinate with and assist State-accredited technical training centers, community colleges, Tribal Colleges or Universities, and local offices of the National Institute of Food and Agriculture and ensure appropriate services are provided under this section to each region of the United States.

(b) COORDINATION AND NONDUPLICATION.—

(1) IN GENERAL.—The Secretary shall coordinate the program with the Industrial Assessment Centers program and with other Federal programs to avoid duplication of effort.

(2) COLLOCATION.—To the maximum extent practicable, building, training, and assessment centers established under this section shall be collocated with Industrial Assessment Centers.

Subtitle B—Building Efficiency Finance

SEC. 231. LOAN PROGRAM FOR ENERGY EFFICIENCY UPGRADES TO EXISTING BUILDINGS.

Title XVII of the Energy Policy Act of 2005 (42 U.S.C. 16511 et seq.) is amended by adding at the end the following:

''SEC. 1706. BUILDING RETROFIT FINANCING PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) CREDIT SUPPORT.—The term 'credit support' means a guarantee or commitment to issue a guarantee or other forms of credit enhancement to ameliorate risks for efficiency obligations.

''(2) EFFICIENCY OBLIGATION.—The term 'efficiency obligation' means a debt or repayment obligation incurred in connection with financing a project, or a portfolio of such debt or payment obligations.

''(3) PROJECT.—The term 'project' means the installation and implementation of efficiency, advanced metering, distributed generation, or renewable energy technologies and measures in a building (or in multiple buildings on a given property) that are expected to increase the energy efficiency of the building (including fixtures) in accordance with criteria established by the Secretary.

''(b) ELIGIBLE PROJECTS.—

''(1) IN GENERAL.—Notwithstanding sections 1703 and 1705, the Secretary may provide credit support under this section, in accordance with section 1702.

''(2) INCLUSIONS.—Buildings eligible for credit support under this section include commercial, multifamily residential, industrial, municipal, government, institution of higher education, school, and hospital facilities that satisfy criteria established by the Secretary.

''(c) GUIDELINES.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary shall—

''(A) establish guidelines for credit support provided under this section; and

''(B) publish the guidelines in the Federal Register; and

''(C) provide for an opportunity for public comment on the guidelines.

''(2) REQUIREMENTS.—The guidelines established by the Secretary under this subsection shall include—

''(A) standards for assessing the energy savings that could reasonably be expected to result from a project;

''(B) examples of financing mechanisms (and portfolios of such financing mechanisms) that qualify as efficiency obligations;

''(C) the threshold levels of energy savings that a project, at the time of issuance of credit support, shall be reasonably expected to achieve to be eligible for credit support;

''(D) the eligibility criteria the Secretary determines to be necessary for making credit support available under this section; and

''(E) notwithstanding subsections (d)(3) and (g)(2)(B) of section 1702, any lien priority requirements that the Secretary determines to be necessary, in consultation with the Director of the Office of Management and Budget, which may include—

''(i) requirements to preserve priority lien status of secured lenders and creditors in buildings eligible for credit support;

''(ii) remedies available to the Secretary under chapter 176 of title 28, United States Code, in the event of default on the efficiency obligation by the borrower; and

''(iii) measures to limit the exposure of the Secretary to financial risk in the event of default, such as—

''(I) the collection of a credit subsidy fee from the borrower as a loan loss reserve, taking into account the limitation on credit support under subsection (d);

''(II) minimum debt-to-income levels of the borrower;

''(III) minimum levels of value relative to outstanding mortgage or other debt on a building eligible for credit support;

''(IV) allowable thresholds for the percent of the efficiency obligation relative to the amount of any mortgage or other debt on an eligible building;

''(V) analysis of historic and anticipated occupancy levels and rental income of an eligible building;

''(VI) requirements of third-party contractors to guarantee energy savings that will result from a retrofit project, and whether financing on the efficiency obligation will amortize from the energy savings;

''(VII) requirements that the retrofit project incorporate protocols to measure and verify energy savings; and

''(VIII) recovery of payments equally by the Secretary and the retrofit.

''(3) EFFICIENCY OBLIGATIONS.—The financing mechanisms qualified by the Secretary under paragraph (2)(B) may include—

''(A) loans, including loans made by the Federal Financing Bank;

''(B) power purchase agreements, including energy efficiency power purchase agreements;

''(C) energy services agreements, including energy performance contracts;

''(D) property assessed clean energy bonds and other tax assessment-based financing mechanisms;

''(E) aggregate on-meter agreements that finance retrofit projects; and

''(F) any other efficiency obligations the Secretary determines to be appropriate.

''(4) PRIORITIES.—In carrying out this section, the Secretary shall prioritize—

''(A) the maximization of energy savings with the available credit support funding;

''(B) the establishment of a clear application and approval process that allows private building owners, lenders, and investors to reasonably expect to receive credit support for projects that conform to guidelines;

''(C) the distribution of projects receiving credit support under this section across States or geographical regions of the United States; and

''(D) projects designed to achieve whole-building retrofits.

''(d) LIMITATION.—Notwithstanding section 1702(c), the Secretary shall not issue credit support under this section in an amount that exceeds—

''(1) 90 percent of the principal amount of the efficiency obligation that is the subject of the credit support; or

''(2) $10,000,000 for any single project.

''(e) AGGREGATION OF PROJECTS.—To the extent provided in the guidelines developed in accordance with subsection (c), the Secretary may issue credit support on a portfolio, or pool of projects, that are not required to be geographically contiguous, if each efficiency obligation in the pool fulfills the requirements described in this section.

''(f) APPLICATION.—

''(1) IN GENERAL.—To be eligible to receive credit support under this section, the applicant shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary determines to be necessary.

''(2) CONTENTS.—An application submitted under this section shall include assurances by the applicant that—

''(A) each contractor carrying out the project meets minimum experience level criteria, including local retrofit experience, as determined by the Secretary;

''(B) the project is reasonably expected to achieve energy savings, as set forth in the application using any methodology that

meets the standards described in the program guidelines;

''(C) the project meets any technical criteria described in the program guidelines;

''(D) the recipient of the credit support and the parties to the efficiency obligation will provide the Secretary with—

''(i) any information the Secretary requests to assess the energy savings that result from the project, including historical energy usage data, a simulation-based benchmark, and detailed descriptions of the building work, as described in the program guidelines; and

''(ii) permission to access information relating to building operations and usage for the period described in the program guidelines; and

''(E) any other assurances that the Secretary determines to be necessary.

''(3) DETERMINATION.—Not later than 90 days after receiving an application, the Secretary shall make a final determination on the application, which may include requests for additional information.

''(g) FEES.—

''(1) IN GENERAL.—In addition to the fees required by section 1702(h)(1), the Secretary may charge reasonable fees for credit support provided under this section.

''(2) AVAILABILITY.—Fees collected under this section shall be subject to section 1702(h)(2).

''(h) UNDERWRITING.—The Secretary may delegate the underwriting activities under this section to 1 or more entities that the Secretary determines to be qualified.

''(i) REPORT.—Not later than 1 year after commencement of the program, the Secretary shall submit to the appropriate committees of Congress a report that describes in reasonable detail—

''(1) the manner in which this section is being carried out;

''(2) the number and type of projects supported;

''(3) the types of funding mechanisms used to provide credit support to projects;

''(4) the energy savings expected to result from projects supported by this section;

''(5) any tracking efforts the Secretary is using to calculate the actual energy savings produced by the projects; and

''(6) any plans to improve the tracking efforts described in paragraph (5).

''(j) FUNDING.—

''(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $400,000,000 for the period of fiscal years 2012 through 2021, to remain available until expended.

''(2) ADMINISTRATIVE COSTS.—Not more than 1 percent of any amounts made available to the Secretary under paragraph (1) may be used by the Secretary for administrative costs incurred in carrying out this section.''.

Subtitle C—Industrial Efficiency and Competitiveness

PART I—MANUFACTURING ENERGY EFFICIENCY

SEC. 241. STATE PARTNERSHIP INDUSTRIAL ENERGY EFFICIENCY REVOLVING LOAN PROGRAM.

Section 399A of the Energy Policy and Conservation Act (42 U.S.C. 6371h–1) is amended—

(1) in the section heading, by inserting ''**and industry**'' before the period at the end;

(2) by redesignating subsections (h) and (i) as subsections (i) and (j), respectively; and

(3) by inserting after subsection (g) the following:

''(h) STATE PARTNERSHIP INDUSTRIAL ENERGY EFFICIENCY REVOLVING LOAN PROGRAM.—

''(1) IN GENERAL.—The Secretary shall carry out a program under which the Secretary shall provide grants to eligible lenders to pay the Federal share of creating a revolving loan program under which loans are provided to commercial and industrial manufacturers to implement commercially available technologies or processes that significantly—

''(A) reduce systems energy intensity, including the use of energy-intensive feedstocks; and

''(B) improve the industrial competitiveness of the United States.

''(2) ELIGIBLE LENDERS.—To be eligible to receive cost-matched Federal funds under this subsection, a lender shall—

''(A) be a community and economic development lender that the Secretary certifies meets the requirements of this subsection;

''(B) lead a partnership that includes participation by, at a minimum—

''(i) a State government agency; and

''(ii) a private financial institution or other provider of loan capital;

''(C) submit an application to the Secretary, and receive the approval of the Secretary, for cost-matched Federal funds to carry out a loan program described in paragraph (1); and

''(D) ensure that non-Federal funds are provided to match, on at least a dollar-for-dollar basis, the amount of Federal funds that are provided to carry out a revolving loan program described in paragraph (1).

''(3) AWARD.—The amount of cost-matched Federal funds provided to an eligible lender shall not exceed $100,000,000 for any fiscal year.

''(4) RECAPTURE OF AWARDS.—

''(A) IN GENERAL.—An eligible lender that receives an award under paragraph (1) shall be required to repay to the Secretary an amount of cost-match Federal funds, as determined by the Secretary under subparagraph (B), if the eligible lender is unable or unwilling to operate a program described in this subsection for a period of not less than 10 years beginning on the date on which the eligible lender first receives funds made available through the award.

''(B) DETERMINATION BY SECRETARY.—The Secretary shall determine the amount of cost-match Federal funds that an eligible lender shall be required to repay to the Secretary under subparagraph (A) based on the consideration by the Secretary of—

''(i) the amount of non-Federal funds matched by the eligible lender;

''(ii) the amount of loan losses incurred by the revolving loan program described in paragraph (1); and

''(iii) any other appropriate factor, as determined by the Secretary.

''(C) USE OF RECAPTURED COST-MATCH FEDERAL FUNDS.—The Secretary may distribute to eligible lenders under this subsection each amount received by the Secretary under this paragraph.

''(5) ELIGIBLE PROJECTS.—A program for which cost-matched Federal funds are provided under this subsection shall be designed to accelerate the implementation of industrial and commercial applications of technologies or processes (including distributed generation, applications or technologies that use sensors, meters, software, and information networks, controls, and drives or that have been installed pursuant to an energy savings performance contract, project, or strategy) that—

''(A) improve energy efficiency, including improvements in efficiency and use of water, power factor, or load management;

''(B) enhance the industrial competitiveness of the United States; and

''(C) achieve such other goals as the Secretary determines to be appropriate.

''(6) EVALUATION.—The Secretary shall evaluate applications for cost-matched Federal funds under this subsection on the basis of—

''(A) the description of the program to be carried out with the cost-matched Federal funds;

''(B) the commitment to provide non-Federal funds in accordance with paragraph (2)(D);

''(C) program sustainability over a 10-year period;

''(D) the capability of the applicant;

''(E) the quantity of energy savings or energy feedstock minimization;

''(F) the advancement of the goal under this Act of 25-percent energy avoidance;

''(G) the ability to fund energy efficient projects not later than 120 days after the date of the grant award; and

''(H) such other factors as the Secretary determines appropriate.

''(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection, $400,000,000 for the period of fiscal years 2012 through 2021.''.

SEC. 242. 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 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. 243. 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.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(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. 244. FUTURE OF INDUSTRY PROGRAM.

(a) IN GENERAL.—Section 452 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17111) is amended by striking the section heading and inserting the following: ''**future of industry program**''.

(b) DEFINITION OF ENERGY SERVICE PROVIDER.—Section 452(a) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17111(a)) is amended—

(1) by redesignating paragraphs (3) through (5) as paragraphs (4) through (6), respectively; and

(2) by inserting after paragraph (3):

''(5) ENERGY SERVICE PROVIDER.—The term 'energy service provider' means any private company or similar entity providing technology or services to improve energy efficiency in an energy-intensive industry.''.

(c) INDUSTRIAL RESEARCH AND ASSESSMENT CENTERS.—

(1) IN GENERAL.—Section 452(e) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17111(e)) is amended—

(A) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively, and indenting appropriately;

(B) by striking ''The Secretary'' and inserting the following:

''(1) IN GENERAL.—The Secretary'';

(C) in subparagraph (A) (as redesignated by subparagraph (A)), by inserting before the semicolon at the end the following: '', including assessments of sustainable manufacturing goals and the implementation of information technology advancements for supply chain analysis, logistics, system monitoring, industrial and manufacturing processes, and other purposes''; and

(D) by adding at the end the following:

''(2) CENTERS OF EXCELLENCE.—

''(A) IN GENERAL.—The Secretary shall establish a Center of Excellence at up to 10 of the highest performing industrial research and assessment centers, as determined by the Secretary.

''(B) DUTIES.—A Center of Excellence shall coordinate with and advise the industrial research and assessment centers located in the region of the Center of Excellence.

''(C) FUNDING.—Subject to the availability of appropriations, of the funds made available under subsection (f), the Secretary shall use to support each Center of Excellence not less than $500,000 for fiscal year 2012 and each fiscal year thereafter, as determined by the Secretary.

''(3) EXPANSION OF CENTERS.—The Secretary shall provide funding to establish additional industrial research and assessment centers at institutions of higher education that do not have industrial research and assessment centers established under paragraph (1), taking into account the size of, and potential energy efficiency savings for, the manufacturing base within the region of the proposed center.

''(4) COORDINATION.—

''(A) IN GENERAL.—To increase the value and capabilities of the industrial research and assessment centers, the centers shall—

''(i) coordinate with Manufacturing Extension Partnership Centers of the National Institute of Standards and Technology;

''(ii) coordinate with the Building Technologies Program of the Department of Energy to provide building assessment services to manufacturers;

''(iii) increase partnerships with the National Laboratories of the Department of Energy to leverage the expertise and technologies of the National Laboratories for national industrial and manufacturing needs;

''(iv) increase partnerships with energy service providers and technology providers to leverage private sector expertise and accelerate deployment of new and existing technologies and processes for energy efficiency, power factor, and load management;

''(v) identify opportunities for reducing greenhouse gas emissions; and

''(vi) promote sustainable manufacturing practices for small- and medium-sized manufacturers.

''(5) OUTREACH.—The Secretary shall provide funding for—

''(A) outreach activities by the industrial research and assessment centers to inform small- and medium-sized manufacturers of the information, technologies, and services available; and

''(B) a full-time equivalent employee at each center of excellence whose primary mission shall be to coordinate and leverage the efforts of the center with—

''(i) Federal and State efforts;

''(ii) the efforts of utilities and energy service providers;

''(iii) the efforts of regional energy efficiency organizations; and

''(iv) the efforts of other centers in the region of the center of excellence.

''(6) WORKFORCE TRAINING.—

''(A) IN GENERAL.—The Secretary shall pay the Federal share of associated internship programs under which students work with or for industries, manufacturers, and energy service providers to implement the recommendations of industrial research and assessment centers.

''(B) FEDERAL SHARE.—The Federal share of the cost of carrying out internship programs described in subparagraph (A) shall be 50 percent.

''(C) FUNDING.—Subject to the availability of appropriations, of the funds made available under subsection (f), the Secretary shall use to carry out this paragraph not less than $5,000,000 for fiscal year 2012 and each fiscal year thereafter.

''(7) SMALL BUSINESS LOANS.—The Administrator of the Small Business Administration shall, to the maximum practicable, expedite consideration of applications from eligible small business concerns for loans under the Small Business Act (15 U.S.C. 631 et seq.) to implement recommendations of industrial research and assessment centers established under paragraph (1).''.

SEC. 245. SUSTAINABLE MANUFACTURING INITIATIVE.

(a) IN GENERAL.—Part E of title III of the Energy Policy and Conservation Act (42 U.S.C. 6341) is amended by adding at the end the following:

''SEC. 376. SUSTAINABLE MANUFACTURING INITIATIVE.

''(a) IN GENERAL.—As part of the Industrial Technologies Program of the Department of Energy, the Secretary shall carry out a sustainable manufacturing initiative under which the Secretary, on the request of a manufacturer, shall conduct onsite technical assessments to identify opportunities for—

''(1) maximizing the energy efficiency of industrial processes and cross-cutting systems;

''(2) preventing pollution and minimizing waste;

''(3) improving efficient use of water in manufacturing processes;

''(4) conserving natural resources; and

''(5) achieving such other goals as the Secretary determines to be appropriate.

''(b) COORDINATION.—The Secretary shall carry out the initiative in coordination with the private sector and appropriate agencies, including the National Institute of Standards and Technology to accelerate adoption of new and existing technologies or processes that improve energy efficiency.

''(c) RESEARCH AND DEVELOPMENT PROGRAM FOR SUSTAINABLE MANUFACTURING AND INDUSTRIAL TECHNOLOGIES AND PROCESSES.—As part of the Industrial Technologies Program of the Department of Energy, the Secretary shall carry out a joint industry-government partnership program to research, develop, and demonstrate new sustainable manufacturing and industrial technologies and processes that maximize the energy efficiency of industrial systems, reduce pollution, and conserve natural resources.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be to carry out this section $10,000,000 for the period of fiscal years 2012 through 2021.''.

(b) TABLE OF CONTENTS.—The table of contents of the Energy Policy and Conservation Act (42 U.S.C. prec. 6201) is amended by adding at the end of the items relating to part E of title III the following:

''Sec. 376. Sustainable manufacturing initiative.''.

SEC. 246. 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. 247. 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.

PART II—SUPPLY STAR

SEC. 251. SUPPLY STAR.

Part B of title III of the Energy Policy and Conservation Act (42 U.S.C. 6291) is amended by inserting after section 324A (42 U.S.C. 6294a) the following:

''SEC. 324B. SUPPLY STAR PROGRAM.

''(a) IN GENERAL.—There is established within the Department of Energy a Supply Star program to identify and promote practices, recognize companies, and, as appropriate, recognize products that use highly efficient supply chains in a manner that conserves energy, water, and other resources.

''(b) COORDINATION.—In carrying out the program described in subsection (a), the Secretary shall—

''(1) consult with other appropriate agencies; and

''(2) coordinate efforts with the Energy Star program established under section 324A.

''(c) DUTIES.—In carrying out the Supply Star program described in subsection (a), the Secretary shall—

''(1) promote practices, recognize companies, and, as appropriate, recognize products that comply with the Supply Star program as the preferred practices, companies, and products in the marketplace for maximizing supply chain efficiency;

''(2) work to enhance industry and public awareness of the Supply Star program;

''(3) collect and disseminate data on supply chain energy resource consumption;

''(4) develop and disseminate metrics, processes, and analytical tools (including software) for evaluating supply chain energy resource use;

''(5) develop guidance at the sector level for improving supply chain efficiency;

''(6) work with domestic and international organizations to harmonize approaches to analyzing supply chain efficiency, including the development of a consistent set of tools, templates, calculators, and databases; and

''(7) work with industry, including small businesses, to improve supply chain efficiency through activities that include—

''(A) developing and sharing best practices; and

''(B) providing opportunities to benchmark supply chain efficiency.

''(d) EVALUATION.—In any evaluation of supply chain efficiency carried out by the Secretary with respect to a specific product, the Secretary shall consider energy consumption and resource use throughout the entire lifecycle of a product, including production, transport, packaging, use, and disposal.

''(e) GRANTS AND INCENTIVES.—

''(1) IN GENERAL.—The Secretary may award grants or other forms of incentives on a competitive basis to eligible entities, as determined by the Secretary, for the purposes of—

''(A) studying supply chain energy resource efficiency; and

''(B) demonstrating and achieving reductions in the energy resource consumption of commercial products through changes and improvements to the production supply and distribution chain of the products.

''(2) USE OF INFORMATION.—Any information or data generated as a result of the grants or incentives described in paragraph (1) shall be used to inform the development of the Supply Star Program.

''(f) TRAINING.—The Secretary shall use funds to support professional training programs to develop and communicate methods, practices, and tools for improving supply chain efficiency.

''(g) EFFECT OF IMPACT ON CLIMATE CHANGE.—For purposes of this section, the impact on climate change shall not be a factor in determining supply chain efficiency.

''(h) EFFECT OF OUTSOURCING OF AMERICAN JOBS.—For purposes of this section, the outsourcing of American jobs in the production of a product shall not count as a positive factor in determining supply chain efficiency.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for the period of fiscal years 2012 through 2021.''.

PART III—ELECTRIC MOTOR REBATE PROGRAM

SEC. 261. ENERGY SAVING MOTOR CONTROL REBATE PROGRAM.

(a) ESTABLISHMENT.—Not later than January 1, 2012, the Secretary of Energy (referred to in this section as the ''Secretary'') shall establish a program to provide rebates for expenditures made by entities for the purchase and installation of a new constant speed electric motor control that reduces motor energy use by not less than 5 percent.

(b) REQUIREMENTS.—

(1) APPLICATION.—To be eligible to receive a rebate under this section, an entity shall submit to the Secretary an application in such form, at such time, and containing such information as the Secretary may require, including—

(A) demonstrated evidence that the entity purchased a constant speed electric motor control that reduces motor energy use by not less than 5 percent; and

(B) the physical nameplate of the installed motor of the entity to which the energy saving motor control is attached.

(2) AUTHORIZED AMOUNT OF REBATE.—The Secretary may provide to an entity that meets the requirements of paragraph (1) a rebate the amount of which shall be equal to the product obtained by multiplying—

(A) the nameplate horsepower of the electric motor to which the energy saving motor control is attached; and

(B) $25.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2012 and 2013, to remain available until expended.

PART IV—TRANSFORMER REBATE PROGRAM

SEC. 271. ENERGY EFFICIENT TRANSFORMER REBATE PROGRAM.

(a) DEFINITION OF QUALIFIED TRANSFORMER.—In this section, the term ''qualified transformer'' means a transformer that meets or exceeds the National Electrical Manufacturers Association (NEMA) Premium Efficiency designation, calculated to 2 decimal points, as having 30 percent fewer losses than the NEMA TP-1-2002 efficiency standard for a transformer of the same number of phases and capacity, as measured in kilovolt-amperes.

(b) ESTABLISHMENT.—Not later than January 1, 2012, the Secretary of Energy (referred to in this section as the ''Secretary'') shall establish a program to provide rebates for expenditures made by owners of commercial buildings and multifamily residential buildings for the purchase and installation of a new energy efficient transformers.

(c) REQUIREMENTS.—

(1) APPLICATION.—To be eligible to receive a rebate under this section, an owner shall submit to the Secretary an application in such form, at such time, and containing such information as the Secretary may require, including demonstrated evidence that the owner purchased a qualified transformer.

(2) AUTHORIZED AMOUNT OF REBATE.—For qualified transformers, rebates, in dollars per kilovolt-ampere (referred to in this paragraph as ''kVA'') shall be—

(A) for 3-phase transformers—

(i) with a capacity of not greater than 10 kVA, $15;

(ii) with a capacity of not less than 10 kVA and not greater than 100 kVA, the difference between 15 and the quotient obtained by dividing—

(I) the difference between—

(aa) the capacity of the transformer in kVA; and

(bb) 10; by

(II) 9; and

(iii) with a capacity greater than or equal to 100 kVA, $5; and

(B) for single-phase transformers, 75 percent of the rebate for a 3-phase transformer of the same capacity.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2012 and 2013, to remain available until expended.

Subtitle D—Federal Agency Energy Efficiency

SEC. 281. ADOPTION OF PERSONAL COMPUTER POWER SAVINGS TECHNIQUES BY FEDERAL AGENCIES.

(a) IN GENERAL.—Not later than 360 days after the date of enactment of this Act, the Secretary of Energy, in consultation with the Secretary of Defense, the Secretary of Veterans Affairs, and the Administrator of General Services, shall issue guidance for

Federal agencies to employ advanced tools allowing energy savings through the use of computer hardware, energy efficiency software, and power management tools.

(b) REPORTS ON PLANS AND SAVINGS.—Not later than 180 days after the date of the issuance of the guidance under subsection (a), each Federal agency shall submit to the Secretary of Energy a report that describes—

(1) the plan of the agency for implementing the guidance within the agency; and

(2) estimated energy and financial savings from employing the tools described in subsection (a).

SEC. 282. 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. 283. 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 the Energy Savings and Industrial Competitiveness Act of 2012, 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. 284. 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. 285. ELECTRIC VEHICLE CHARGING INFRASTRUCTURE.

Section 804(4) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(4)) is amended—

(1) in subparagraph (A), by striking ''or'' after the semicolon;

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

(3) by adding at the end the following:

''(C) a measure to support the use of electric vehicles or the fueling or charging infrastructure necessary for electric vehicles.''.

SEC. 286. 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. 287. 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.

Subtitle E—Miscellaneous

SEC. 291. OFFSETS.

(a) ZERO-NET ENERGY COMMERCIAL BUILDINGS INITIATIVE.—Section 422(f) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17082(f)) is amended by striking paragraphs (2) through (4) and inserting the following:

''(2) $50,000,000 for each of fiscal years 2009 through 2012;

''(3) $100,000,000 for fiscal year 2013; and

''(4) $200,000,000 for each of fiscal years 2014 through 2018.''.

(b) ENERGY SUSTAINABILITY AND EFFICIENCY GRANTS AND LOANS FOR INSTITUTIONS.—Subsection (j) of section 399A of the Energy Policy and Conservation Act (42 U.S.C. 6371h–1) (as redesignated by section 241(2)) is amended—

(1) in paragraph (1), by striking ''through 2013'' and inserting ''and 2010, $100,000,000 for each of fiscal years 2011 and 2012, and $250,000,000 for fiscal year 2013''; and

(2) in paragraph (2), by striking ''through 2013'' and inserting ''and 2010, $100,000,000 for each of fiscal years 2011 and 2012, and $425,000,000 for fiscal year 2013''.

(c) WASTE ENERGY RECOVERY INCENTIVE PROGRAM.—Section 373(f)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6343(f)(1)) is amended—

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

(2) by striking subparagraph (A) and inserting the following:

''(A) $100,000,000 for fiscal year 2008;

''(B) $200,000,000 for each of fiscal years 2009 and 2010;

''(C) $100,000,000 for each of fiscal years 2011 and 2012; and''.

(d) ENERGY-INTENSIVE INDUSTRIES PROGRAM.—Section 452(f)(1) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17111(f)(1)) is amended—

(1) in subparagraph (D), by striking ''$202,000,000'' and inserting ''$102,000,000''; and

(2) in subparagraph (E), by striking ''$208,000,000'' and inserting ''$108,000,000''.

SEC. 292. ADVANCE APPROPRIATIONS REQUIRED.

The authorization of amounts under this title and the amendments made by this title shall be effective for any fiscal year only to the extent and in the amount provided in advance in appropriations Acts.

SA 2828. Mr. HOEVEN (for himself and Mr. MANCHIN) submitted an amendment intended to be proposed by him to the bill S. 3457, to require the Secretary of Veterans Affairs to establish a veterans jobs corps, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

SEC. 19. KEYSTONE XL PERMIT APPROVAL.

(a) IN GENERAL.—Notwithstanding Executive Order No. 13337 (3 U.S.C. 301 note), Executive Order No. 11423 (3 U.S.C. 301 note), section 301 of title 3, United States Code, and any other Executive order or provision of law, no presidential permit shall be required for the pipeline described in the application filed on May 4, 2012, by TransCanada Corporation to the Department of State for the northern portion of the Keystone XL pipeline from the Canadian border to the South Dakota/Nebraska border.

(b) ENVIRONMENTAL IMPACT STATEMENT.—The final environmental impact statement issued by the Secretary of State on August 26, 2011, regarding the pipeline referred to in subsection (a), shall be considered to satisfy all requirements of the National Environment Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(c) INTRASTATE PORTION.—Nothing in this section affects the ongoing work of the State of Nebraska with regard to the fully intrastate portion of the Keystone XL pipeline.

SA 2829. Ms. KLOBUCHAR (for herself and Mr. ENZI) submitted an amendment intended to be proposed by her to the bill S. 3457, to require the Secretary of Veterans Affairs to establish a veterans jobs corps, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. GRANTS FOR EMERGENCY MEDICAL SERVICES PERSONNEL TRAINING FOR VETERANS.

Section 330J(c)(8) of the Public Health Service Act (42 U.S.C. 254c–15(c)(8)) is amended by inserting before the period the following: '', including, as provided by the Secretary, may use funds to provide to military veterans required coursework and training that take into account, and are not duplicative of, previous medical coursework and training received when such veterans were active members of the Armed Forces, to enable such veterans to satisfy emergency medical services personnel certification requirements, as determined by the appropriate State regulatory entity''.

SA 2830. Mr. COCHRAN submitted an amendment intended to be proposed to amendment SA 2789 proposed by Mrs. MURRAY to the bill S. 3457, to require the Secretary of Veterans Affairs to establish a veterans jobs corps, and for other purposes; which was ordered to lie on the table; as follows:

On page 9, strike lines 24 and 25 and insert the following:

(1) IN GENERAL.—There is authorized to be appropriated to the Secretary of Veterans

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SA 2831. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 3457, to require the Secretary of Veterans Affairs to establish a veterans jobs corps, and for other purposes; which was ordered to lie on the table; as follows:

On page 9, strike lines 4 and 5 and insert the following:

(1) IN GENERAL.—There is authorized to be appropriated to the Secretary of Veterans

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SA 2832. Mr. HOEVEN (for himself and Mr. MANCHIN) submitted an amendment intended to be proposed to amendment SA 2789 proposed by Mrs. MURRAY to the bill S. 3457, to require the Secretary of Veterans Affairs to establish a veterans jobs corps, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

SEC. 19. KEYSTONE XL PERMIT APPROVAL.

(a) IN GENERAL.—Notwithstanding Executive Order No. 13337 (3 U.S.C. 301 note), Executive Order No. 11423 (3 U.S.C. 301 note), section 301 of title 3, United States Code, and any other Executive order or provision of law, no presidential permit shall be required for the pipeline described in the application filed on May 4, 2012, by TransCanada Corporation to the Department of State for the northern portion of the Keystone XL pipeline from the Canadian border to the South Dakota/Nebraska border.

(b) ENVIRONMENTAL IMPACT STATEMENT.—The final environmental impact statement issued by the Secretary of State on August 26, 2011, regarding the pipeline referred to in subsection (a), shall be considered to satisfy all requirements of the National Environment Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(c) INTRASTATE PORTION.—Nothing in this section affects the ongoing work of the State of Nebraska with regard to the fully intrastate portion of the Keystone XL pipeline.

SA 2833. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 2789 proposed by Mrs. MURRAY to the bill S. 3457, to require the Secretary of Veterans Affairs to establish a veterans jobs corps, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. VETERANS' BUSINESS CENTER PROGRAM; OFFICE OF VETERANS BUSINESS DEVELOPMENT.

(a) IN GENERAL.—Section 32 of the Small Business Act (15 U.S.C. 657b) is amended by striking subsection (f) and inserting the following:

''(f) ONLINE COORDINATION.—

''(1) DEFINITION.—In this subsection, the term 'veterans' assistance provider' means—

''(A) a veterans' business center established under subsection (g);

''(B) an employee of the Administration assigned to the Office of Veterans Business Development; and

''(C) a veterans business ownership representative designated under subsection (g)(13)(B).

''(2) ESTABLISHMENT.—The Associate Administrator shall establish an online mechanism to—

''(A) provide information that assists veterans' assistance providers in carrying out the activities of the veterans' assistance providers; and

''(B) coordinate and leverage the work of the veterans' assistance providers, including by allowing a veterans' assistance provider to—

''(i) distribute best practices and other materials;

''(ii) communicate with other veterans' assistance providers regarding the activities of the veterans' assistance provider on behalf of veterans; and

''(iii) pose questions to and request input from other veterans' assistance providers.

''(g) VETERANS' BUSINESS CENTER PROGRAM.—

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'active duty' has the meaning given that term in section 101 of title 10, United States Code;

''(B) the term 'private nonprofit organization' means an entity that is described in section 501(c) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code;

''(C) the term 'Reservist' means a member of a reserve component of the Armed Forces, as described in section 10101 of title 10, United States Code;

''(D) the term 'Service Corps of Retired Executives' means the Service Corps of Retired Executives authorized under section 8(b)(1);

''(E) the term 'small business concern owned and controlled by veterans'—

''(i) has the same meaning as in section 3(q); and

''(ii) includes a small business concern—

''(I) not less than 51 percent of which is owned by one or more spouses of veterans or, in the case of any publicly owned business, not less than 51 percent of the stock of which is owned by one or more spouses of veterans; and

''(II) the management and daily business operations of which are controlled by one or more spouses of veterans;

''(F) the term 'spouse', relating to a veteran, service-disabled veteran, or Reservist, includes an individual who is the spouse of a veteran, service-disabled veteran, or Reservist on the date on which the veteran, service-disabled veteran, or Reservist died;

''(G) the term 'veterans' business center program' means the program established under paragraph (2)(A); and

''(H) the term 'women's business center' means a women's business center described in section 29.

''(2) PROGRAM ESTABLISHED.—

''(A) IN GENERAL.—The Administrator, acting through the Associate Administrator, shall establish a veterans' business center program, under which the Associate Administrator may provide financial assistance to a private nonprofit organization to conduct a 5-year project for the benefit of small business concerns owned and controlled by veterans, which may be renewed for one or more additional 5-year periods.

''(B) FORM OF FINANCIAL ASSISTANCE.—Financial assistance under this subsection may be in the form of a grant, a contract, or a cooperative agreement.

''(3) VETERANS' BUSINESS CENTERS.—Each private nonprofit organization that receives financial assistance under this subsection shall establish or operate a veterans' business center (which may include establishing or operating satellite offices in the region described in paragraph (5) served by that private nonprofit organization) that provides to veterans (including service-disabled veterans), Reservists, and the spouses of veterans (including service-disabled veterans) and Reservists—

''(A) financial advice, including training and counseling on applying for and securing business credit and investment capital, preparing and presenting financial statements, and managing cash flow and other financial operations of a small business concern;

''(B) management advice, including training and counseling on the planning, organization, staffing, direction, and control of each major activity and function of a small business concern;

''(C) marketing advice, including training and counseling on identifying and segmenting domestic and international market opportunities, preparing and executing marketing plans, developing pricing strategies, locating contract opportunities, negotiating contracts, and using public relations and advertising techniques; and

''(D) advice, including training and counseling, for Reservists and the spouses of Reservists.

''(4) APPLICATION.—

''(A) IN GENERAL.—A private nonprofit organization desiring to receive financial assistance under this subsection shall submit an application to the Associate Administrator at such time and in such manner as the Associate Administrator may require.

''(B) 5-YEAR PLAN.—Each application described in subparagraph (A) shall include a 5-year plan on proposed fundraising and training activities relating to the veterans' business center.

''(C) DETERMINATION AND NOTIFICATION.—Not later than 60 days after the date on which a private nonprofit organization submits an application under subparagraph (A), the Associate Administrator shall approve or deny the application and notify the applicant of the determination.

''(D) AVAILABILITY OF APPLICATION.—The Associate Administrator shall make every effort to make the application under subparagraph (A) available online.

''(5) ELIGIBILITY.—The Associate Administrator may select to receive financial assistance under this subsection—

''(A) a Veterans Business Outreach Center established by the Administrator under section 8(b)(17) on or before the day before the date of enactment of this subsection; or

''(B) private nonprofit organizations located in various regions of the United States, as the Associate Administrator determines is appropriate.

''(6) SELECTION CRITERIA.—

''(A) IN GENERAL.—The Associate Administrator shall establish selection criteria, stated in terms of relative importance, to evaluate and rank applicants under paragraph (5)(C) for financial assistance under this subsection.

''(B) CRITERIA.—The selection criteria established under this paragraph shall include—

''(i) the experience of the applicant in conducting programs or ongoing efforts designed to impart or upgrade the business skills of veterans, and the spouses of veterans, who own or may own small business concerns;

''(ii) for an applicant for initial financial assistance under this subsection—

''(I) the ability of the applicant to begin operating a veterans' business center within a minimum amount of time; and

''(II) the geographic region to be served by the veterans' business center;

''(iii) the demonstrated ability of the applicant to—

''(I) provide managerial counseling and technical assistance to entrepreneurs; and

''(II) coordinate services provided by veterans services organizations and other public or private entities; and

''(iv) for any applicant for a renewal of financial assistance under this subsection, the results of the most recent examination under paragraph (10) of the veterans' business center operated by the applicant.

''(C) CRITERIA PUBLICLY AVAILABLE.—The Associate Administrator shall—

''(i) make publicly available the selection criteria established under this paragraph; and

''(ii) include the criteria in each solicitation for applications for financial assistance under this subsection.

''(7) AMOUNT OF ASSISTANCE.—The amount of financial assistance provided under this subsection to a private nonprofit organization for each fiscal year shall be—

''(A) not less than $150,000; and

''(B) not more than $200,000.

''(8) FEDERAL SHARE.—

''(A) IN GENERAL.—

''(i) INITIAL FINANCIAL ASSISTANCE.—Except as provided in clause (ii) and subparagraph (E), a private nonprofit organization that receives financial assistance under this subsection shall provide non-Federal contributions for the operation of the veterans' business center established by the private nonprofit organization in an amount equal to—

''(I) in each of the first and second years of the project, not less than 33 percent of the amount of the financial assistance received under this subsection; and

''(II) in each of the third through fifth years of the project, not less than 50 percent of the amount of the financial assistance received under this subsection.

''(ii) RENEWALS.—A private nonprofit organization that receives a renewal of financial assistance under this subsection shall provide non-Federal contributions for the operation of the veterans' business center established by the private nonprofit organization in an amount equal to not less than 50 percent of the amount of the financial assistance received under this subsection.

''(B) FORM OF NON-FEDERAL SHARE.—Not more than 50 percent of the non-Federal share for a project carried out using financial assistance under this subsection may be in the form of in-kind contributions.

''(C) TIMING OF DISBURSEMENT.—The Associate Administrator may disburse not more than 25 percent of the financial assistance awarded to a private nonprofit organization before the private nonprofit organization obtains the non-Federal share required under this paragraph with respect to that award.

''(D) FAILURE TO OBTAIN NON-FEDERAL FUNDING.—

''(i) IN GENERAL.—If a private nonprofit organization that receives financial assistance under this subsection fails to obtain the non-Federal share required under this paragraph during any fiscal year, the private nonprofit organization may not receive a disbursement under this subsection in a subsequent fiscal year or a disbursement for any other project funded by the Administration, unless the Administrator makes a written determination that the private nonprofit organization will be able to obtain a non-Federal contribution.

''(ii) RESTORATION.—A private nonprofit organization prohibited from receiving a disbursement under clause (i) in a fiscal year may receive financial assistance in a subsequent fiscal year if the organization obtains the non-Federal share required under this paragraph for the subsequent fiscal year.

''(E) WAIVER OF NON-FEDERAL SHARE.—

''(i) IN GENERAL.—Upon request by a private nonprofit organization, and in accordance with this subparagraph, the Administrator may waive, in whole or in part, the requirement to obtain non-Federal funds under subparagraph (A) for a fiscal year. The Administrator may not waive the requirement for a private nonprofit organization to obtain non-Federal funds under this subparagraph for more than a total of 2 fiscal years.

''(ii) CONSIDERATIONS.—In determining whether to waive the requirement to obtain non-Federal funds under this subparagraph, the Administrator shall consider—

''(I) the economic conditions affecting the private nonprofit organization;

''(II) the impact a waiver under this subparagraph would have on the credibility of the veterans' business center program;

''(III) the demonstrated ability of the private nonprofit organization to raise non-Federal funds; and

''(IV) the performance of the private nonprofit organization.

''(iii) LIMITATION.—The Administrator may not waive the requirement to obtain non-Federal funds under this subparagraph if granting the waiver would undermine the credibility of the veterans' business center program.

''(9) CONTRACT AUTHORITY.—A veterans' business center may enter into a contract with a Federal department or agency to provide specific assistance to veterans, service-disabled veterans, Reservists, or the spouses of veterans, service-disabled veterans, or Reservists. Performance of such contract shall not hinder the veterans' business center in carrying out the terms of the grant received by the veterans' business centers from the Administrator.

''(10) EXAMINATION AND DETERMINATION OF VIABILITY.—

''(A) EXAMINATION.—

''(i) IN GENERAL.—The Associate Administrator shall conduct an annual examination of the programs and finances of each veterans' business center established or operated using financial assistance under this subsection.

''(ii) FACTORS.—In conducting the examination under clause (i), the Associate Administrator shall consider whether the veterans' business center has failed—

''(I) to provide the information required to be provided under subparagraph (B), or the information provided by the center is inadequate;

''(II) the center has failed to comply with a requirement for participation in the veterans' business center program, as determined by the Assistant Administrator, including—

''(aa) failure to acquire or properly document a non-Federal share;

''(bb) failure to establish an appropriate partnership or program for marketing and outreach to small business concerns;

''(cc) failure to achieve results described in a financial assistance agreement; and

''(dd) failure to provide to the Administrator a description of the amount and sources of any non-Federal funding received by the center;

''(III) to carry out the 5-year plan under in paragraph (4)(B); or

''(IV) to meet the eligibility requirements under paragraph (5).

''(B) INFORMATION PROVIDED.—In the course of an examination under subparagraph (A), the veterans' business center shall provide to the Associate Administrator—

''(i) an itemized cost breakdown of actual expenditures for costs incurred during the most recent full fiscal year;

''(ii) documentation of the amount of non-Federal contributions obtained and expended by the veterans' business center during the most recent full fiscal year; and

''(iii) with respect to any in-kind contribution under paragraph (8)(B), verification of the existence and valuation of such contributions.

''(C) DETERMINATION OF VIABILITY.—The Associate Administrator shall analyze the results of each examination under this paragraph and, based on that analysis, make a determination regarding the viability of the programs and finances of each veterans' business center.

''(D) DISCONTINUATION OF FUNDING.—

''(i) IN GENERAL.—The Associate Administrator may discontinue an award of financial assistance to a private nonprofit organization at any time if the Associate Administrator determines under subparagraph (C) that the veterans' business center operated by that organization is not viable.

''(ii) RESTORATION.—The Associate Administrator may continue to provide financial assistance to a private nonprofit organization in a subsequent fiscal year if the Associate Administrator determines under subparagraph (C) that the veterans' business center is viable.

''(11) PRIVACY REQUIREMENTS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), a veterans' business center established or operated using financial assistance provided under this subsection may not disclose the name, address, or telephone number of any individual or small business

concern that receives advice from the veterans' business center without the consent of the individual or small business concern.

''(B) EXCEPTION.—A veterans' business center may disclose information described in subparagraph (A)—

''(i) if the Administrator or Associate Administrator is ordered to make such a disclosure by a court in any civil or criminal enforcement action initiated by a Federal or State agency; or

''(ii) to the extent that the Administrator or Associate Administrator determines that such a disclosure is necessary to conduct a financial audit of a veterans' business center.

''(C) ADMINISTRATION USE OF INFORMATION.—This paragraph does not—

''(i) restrict access by the Administrator to program activity data; or

''(ii) prevent the Administrator from using information not described in subparagraph (A) to conduct surveys of individuals or small business concerns that receive advice from a veterans' business center.

''(D) REGULATIONS.—The Administrator shall issue regulations to establish standards for requiring disclosures under subparagraph (B)(ii).

''(12) REPORT.—

''(A) IN GENERAL.—Not later than 60 days after the end of each fiscal year, the Associate Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on the effectiveness of the veterans' business center program in each region during the most recent full fiscal year.

''(B) CONTENTS.—Each report under this paragraph shall include, at a minimum, for each veterans' business center established or operated using financial assistance provided under this subsection—

''(i) the number of individuals receiving assistance from the veterans' business center, including the number of such individuals who are—

''(I) veterans or spouses of veterans;

''(II) service-disabled veterans or spouses of service-disabled veterans; or

''(III) Reservists or spouses of Reservists;

''(ii) the number of startup small business concerns formed by individuals receiving assistance from the veterans' business center, including—

''(I) veterans or spouses of veterans;

''(II) service-disabled veterans or spouses of service-disabled veterans; or

''(III) Reservists or spouses of Reservists;

''(iii) the gross receipts of small business concerns that receive advice from the veterans' business center;

''(iv) the employment increases or decreases of small business concerns that receive advice from the veterans' business center;

''(v) to the maximum extent practicable, the increases or decreases in profits of small business concerns that receive advice from the veterans' business center; and

''(vi) the results of the examination of the veterans' business center under paragraph (10).

''(13) COORDINATION OF EFFORTS AND CONSULTATION.—

''(A) COORDINATION AND CONSULTATION.—To the extent practicable, the Associate Administrator and each private nonprofit organization that receives financial assistance under this subsection shall—

''(i) coordinate outreach and other activities with other programs of the Administration and the programs of other Federal agencies;

''(ii) consult with technical representatives of the district offices of the Administration in carrying out activities using financial assistance under this subsection; and

''(iii) provide information to the veterans business ownership representatives designated under subparagraph (B) and coordinate with the veterans business ownership representatives to increase the ability of the veterans business ownership representatives to provide services throughout the area served by the veterans business ownership representatives.

''(B) VETERANS BUSINESS OWNERSHIP REPRESENTATIVES.—

''(i) DESIGNATION.—The Administrator shall designate not fewer than 1 individual in each district office of the Administration as a veterans business ownership representative, who shall communicate and coordinate activities of the district office with private nonprofit organizations that receive financial assistance under this subsection.

''(ii) INITIAL DESIGNATION.—The first individual in each district office of the Administration designated by the Administrator as a veterans business ownership representative under clause (i) shall be an individual that is employed by the Administration on the date of enactment of this subsection.

''(14) EXISTING CONTRACTS.—An award of financial assistance under this subsection shall not void any contract between a private nonprofit organization and the Administration that is in effect on the date of such award.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

''(1) to carry out subsections (a) through (f), $2,000,000 for each of fiscal years 2013 through 2015; and

''(2) to carry out subsection (g)—

''(A) $8,000,000 for fiscal year 2013;

''(B) $8,500,000 for fiscal year 2014; and

''(C) $9,000,000 for fiscal year 2015.''.

(b) GAO REPORTS.—

(1) DEFINITIONS.—In this subsection—

(A) the terms ''small business concern'' and ''veteran'' have the meanings given those terms under section 3 of the Small Business Act (15 U.S.C. 632); and

(B) the terms ''Reservist'', ''small business concern owned and controlled by veterans'', and ''veterans' business center program'' have the meanings given those terms in section 32(g) of the Small Business Act, as added by this section.

(2) REPORT ON ACCESS TO CREDIT.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit a report regarding the ability of small business concern owned and controlled by veterans to access credit to—

(i) the Committee on Veterans' Affairs and the Committee on Small Business and Entrepreneurship of the Senate; and

(ii) the Committee on Veterans' Affairs and the Committee on Small Business of the House of Representatives.

(B) CONTENTS.—The report submitted under subparagraph (A) shall include an analysis of—

(i) the sources of credit used by small business concerns owned and controlled by veterans and percentage of the credit obtained by small business concern owned and controlled by veterans that is obtained from each source;

(ii) the default rate for small business concerns owned and controlled by veterans separately for each source of credit described in clause (i), as compared to the default rate for the source of credit for small business concerns generally;

(iii) the Federal lending programs available to provide credit to small business concerns owned and controlled by veterans;

(iv) gaps, if any, in the availability of credit for small business concerns owned and controlled by veterans that are not being filled by the Federal Government or private sources;

(v) obstacles faced by veterans in trying to access credit;

(vi) the extent to which deployment and other military responsibilities affect the credit history of veterans and Reservists; and

(vii) the extent to which veterans are aware of Federal programs targeted towards helping veterans access credit.

(3) REPORT ON VETERANS' BUSINESS CENTER PROGRAM.—

(A) IN GENERAL.—Not later than 60 days after the end of the second fiscal year beginning after the date on which the veterans' business center program is established, the Comptroller General of the United States shall evaluate the effectiveness of the veterans' business center program, and submit to Congress a report on the results of that evaluation.

(B) CONTENTS.—The report submitted under subparagraph (A) shall include—

(i) an assessment of—

(I) the use of amounts made available to carry out the veterans' business center program;

(II) the effectiveness of the services provided by each private nonprofit organization receiving financial assistance under the veterans' business center program;

(III) whether the services described in clause (ii) are duplicative of services provided by other veteran service organizations, programs of the Small Business Administration, or programs of another Federal department or agency and, if so, recommendations regarding how to alleviate the duplication of the services; and

(IV) whether there are areas of the United States in which there are not adequate entrepreneurial services for small business concerns owned and controlled by veterans and, if so, whether there is a veterans' business center established under the veterans' business center program providing services to that area; and

(ii) recommendations, if any, for improving the veterans' business center program.

(c) REPORTING REQUIREMENT FOR INTERAGENCY TASK FORCE.—Section 32(c) of the Small Business Act (15 U.S.C. 657b(c)) is amended by adding at the end the following:

''(4) REPORT.—Not less frequently than twice each year, the Administrator shall submit to Congress a report on the appointments made to and activities of the task force.''.

SEC. ___. EXTENSION OF MODIFIED PENSION FOR CERTAIN VETERANS COVERED BY MEDICAID PLANS FOR SERVICES FURNISHED BY NURSING FACILITIES.

Section 5503(d)(7) of title 38, United States Code, is amended by striking ''September 30, 2016'' and inserting ''June 30, 2017''.

SA 2834. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3457, to require the Secretary of Veterans Affairs to establish a veterans jobs corps, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. VETERANS TECHNOLOGY PILOT PROGRAM.

(a) DEFINITIONS.—In this section—

(1) the term ''Administrator'' means the Administrator of the General Services Administration;

(2) the term ''Executive department'' has the same meaning as in section 101 of title 5, United States Code;

(3) the term ''qualified veteran'' means a veteran who the Secretary determines is in need of access to a computer to search and apply for employment;

(4) the term ''Secretary'' means the Secretary of Veterans Affairs; and

(5) the term ''veteran'' has the meaning given that term in section 101 of title 38, United States Code.

(b) PILOT PROGRAM.—

(1) ESTABLISHMENT.—Not later than 120 days after the date of enactment of this Act, the Secretary, in coordination with the Administrator, shall establish a pilot program to provide to qualified veterans not less than 25 percent of the Government-owned computers that would otherwise be disposed of during each year at no cost or reduced cost.

(2) PURPOSES OF PROGRAM.—The pilot program established under paragraph (1) shall be designed to—

(A) encourage and facilitate employment opportunities for and the entrepreneurship of veterans;

(B) assist the Secretary of Labor in carrying out section 5 of this Act; and

(C) reduce the overall unemployment of veterans.

(3) TERMINATION.—The authority to carry out the pilot program under this subsection shall terminate 3 years after the date on which the Secretary establishes the pilot program.

(c) REPORT.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of enactment of this Act, the Secretary, in coordination with the Administrator, shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report describing—

(A) the number of Government-owned computers in the 5 largest Executive departments during the 2-year period ending on the date of enactment of this Act, including the number of working computers, nonworking computers, desktop computers, and laptop computers;

(B) the number of Government-owned computers disposed of by the 5 largest Executive departments during the 2-year period ending on the date of enactment of this Act, including the number of such computers that were working computers, nonworking computers, desktop computers, or laptop computers;

(C) the procedures of the 5 largest Executive departments for the disposal of Government-owned computers; and

(D) the plans of the Secretary, in coordination with the Administrator, for carrying out the pilot program under subsection (b), including any plans to give priority to veterans who are disabled.

(2) DETERMINATION OF LARGEST EXECUTIVE DEPARTMENTS.—For purposes of paragraph (1), the 5 largest Executive departments shall be determined on the basis of the number of employees of each Executive department and the total amount appropriated to each Executive department for the fiscal year preceding the date of enactment of this Act.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this section.

SA 2835. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 2789 proposed by Mrs. MURRAY to the bill S. 3457, to require the Secretary of Veterans Affairs to establish a veterans jobs corps, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. VETERANS' BUSINESS CENTER PROGRAM; OFFICE OF VETERANS BUSINESS DEVELOPMENT.

(a) IN GENERAL.—Section 32 of the Small Business Act (15 U.S.C. 657b) is amended by striking subsection (f) and inserting the following:

''(f) ONLINE COORDINATION.—

''(1) DEFINITION.—In this subsection, the term 'veterans' assistance provider' means—

''(A) a veterans' business center established under subsection (g);

''(B) an employee of the Administration assigned to the Office of Veterans Business Development; and

''(C) a veterans business ownership representative designated under subsection (g)(13)(B).

''(2) ESTABLISHMENT.—The Associate Administrator shall establish an online mechanism to—

''(A) provide information that assists veterans' assistance providers in carrying out the activities of the veterans' assistance providers; and

''(B) coordinate and leverage the work of the veterans' assistance providers, including by allowing a veterans' assistance provider to—

''(i) distribute best practices and other materials;

''(ii) communicate with other veterans' assistance providers regarding the activities of the veterans' assistance provider on behalf of veterans; and

''(iii) pose questions to and request input from other veterans' assistance providers.

''(g) VETERANS' BUSINESS CENTER PROGRAM.—

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'active duty' has the meaning given that term in section 101 of title 10, United States Code;

''(B) the term 'private nonprofit organization' means an entity that is described in section 501(c) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code;

''(C) the term 'Reservist' means a member of a reserve component of the Armed Forces, as described in section 10101 of title 10, United States Code;

''(D) the term 'Service Corps of Retired Executives' means the Service Corps of Retired Executives authorized under section 8(b)(1);

''(E) the term 'small business concern owned and controlled by veterans'—

''(i) has the same meaning as in section 3(q); and

''(ii) includes a small business concern—

''(I) not less than 51 percent of which is owned by one or more spouses of veterans or, in the case of any publicly owned business, not less than 51 percent of the stock of which is owned by one or more spouses of veterans; and

''(II) the management and daily business operations of which are controlled by one or more spouses of veterans;

''(F) the term 'spouse', relating to a veteran, service-disabled veteran, or Reservist, includes an individual who is the spouse of a veteran, service-disabled veteran, or Reservist on the date on which the veteran, service-disabled veteran, or Reservist died;

''(G) the term 'veterans' business center program' means the program established under paragraph (2)(A); and

''(H) the term 'women's business center' means a women's business center described in section 29.

''(2) PROGRAM ESTABLISHED.—

''(A) IN GENERAL.—The Administrator, acting through the Associate Administrator, shall establish a veterans' business center program, under which the Associate Administrator may provide financial assistance to a private nonprofit organization to conduct a 5-year project for the benefit of small business concerns owned and controlled by veterans, which may be renewed for one or more additional 5-year periods.

''(B) FORM OF FINANCIAL ASSISTANCE.—Financial assistance under this subsection may be in the form of a grant, a contract, or a cooperative agreement.

''(3) VETERANS' BUSINESS CENTERS.—Each private nonprofit organization that receives financial assistance under this subsection shall establish or operate a veterans' business center (which may include establishing or operating satellite offices in the region described in paragraph (5) served by that private nonprofit organization) that provides to veterans (including service-disabled veterans), Reservists, and the spouses of veterans (including service-disabled veterans) and Reservists—

''(A) financial advice, including training and counseling on applying for and securing business credit and investment capital, preparing and presenting financial statements, and managing cash flow and other financial operations of a small business concern;

''(B) management advice, including training and counseling on the planning, organization, staffing, direction, and control of each major activity and function of a small business concern;

''(C) marketing advice, including training and counseling on identifying and segmenting domestic and international market opportunities, preparing and executing marketing plans, developing pricing strategies, locating contract opportunities, negotiating contracts, and using public relations and advertising techniques; and

''(D) advice, including training and counseling, for Reservists and the spouses of Reservists.

''(4) APPLICATION.—

''(A) IN GENERAL.—A private nonprofit organization desiring to receive financial assistance under this subsection shall submit an application to the Associate Administrator at such time and in such manner as the Associate Administrator may require.

''(B) 5-YEAR PLAN.—Each application described in subparagraph (A) shall include a 5-year plan on proposed fundraising and training activities relating to the veterans' business center.

''(C) DETERMINATION AND NOTIFICATION.—Not later than 60 days after the date on which a private nonprofit organization submits an application under subparagraph (A), the Associate Administrator shall approve or deny the application and notify the applicant of the determination.

''(D) AVAILABILITY OF APPLICATION.—The Associate Administrator shall make every effort to make the application under subparagraph (A) available online.

''(5) ELIGIBILITY.—The Associate Administrator may select to receive financial assistance under this subsection—

''(A) a Veterans Business Outreach Center established by the Administrator under section 8(b)(17) on or before the day before the date of enactment of this subsection; or

''(B) private nonprofit organizations located in various regions of the United States, as the Associate Administrator determines is appropriate.

''(6) SELECTION CRITERIA.—

''(A) IN GENERAL.—The Associate Administrator shall establish selection criteria, stated in terms of relative importance, to evaluate and rank applicants under paragraph (5)(C) for financial assistance under this subsection.

''(B) CRITERIA.—The selection criteria established under this paragraph shall include—

''(i) the experience of the applicant in conducting programs or ongoing efforts designed

to impart or upgrade the business skills of veterans, and the spouses of veterans, who own or may own small business concerns;

''(ii) for an applicant for initial financial assistance under this subsection—

''(I) the ability of the applicant to begin operating a veterans' business center within a minimum amount of time; and

''(II) the geographic region to be served by the veterans' business center;

''(iii) the demonstrated ability of the applicant to—

''(I) provide managerial counseling and technical assistance to entrepreneurs; and

''(II) coordinate services provided by veterans services organizations and other public or private entities; and

''(iv) for any applicant for a renewal of financial assistance under this subsection, the results of the most recent examination under paragraph (10) of the veterans' business center operated by the applicant.

''(C) CRITERIA PUBLICLY AVAILABLE.—The Associate Administrator shall—

''(i) make publicly available the selection criteria established under this paragraph; and

''(ii) include the criteria in each solicitation for applications for financial assistance under this subsection.

''(7) AMOUNT OF ASSISTANCE.—The amount of financial assistance provided under this subsection to a private nonprofit organization for each fiscal year shall be—

''(A) not less than $150,000; and

''(B) not more than $200,000.

''(8) FEDERAL SHARE.—

''(A) IN GENERAL.—

''(i) INITIAL FINANCIAL ASSISTANCE.—Except as provided in clause (ii) and subparagraph (E), a private nonprofit organization that receives financial assistance under this subsection shall provide non-Federal contributions for the operation of the veterans' business center established by the private nonprofit organization in an amount equal to—

''(I) in each of the first and second years of the project, not less than 33 percent of the amount of the financial assistance received under this subsection; and

''(II) in each of the third through fifth years of the project, not less than 50 percent of the amount of the financial assistance received under this subsection.

''(ii) RENEWALS.—A private nonprofit organization that receives a renewal of financial assistance under this subsection shall provide non-Federal contributions for the operation of the veterans' business center established by the private nonprofit organization in an amount equal to not less than 50 percent of the amount of the financial assistance received under this subsection.

''(B) FORM OF NON-FEDERAL SHARE.—Not more than 50 percent of the non-Federal share for a project carried out using financial assistance under this subsection may be in the form of in-kind contributions.

''(C) TIMING OF DISBURSEMENT.—The Associate Administrator may disburse not more than 25 percent of the financial assistance awarded to a private nonprofit organization before the private nonprofit organization obtains the non-Federal share required under this paragraph with respect to that award.

''(D) FAILURE TO OBTAIN NON-FEDERAL FUNDING.—

''(i) IN GENERAL.—If a private nonprofit organization that receives financial assistance under this subsection fails to obtain the non-Federal share required under this paragraph during any fiscal year, the private nonprofit organization may not receive a disbursement under this subsection in a subsequent fiscal year or a disbursement for any other project funded by the Administration, unless the Administrator makes a written determination that the private nonprofit organization will be able to obtain a non-Federal contribution.

''(ii) RESTORATION.—A private nonprofit organization prohibited from receiving a disbursement under clause (i) in a fiscal year may receive financial assistance in a subsequent fiscal year if the organization obtains the non-Federal share required under this paragraph for the subsequent fiscal year.

''(E) WAIVER OF NON-FEDERAL SHARE.—

''(i) IN GENERAL.—Upon request by a private nonprofit organization, and in accordance with this subparagraph, the Administrator may waive, in whole or in part, the requirement to obtain non-Federal funds under subparagraph (A) for a fiscal year. The Administrator may not waive the requirement for a private nonprofit organization to obtain non-Federal funds under this subparagraph for more than a total of 2 fiscal years.

''(ii) CONSIDERATIONS.—In determining whether to waive the requirement to obtain non-Federal funds under this subparagraph, the Administrator shall consider—

''(I) the economic conditions affecting the private nonprofit organization;

''(II) the impact a waiver under this subparagraph would have on the credibility of the veterans' business center program;

''(III) the demonstrated ability of the private nonprofit organization to raise non-Federal funds; and

''(IV) the performance of the private nonprofit organization.

''(iii) LIMITATION.—The Administrator may not waive the requirement to obtain non-Federal funds under this subparagraph if granting the waiver would undermine the credibility of the veterans' business center program.

''(9) CONTRACT AUTHORITY.—A veterans' business center may enter into a contract with a Federal department or agency to provide specific assistance to veterans, service-disabled veterans, Reservists, or the spouses of veterans, service-disabled veterans, or Reservists. Performance of such contract shall not hinder the veterans' business center in carrying out the terms of the grant received by the veterans' business centers from the Administrator.

''(10) EXAMINATION AND DETERMINATION OF VIABILITY.—

''(A) EXAMINATION.—

''(i) IN GENERAL.—The Associate Administrator shall conduct an annual examination of the programs and finances of each veterans' business center established or operated using financial assistance under this subsection.

''(ii) FACTORS.—In conducting the examination under clause (i), the Associate Administrator shall consider whether the veterans' business center has failed—

''(I) to provide the information required to be provided under subparagraph (B), or the information provided by the center is inadequate;

''(II) the center has failed to comply with a requirement for participation in the veterans' business center program, as determined by the Assistant Administrator, including—

''(aa) failure to acquire or properly document a non-Federal share;

''(bb) failure to establish an appropriate partnership or program for marketing and outreach to small business concerns;

''(cc) failure to achieve results described in a financial assistance agreement; and

''(dd) failure to provide to the Administrator a description of the amount and sources of any non-Federal funding received by the center;

''(III) to carry out the 5-year plan under in paragraph (4)(B); or

''(IV) to meet the eligibility requirements under paragraph (5).

''(B) INFORMATION PROVIDED.—In the course of an examination under subparagraph (A), the veterans' business center shall provide to the Associate Administrator—

''(i) an itemized cost breakdown of actual expenditures for costs incurred during the most recent full fiscal year;

''(ii) documentation of the amount of non-Federal contributions obtained and expended by the veterans' business center during the most recent full fiscal year; and

''(iii) with respect to any in-kind contribution under paragraph (8)(B), verification of the existence and valuation of such contributions.

''(C) DETERMINATION OF VIABILITY.—The Associate Administrator shall analyze the results of each examination under this paragraph and, based on that analysis, make a determination regarding the viability of the programs and finances of each veterans' business center.

''(D) DISCONTINUATION OF FUNDING.—

''(i) IN GENERAL.—The Associate Administrator may discontinue an award of financial assistance to a private nonprofit organization at any time if the Associate Administrator determines under subparagraph (C) that the veterans' business center operated by that organization is not viable.

''(ii) RESTORATION.—The Associate Administrator may continue to provide financial assistance to a private nonprofit organization in a subsequent fiscal year if the Associate Administrator determines under subparagraph (C) that the veterans' business center is viable.

''(11) PRIVACY REQUIREMENTS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), a veterans' business center established or operated using financial assistance provided under this subsection may not disclose the name, address, or telephone number of any individual or small business concern that receives advice from the veterans' business center without the consent of the individual or small business concern.

''(B) EXCEPTION.—A veterans' business center may disclose information described in subparagraph (A)—

''(i) if the Administrator or Associate Administrator is ordered to make such a disclosure by a court in any civil or criminal enforcement action initiated by a Federal or State agency; or

''(ii) to the extent that the Administrator or Associate Administrator determines that such a disclosure is necessary to conduct a financial audit of a veterans' business center.

''(C) ADMINISTRATION USE OF INFORMATION.—This paragraph does not—

''(i) restrict access by the Administrator to program activity data; or

''(ii) prevent the Administrator from using information not described in subparagraph (A) to conduct surveys of individuals or small business concerns that receive advice from a veterans' business center.

''(D) REGULATIONS.—The Administrator shall issue regulations to establish standards for requiring disclosures under subparagraph (B)(ii).

''(12) REPORT.—

''(A) IN GENERAL.—Not later than 60 days after the end of each fiscal year, the Associate Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on the effectiveness of the veterans' business center program in each region during the most recent full fiscal year.

''(B) CONTENTS.—Each report under this paragraph shall include, at a minimum, for each veterans' business center established or operated using financial assistance provided under this subsection—

''(i) the number of individuals receiving assistance from the veterans' business center, including the number of such individuals who are—

''(I) veterans or spouses of veterans;

''(II) service-disabled veterans or spouses of service-disabled veterans; or

''(III) Reservists or spouses of Reservists;

''(ii) the number of startup small business concerns formed by individuals receiving assistance from the veterans' business center, including—

''(I) veterans or spouses of veterans;

''(II) service-disabled veterans or spouses of service-disabled veterans; or

''(III) Reservists or spouses of Reservists;

''(iii) the gross receipts of small business concerns that receive advice from the veterans' business center;

''(iv) the employment increases or decreases of small business concerns that receive advice from the veterans' business center;

''(v) to the maximum extent practicable, the increases or decreases in profits of small business concerns that receive advice from the veterans' business center; and

''(vi) the results of the examination of the veterans' business center under paragraph (10).

''(13) COORDINATION OF EFFORTS AND CONSULTATION.—

''(A) COORDINATION AND CONSULTATION.—To the extent practicable, the Associate Administrator and each private nonprofit organization that receives financial assistance under this subsection shall—

''(i) coordinate outreach and other activities with other programs of the Administration and the programs of other Federal agencies;

''(ii) consult with technical representatives of the district offices of the Administration in carrying out activities using financial assistance under this subsection; and

''(iii) provide information to the veterans business ownership representatives designated under subparagraph (B) and coordinate with the veterans business ownership representatives to increase the ability of the veterans business ownership representatives to provide services throughout the area served by the veterans business ownership representatives.

''(B) VETERANS BUSINESS OWNERSHIP REPRESENTATIVES.—

''(i) DESIGNATION.—The Administrator shall designate not fewer than 1 individual in each district office of the Administration as a veterans business ownership representative, who shall communicate and coordinate activities of the district office with private nonprofit organizations that receive financial assistance under this subsection.

''(ii) INITIAL DESIGNATION.—The first individual in each district office of the Administration designated by the Administrator as a veterans business ownership representative under clause (i) shall be an individual that is employed by the Administration on the date of enactment of this subsection.

''(14) EXISTING CONTRACTS.—An award of financial assistance under this subsection shall not void any contract between a private nonprofit organization and the Administration that is in effect on the date of such award.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

''(1) to carry out subsections (a) through (f), $2,000,000 for each of fiscal years 2013 through 2015; and

''(2) to carry out subsection (g)—

''(A) $8,000,000 for fiscal year 2013;

''(B) $8,500,000 for fiscal year 2014; and

''(C) $9,000,000 for fiscal year 2015.''.

(b) GAO REPORTS.—

(1) DEFINITIONS.—In this subsection—

(A) the terms ''small business concern'' and ''veteran'' have the meanings given those terms under section 3 of the Small Business Act (15 U.S.C. 632); and

(B) the terms ''Reservist'', ''small business concern owned and controlled by veterans'', and ''veterans' business center program'' have the meanings given those terms in section 32(g) of the Small Business Act, as added by this section.

(2) REPORT ON ACCESS TO CREDIT.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit a report regarding the ability of small business concern owned and controlled by veterans to access credit to—

(i) the Committee on Veterans' Affairs and the Committee on Small Business and Entrepreneurship of the Senate; and

(ii) the Committee on Veterans' Affairs and the Committee on Small Business of the House of Representatives.

(B) CONTENTS.—The report submitted under subparagraph (A) shall include an analysis of—

(i) the sources of credit used by small business concerns owned and controlled by veterans and percentage of the credit obtained by small business concern owned and controlled by veterans that is obtained from each source;

(ii) the default rate for small business concerns owned and controlled by veterans separately for each source of credit described in clause (i), as compared to the default rate for the source of credit for small business concerns generally;

(iii) the Federal lending programs available to provide credit to small business concerns owned and controlled by veterans;

(iv) gaps, if any, in the availability of credit for small business concerns owned and controlled by veterans that are not being filled by the Federal Government or private sources;

(v) obstacles faced by veterans in trying to access credit;

(vi) the extent to which deployment and other military responsibilities affect the credit history of veterans and Reservists; and

(vii) the extent to which veterans are aware of Federal programs targeted towards helping veterans access credit.

(3) REPORT ON VETERANS' BUSINESS CENTER PROGRAM.—

(A) IN GENERAL.—Not later than 60 days after the end of the second fiscal year beginning after the date on which the veterans' business center program is established, the Comptroller General of the United States shall evaluate the effectiveness of the veterans' business center program, and submit to Congress a report on the results of that evaluation.

(B) CONTENTS.—The report submitted under subparagraph (A) shall include—

(i) an assessment of—

(I) the use of amounts made available to carry out the veterans' business center program;

(II) the effectiveness of the services provided by each private nonprofit organization receiving financial assistance under the veterans' business center program;

(III) whether the services described in clause (ii) are duplicative of services provided by other veteran service organizations, programs of the Small Business Administration, or programs of another Federal department or agency and, if so, recommendations regarding how to alleviate the duplication of the services; and

(IV) whether there are areas of the United States in which there are not adequate entrepreneurial services for small business concerns owned and controlled by veterans and, if so, whether there is a veterans' business center established under the veterans' business center program providing services to that area; and

(ii) recommendations, if any, for improving the veterans' business center program.

(c) REPORTING REQUIREMENT FOR INTERAGENCY TASK FORCE.—Section 32(c) of the Small Business Act (15 U.S.C. 657b(c)) is amended by adding at the end the following:

''(4) REPORT.—Not less frequently than twice each year, the Administrator shall submit to Congress a report on the appointments made to and activities of the task force.''.

SA 2836. Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. CARPER, and Mr. BROWN, of Massachusetts) submitted an amendment intended to be proposed by him to the bill S. 3457, to require the Secretary of Veterans Affairs to establish a veterans jobs corps, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE II—FIRE GRANTS REAUTHORIZATION

SEC. 201. SHORT TITLE.

This title may be cited as the ''Fire Grants Reauthorization Act of 2012''.

SEC. 202. AMENDMENTS TO DEFINITIONS.

(a) IN GENERAL.—Section 4 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2203) is amended—

(1) in paragraph (3), by inserting '', except as otherwise provided,'' after ''means'';

(2) in paragraph (4), by striking '' 'Director' means'' and all that follows through ''Agency;'' and inserting '' 'Administrator of FEMA' means the Administrator of the Federal Emergency Management Agency;'';

(3) in paragraph (5)—

(A) by inserting ''Indian tribe,'' after ''county,''; and

(B) by striking ''and 'firecontrol' '' and inserting ''and 'fire control' '';

(4) by redesignating paragraphs (6) through (9) as paragraphs (7) through (10), respectively;

(5) by inserting after paragraph (5), the following:

''(6) 'Indian tribe' has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b) and 'tribal' means of or pertaining to an Indian tribe;'';

(6) by redesignating paragraphs (9) and (10), as redesignated by paragraph (4), as paragraphs (10) and (11);

(7) by inserting after paragraph (8), as redesignated by paragraph (4), the following:

''(9) 'Secretary' means, except as otherwise provided, the Secretary of Homeland Security;''; and

(8) by amending paragraph (10), as redesignated by paragraph (6), to read as follows:

''(10) 'State' has the meaning given the term in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).''.

(b) CONFORMING AMENDMENTS.—

(1) ADMINISTRATOR OF FEMA.—The Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) is amended by striking ''Director'' each place it appears and inserting ''Administrator of FEMA''.

(2) ADMINISTRATOR OF FEMA'S AWARD.—Section 15 of such Act (15 U.S.C. 2214) is amended by striking ''Director's Award'' each place it appears and inserting ''Administrator's Award''.

SEC. 203. ASSISTANCE TO FIREFIGHTERS GRANTS.

Section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) is amended to read as follows:

"SEC. 33. FIREFIGHTER ASSISTANCE.

''(a) DEFINITIONS.—In this section:

''(1) ADMINISTRATOR OF FEMA.—The term 'Administrator of FEMA' means the Administrator of FEMA, acting through the Administrator.

''(2) AVAILABLE GRANT FUNDS.—The term 'available grant funds', with respect to a fiscal year, means those funds appropriated pursuant to the authorization of appropriations in subsection (q)(1) for such fiscal year less any funds used for administrative costs pursuant to subsection (q)(2) in such fiscal year.

''(3) CAREER FIRE DEPARTMENT.—The term 'career fire department' means a fire department that has an all-paid force of firefighting personnel other than paid-on-call firefighters.

''(4) COMBINATION FIRE DEPARTMENT.—The term 'combination fire department' means a fire department that has—

''(A) paid firefighting personnel; and

''(B) volunteer firefighting personnel.

''(5) FIREFIGHTING PERSONNEL.—The term 'firefighting personnel' means individuals, including volunteers, who are firefighters, officers of fire departments, or emergency medical service personnel of fire departments.

''(6) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

''(7) NONAFFILIATED EMS ORGANIZATION.—The term 'nonaffiliated EMS organization' means a public or private nonprofit emergency medical services organization that is not affiliated with a hospital and does not serve a geographic area in which the Administrator of FEMA finds that emergency medical services are adequately provided by a fire department.

''(8) PAID-ON-CALL.—The term 'paid-on-call' with respect to firefighting personnel means firefighting personnel who are paid a stipend for each event to which they respond.

''(9) VOLUNTEER FIRE DEPARTMENT.—The term 'volunteer fire department' means a fire department that has an all-volunteer force of firefighting personnel.

''(b) ASSISTANCE PROGRAM.—

''(1) AUTHORITY.—In accordance with this section, the Administrator of FEMA may award—

''(A) assistance to firefighters grants under subsection (c); and

''(B) fire prevention and safety grants and other assistance under subsection (d).

''(2) ADMINISTRATIVE ASSISTANCE.—The Administrator of FEMA shall—

''(A) establish specific criteria for the selection of grant recipients under this section; and

''(B) provide assistance with application preparation to applicants for such grants.

''(c) ASSISTANCE TO FIREFIGHTERS GRANTS.—

''(1) IN GENERAL.—The Administrator of FEMA may, in consultation with the chief executives of the States in which the recipients are located, award grants on a competitive basis directly to—

''(A) fire departments, for the purpose of protecting the health and safety of the public and firefighting personnel throughout the United States against fire, fire-related, and other hazards;

''(B) nonaffiliated EMS organizations to support the provision of emergency medical services; and

''(C) State fire training academies for the purposes described in subparagraphs (G), (H), and (I) of paragraph (3).

''(2) MAXIMUM GRANT AMOUNTS.—

''(A) POPULATION.—The Administrator of FEMA may not award a grant under this subsection in excess of amounts as follows:

''(i) In the case of a recipient that serves a jurisdiction with 100,000 people or fewer, the amount of the grant awarded to such recipient shall not exceed $1,000,000 in any fiscal year.

''(ii) In the case of a recipient that serves a jurisdiction with more than 100,000 people but not more than 500,000 people, the amount of the grant awarded to such recipient shall not exceed $2,000,000 in any fiscal year.

''(iii) In the case of a recipient that serves a jurisdiction with more than 500,000 but not more than 1,000,000 people, the amount of the grant awarded to such recipient shall not exceed $3,000,000 in any fiscal year.

''(iv) In the case of a recipient that serves a jurisdiction with more than 1,000,000 people but not more than 2,500,000 people, the amount of the grant awarded to such recipient shall not exceed $6,000,000 for any fiscal year.

''(v) In the case of a recipient that serves a jurisdiction with more than 2,500,000 people, the amount of the grant awarded to such recipient shall not exceed $9,000,000 in any fiscal year.

''(B) AGGREGATE.—

''(i) IN GENERAL.—Notwithstanding subparagraphs (A) and (B) and except as provided under clause (ii), the Administrator of FEMA may not award a grant under this subsection in a fiscal year in an amount that exceeds the amount that is one percent of the available grant funds in such fiscal year.

''(ii) EXCEPTION.—The Administrator of FEMA may waive the limitation in clause (i) with respect to a grant recipient if the Administrator of FEMA determines that such recipient has an extraordinary need for a grant in an amount that exceeds the limit under clause (i).

''(3) USE OF GRANT FUNDS.—Each entity receiving a grant under this subsection shall use the grant for one or more of the following purposes:

''(A) To train firefighting personnel in—

''(i) firefighting;

''(ii) emergency medical services and other emergency response (including response to natural disasters, acts of terrorism, and other man-made disasters);

''(iii) arson prevention and detection;

''(iv) maritime firefighting; or

''(v) the handling of hazardous materials.

''(B) To train firefighting personnel to provide any of the training described under subparagraph (A).

''(C) To fund the creation of rapid intervention teams to protect firefighting personnel at the scenes of fires and other emergencies.

''(D) To certify—

''(i) fire inspectors; and

''(ii) building inspectors—

''(I) whose responsibilities include fire safety inspections; and

''(II) who are employed by or serving as volunteers with a fire department.

''(E) To establish wellness and fitness programs for firefighting personnel to ensure that the firefighting personnel are able to carry out their duties as firefighters, including programs dedicated to raising awareness of, and prevention of, job-related mental health issues.

''(F) To fund emergency medical services provided by fire departments and nonaffiliated EMS organizations.

''(G) To acquire additional firefighting vehicles, including fire trucks and other apparatus.

''(H) To acquire additional firefighting equipment, including equipment for—

''(i) fighting fires with foam in remote areas without access to water; and

''(ii) communications, monitoring, and response to a natural disaster, act of terrorism, or other man-made disaster, including the use of a weapon of mass destruction.

''(I) To acquire personal protective equipment, including personal protective equipment—

''(i) prescribed for firefighting personnel by the Occupational Safety and Health Administration of the Department of Labor; or

''(ii) for responding to a natural disaster or act of terrorism or other man-made disaster, including the use of a weapon of mass destruction.

''(J) To modify fire stations, fire training facilities, and other facilities to protect the health and safety of firefighting personnel.

''(K) To educate the public about arson prevention and detection.

''(L) To provide incentives for the recruitment and retention of volunteer firefighting personnel for volunteer firefighting departments and other firefighting departments that utilize volunteers.

''(M) To support such other activities, consistent with the purposes of this subsection, as the Administrator of FEMA determines appropriate.

''(d) FIRE PREVENTION AND SAFETY GRANTS.—

''(1) IN GENERAL.—For the purpose of assisting fire prevention programs and supporting firefighter health and safety research and development, the Administrator of FEMA may, on a competitive basis—

''(A) award grants to fire departments;

''(B) award grants to, or enter into contracts or cooperative agreements with, national, State, local, tribal, or nonprofit organizations that are not fire departments and that are recognized for their experience and expertise with respect to fire prevention or fire safety programs and activities and firefighter research and development programs, for the purpose of carrying out—

''(i) fire prevention programs; and

''(ii) research to improve firefighter health and life safety; and

''(C) award grants to institutions of higher education, national fire service organizations, or national fire safety organizations to establish and operate fire safety research centers.

''(2) MAXIMUM GRANT AMOUNT.—A grant awarded under this subsection may not exceed $1,500,000 for a fiscal year.

''(3) USE OF GRANT FUNDS.—Each entity receiving a grant under this subsection shall use the grant for one or more of the following purposes:

''(A) To enforce fire codes and promote compliance with fire safety standards.

''(B) To fund fire prevention programs, including programs that educate the public about arson prevention and detection.

''(C) To fund wildland fire prevention programs, including education, awareness, and mitigation programs that protect lives, property, and natural resources from fire in the wildland-urban interface.

''(D) In the case of a grant awarded under paragraph (1)(C), to fund the establishment or operation of a fire safety research center for the purpose of significantly reducing the number of fire-related deaths and injuries among firefighters and the general public through research, development, and technology transfer activities.

''(E) To support such other activities, consistent with the purposes of this subsection, as the Administrator of FEMA determines appropriate.

''(4) LIMITATION.—None of the funds made available under this subsection may be provided to the Association of Community Organizations for Reform Now (ACORN) or any of its affiliates, subsidiaries, or allied organizations.

''(e) APPLICATIONS FOR GRANTS.—

''(1) IN GENERAL.—An entity seeking a grant under this section shall submit to the Administrator of FEMA an application therefor in such form and in such manner as the Administrator of FEMA determines appropriate.

''(2) ELEMENTS.—Each application submitted under paragraph (1) shall include the following:

''(A) A description of the financial need of the applicant for the grant.

''(B) An analysis of the costs and benefits, with respect to public safety, of the use for which a grant is requested.

''(C) An agreement to provide information to the national fire incident reporting system for the period covered by the grant.

''(D) A list of other sources of funding received by the applicant—

''(i) for the same purpose for which the application for a grant under this section was submitted; or

''(ii) from the Federal Government for other fire-related purposes.

''(E) Such other information as the Administrator of FEMA determines appropriate.

''(3) JOINT OR REGIONAL APPLICATIONS.—

''(A) IN GENERAL.—Two or more entities may submit an application under paragraph (1) for a grant under this section to fund a joint program or initiative, including acquisition of shared equipment or vehicles.

''(B) NONEXCLUSIVITY.—Applications under this paragraph may be submitted instead of or in addition to any other application submitted under paragraph (1).

''(C) GUIDANCE.—The Administrator of FEMA shall—

''(i) publish guidance on applying for and administering grants awarded for joint programs and initiatives described in subparagraph (A); and

''(ii) encourage applicants to apply for grants for joint programs and initiatives described in subparagraph (A) as the Administrator of FEMA determines appropriate to achieve greater cost effectiveness and regional efficiency.

''(f) PEER REVIEW OF GRANT APPLICATIONS.—

''(1) IN GENERAL.—The Administrator of FEMA shall, after consultation with national fire service and emergency medical services organizations, appoint fire service personnel to conduct peer reviews of applications received under subsection (e)(1).

''(2) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to activities carried out pursuant to this subsection.

''(g) PRIORITIZATION OF GRANT AWARDS.—In awarding grants under this section, the Administrator of FEMA shall consider the following:

''(1) The findings and recommendations of the peer reviews carried out under subsection (f).

''(2) The degree to which an award will reduce deaths, injuries, and property damage by reducing the risks associated with fire-related and other hazards.

''(3) The extent of the need of an applicant for a grant under this section and the need to protect the United States as a whole.

''(4) The number of calls requesting or requiring a fire fighting or emergency medical response received by an applicant.

''(h) ALLOCATION OF GRANT AWARDS.—In awarding grants under this section, the Administrator of FEMA shall ensure that of the available grant funds in each fiscal year—

''(1) not less than 25 percent are awarded under subsection (c) to career fire departments;

''(2) not less than 25 percent are awarded under subsection (c) to volunteer fire departments;

''(3) not less than 25 percent are awarded under subsection (c) to combination fire departments and fire departments using paid-on-call firefighting personnel;

''(4) not less than 10 percent are available for open competition among career fire departments, volunteer fire departments, combination fire departments, and fire departments using paid-on-call firefighting personnel for grants awarded under subsection (c);

''(5) not less than 10 percent are awarded under subsection (d); and

''(6) not more than 2 percent are awarded under this section to nonaffiliated EMS organizations described in subsection (c)(1)(B).

''(i) ADDITIONAL REQUIREMENTS AND LIMITATIONS.—

''(1) FUNDING FOR EMERGENCY MEDICAL SERVICES.—Not less than 3.5 percent of the available grant funds for a fiscal year shall be awarded under this section for purposes described in subsection (c)(3)(F).

''(2) STATE FIRE TRAINING ACADEMIES.—

''(A) MAXIMUM SHARE.—Not more than 3 percent of the available grant funds for a fiscal year may be awarded under subsection (c)(1)(C).

''(B) MAXIMUM GRANT AMOUNT.—The Administrator of FEMA may not award a grant under subsection (c)(1)(C) to a State fire training academy in an amount that exceeds $1,000,000 in any fiscal year.

''(3) AMOUNTS FOR PURCHASING FIREFIGHTING VEHICLES.—Not more than 25 percent of the available grant funds for a fiscal year may be used to assist grant recipients to purchase vehicles pursuant to subsection (c)(3)(G).

''(j) FURTHER CONSIDERATIONS.—

''(1) ASSISTANCE TO FIREFIGHTERS GRANTS TO FIRE DEPARTMENTS.—In considering applications for grants under subsection (c)(1)(A), the Administrator of FEMA shall consider—

''(A) the extent to which the grant would enhance the daily operations of the applicant and the impact of such a grant on the protection of lives and property; and

''(B) a broad range of factors important to the applicant's ability to respond to fires and related hazards, such as the following:

''(i) Population served.

''(ii) Geographic response area.

''(iii) Hazards vulnerability.

''(iv) Call volume.

''(v) Financial situation, including unemployment rate of the area being served.

''(vi) Need for training or equipment.

''(2) APPLICATIONS FROM NONAFFILIATED EMS ORGANIZATIONS.—In the case of an application submitted under subsection (e)(1) by a nonaffiliated EMS organization, the Administrator of FEMA shall consider the extent to which other sources of Federal funding are available to the applicant to provide the assistance requested in such application.

''(3) AWARDING FIRE PREVENTION AND SAFETY GRANTS TO CERTAIN ORGANIZATIONS THAT ARE NOT FIRE DEPARTMENTS.—In the case of applicants for grants under this section who are described in subsection (d)(1)(B), the Administrator of FEMA shall give priority to applicants who focus on—

''(A) prevention of injuries to high risk groups from fire; and

''(B) research programs that demonstrate a potential to improve firefighter safety.

''(4) AWARDING GRANTS FOR FIRE SAFETY RESEARCH CENTERS.—

''(A) CONSIDERATIONS.—In awarding grants under subsection (d)(1)(C), the Administrator of FEMA shall—

''(i) select each grant recipient on—

''(I) the demonstrated research and extension resources available to the recipient to carry out the research, development, and technology transfer activities;

''(II) the capability of the recipient to provide leadership in making national contributions to fire safety;

''(III) the recipient's ability to disseminate the results of fire safety research; and

''(IV) the strategic plan the recipient proposes to carry out under the grant;

''(ii) give special consideration in selecting recipients under subparagraph (A) to an applicant for a grant that consists of a partnership between—

''(I) a national fire service organization or a national fire safety organization; and

''(II) an institution of higher education, including a minority-serving institution (as described in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a))); and

''(iii) consider the research needs identified and prioritized through the workshop required by subparagraph (B)(i).

''(B) RESEARCH NEEDS.—

''(i) IN GENERAL.—Not later than 90 days after the date of the enactment of the Fire Grants Reauthorization Act of 2012, the Administrator of FEMA shall convene a workshop of the fire safety research community, fire service organizations, and other appropriate stakeholders to identify and prioritize fire safety research needs.

''(ii) PUBLICATION.—The Administrator of FEMA shall ensure that the results of the workshop are made available to the public.

''(C) LIMITATIONS ON GRANTS FOR FIRE SAFETY RESEARCH CENTERS.—

''(i) IN GENERAL.—The Administrator of FEMA may award grants under subsection (d) to establish not more than 3 fire safety research centers.

''(ii) RECIPIENTS.—An institution of higher education, a national fire service organization, and a national fire safety organization may not directly receive a grant under subsection (d) for a fiscal year for more than 1 fire safety research center.

''(5) AVOIDING DUPLICATION.—The Administrator of FEMA shall review lists submitted by applicants pursuant to subsection (e)(2)(D) and take such actions as the Administrator of FEMA considers necessary to prevent unnecessary duplication of grant awards.

''(k) MATCHING AND MAINTENANCE OF EXPENDITURE REQUIREMENTS.—

''(1) MATCHING REQUIREMENT FOR ASSISTANCE TO FIREFIGHTERS GRANTS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), an applicant seeking a grant to carry out an activity under subsection (c) shall agree to make available non-Federal funds to carry out such activity in an amount equal to not less than 15 percent of the grant awarded to such applicant under such subsection.

''(B) EXCEPTION FOR ENTITIES SERVING SMALL COMMUNITIES.—In the case that an applicant seeking a grant to carry out an activity under subsection (c) serves a jurisdiction of—

''(i) more than 20,000 residents but not more than 1,000,000 residents, the application shall agree to make available non-Federal funds in an amount equal to not less than 10 percent of the grant awarded to such applicant under such subsection; and

''(ii) 20,000 residents or fewer, the applicant shall agree to make available non-Federal funds in an amount equal to not less than 5 percent of the grant awarded to such applicant under such subsection.

''(2) MATCHING REQUIREMENT FOR FIRE PREVENTION AND SAFETY GRANTS.—

''(A) IN GENERAL.—An applicant seeking a grant to carry out an activity under subsection (d) shall agree to make available non-Federal funds to carry out such activity in an amount equal to not less than 5 percent

of the grant awarded to such applicant under such subsection.

''(B) MEANS OF MATCHING.—An applicant for a grant under subsection (d) may meet the matching requirement under subparagraph (A) through direct funding, funding of complementary activities, or the provision of staff, facilities, services, material, or equipment.

''(3) MAINTENANCE OF EXPENDITURES.—An applicant seeking a grant under subsection (c) or (d) shall agree to maintain during the term of the grant the applicant's aggregate expenditures relating to the uses described in subsections (c)(3) and (d)(3) at not less than 80 percent of the average amount of such expenditures in the 2 fiscal years preceding the fiscal year in which the grant amounts are received.

''(4) WAIVER.—

''(A) IN GENERAL.—Except as provided in subparagraph (C)(ii), the Administrator of FEMA may waive or reduce the requirements of paragraphs (1), (2), and (3) in cases of demonstrated economic hardship.

''(B) GUIDELINES.—

''(i) IN GENERAL.—The Administrator of FEMA shall establish and publish guidelines for determining what constitutes economic hardship for purposes of this paragraph.

''(ii) CONSULTATION.—In developing guidelines under clause (i), the Administrator of FEMA shall consult with individuals who are—

''(I) recognized for expertise in firefighting, emergency medical services provided by fire services, or the economic affairs of State and local governments; and

''(II) members of national fire service organizations or national organizations representing the interests of State and local governments.

''(iii) CONSIDERATIONS.—In developing guidelines under clause (i), the Administrator of FEMA shall consider, with respect to relevant communities, the following:

''(I) Changes in rates of unemployment from previous years.

''(II) Whether the rates of unemployment of the relevant communities are currently and have consistently exceeded the annual national average rates of unemployment.

''(III) Changes in percentages of individuals eligible to receive food stamps from previous years.

''(IV) Such other factors as the Administrator of FEMA considers appropriate.

''(C) CERTAIN APPLICANTS FOR FIRE PREVENTION AND SAFETY GRANTS.—The authority under subparagraph (A) shall not apply with respect to a nonprofit organization that—

''(i) is described in subsection (d)(1)(B); and

''(ii) is not a fire department or emergency medical services organization.

''(l) GRANT GUIDELINES.—

''(1) GUIDELINES.—For each fiscal year, prior to awarding any grants under this section, the Administrator of FEMA shall publish in the Federal Register—

''(A) guidelines that describe—

''(i) the process for applying for grants under this section; and

''(ii) the criteria that will be used for selecting grant recipients; and

''(B) an explanation of any differences between such guidelines and the recommendations obtained under paragraph (2).

''(2) ANNUAL MEETING TO OBTAIN RECOMMENDATIONS.—

''(A) IN GENERAL.—For each fiscal year, the Administrator of FEMA shall convene a meeting of qualified members of national fire service organizations and, at the discretion of the Administrator of FEMA, qualified members of emergency medical service organizations to obtain recommendations regarding the following:

''(i) Criteria for the awarding of grants under this section.

''(ii) Administrative changes to the assistance program established under subsection (b).

''(B) QUALIFIED MEMBERS.—For purposes of this paragraph, a qualified member of an organization is a member who—

''(i) is recognized for expertise in firefighting or emergency medical services;

''(ii) is not an employee of the Federal Government; and

''(iii) in the case of a member of an emergency medical service organization, is a member of an organization that represents—

''(I) providers of emergency medical services that are affiliated with fire departments; or

''(II) nonaffiliated EMS providers.

''(3) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to activities carried out under this subsection.

''(m) ACCOUNTING DETERMINATION.—Notwithstanding any other provision of law, for purposes of this section, equipment costs shall include all costs attributable to any design, purchase of components, assembly, manufacture, and transportation of equipment not otherwise commercially available.

''(n) ELIGIBLE GRANTEE ON BEHALF OF ALASKA NATIVE VILLAGES.—The Alaska Village Initiatives, a non-profit organization incorporated in the State of Alaska, shall be eligible to apply for and receive a grant or other assistance under this section on behalf of Alaska Native villages.

''(o) TRAINING STANDARDS.—If an applicant for a grant under this section is applying for such grant to purchase training that does not meet or exceed any applicable national voluntary consensus standards, including those developed under section 647 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 747), the applicant shall submit to the Administrator of FEMA an explanation of the reasons that the training proposed to be purchased will serve the needs of the applicant better than training that meets or exceeds such standards.

''(p) ENSURING EFFECTIVE USE OF GRANTS.—

''(1) AUDITS.—The Administrator of FEMA may audit a recipient of a grant awarded under this section to ensure that—

''(A) the grant amounts are expended for the intended purposes; and

''(B) the grant recipient complies with the requirements of subsection (k).

''(2) PERFORMANCE ASSESSMENT.—

''(A) IN GENERAL.—The Administrator of FEMA shall develop and implement a performance assessment system, including quantifiable performance metrics, to evaluate the extent to which grants awarded under this section are furthering the purposes of this section, including protecting the health and safety of the public and firefighting personnel against fire and fire-related hazards.

''(B) CONSULTATION.—The Administrator of FEMA shall consult with fire service representatives and with the Comptroller General of the United States in developing the assessment system required by subparagraph (A).

''(3) ANNUAL REPORTS TO ADMINISTRATOR OF FEMA.—Not less frequently than once each year during the term of a grant awarded under this section, the recipient of the grant shall submit to the Administrator of FEMA an annual report describing how the recipient used the grant amounts.

''(4) ANNUAL REPORTS TO CONGRESS.—

''(A) IN GENERAL.—Not later than September 30, 2013, and each year thereafter through 2017, the Administrator of FEMA shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Science and Technology of the House of Representatives a report that provides—

''(i) information on the performance assessment system developed under paragraph (2); and

''(ii) using the performance metrics developed under such paragraph, an evaluation of the effectiveness of the grants awarded under this section.

''(B) ADDITIONAL INFORMATION.—The report due under subparagraph (A) on September 30, 2016, shall also include recommendations for legislative changes to improve grants under this section.

''(q) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There is authorized to be appropriated to carry out this section—

''(A) $750,000,000 for fiscal year 2013; and

''(B) for each of fiscal years 2014 through 2017, an amount equal to the amount authorized for the previous fiscal year increased by the percentage by which—

''(i) the Consumer Price Index (all items, United States city average) for the previous fiscal year, exceeds

''(ii) the Consumer Price Index for the fiscal year preceding the fiscal year described in clause (i).

''(2) ADMINISTRATIVE EXPENSES.—Of the amounts appropriated pursuant to paragraph (1) for a fiscal year, the Administrator of FEMA may use not more than 5 percent of such amounts for salaries and expenses and other administrative costs incurred by the Administrator of FEMA in the course of awarding grants and providing assistance under this section.

''(3) CONGRESSIONALLY DIRECTED SPENDING.—Consistent with the requirements in subsections (c)(1) and (d)(1) that grants under those subsections be awarded on a competitive basis, none of the funds appropriated pursuant to this subsection may be used for any congressionally directed spending item (as defined under the rules of the Senate and the House of Representatives).

''(r) SUNSET OF AUTHORITIES.—The authority to award assistance and grants under this section shall expire on the date that is 10 years after the date of the enactment of the Fire Grants Reauthorization Act of 2012.''.

SEC. 204. STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE.

(a) IMPROVEMENTS TO HIRING GRANTS.—

(1) TERM OF GRANTS.—Subparagraph (B) of section 34(a)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a(a)(1)) is amended to read as follows:

''(B) Grants made under this paragraph shall be for 3 years and be used for programs to hire new, additional firefighters.''.

(2) LIMITATION OF PORTION OF COSTS OF HIRING FIREFIGHTERS.—Subparagraph (E) of such section is amended to read as follows:

''(E) The portion of the costs of hiring firefighters provided by a grant under this paragraph may not exceed—

''(i) 75 percent in the first year of the grant;

''(ii) 75 percent in the second year of the grant; and

''(iii) 35 percent in the third year of the grant.''.

(b) CLARIFICATION REGARDING ELIGIBLE ENTITIES FOR RECRUITMENT AND RETENTION GRANTS.—The second sentence of section 34(a)(2) of such Act (15 U.S.C. 2229a(a)(2)) is amended by striking ''organizations on a local or statewide basis'' and inserting ''national, State, local, or tribal organizations''.

(c) MAXIMUM AMOUNT FOR HIRING A FIREFIGHTER.—Paragraph (4) of section 34(c) of such Act (15 U.S.C. 2229a(c)) is amended to read as follows:

''(4) The amount of funding provided under this section to a recipient fire department for hiring a firefighter in any fiscal year may not exceed—

''(A) in the first year of the grant, 75 percent of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted;

''(B) in the second year of the grant, 75 percent of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted; and

''(C) in the third year of the grant, 35 percent of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted.''.

(d) WAIVERS.—Section 34 of such Act (15 U.S.C. 2229a) is amended—

(1) by redesignating subsections (d) through (i) as subsections (e) through (j), respectively; and

(2) by inserting after subsection (c) the following:

''(d) WAIVERS.—

''(1) IN GENERAL.—In a case of demonstrated economic hardship, the Administrator of FEMA may—

''(A) waive the requirements of subsection (c)(1); or

''(B) waive or reduce the requirements in subsection (a)(1)(E) or subsection (c)(2).

''(2) GUIDELINES.—

''(A) IN GENERAL.—The Administrator of FEMA shall establish and publish guidelines for determining what constitutes economic hardship for purposes of paragraph (1).

''(B) CONSULTATION.—In developing guidelines under subparagraph (A), the Administrator of FEMA shall consult with individuals who are—

''(i) recognized for expertise in firefighting, emergency medical services provided by fire services, or the economic affairs of State and local governments; and

''(ii) members of national fire service organizations or national organizations representing the interests of State and local governments.

''(C) CONSIDERATIONS.—In developing guidelines under subparagraph (A), the Administrator of FEMA shall consider, with respect to relevant communities, the following:

''(i) Changes in rates of unemployment from previous years.

''(ii) Whether the rates of unemployment of the relevant communities are currently and have consistently exceeded the annual national average rates of unemployment.

''(iii) Changes in percentages of individuals eligible to receive food stamps from previous years.

''(iv) Such other factors as the Administrator of FEMA considers appropriate.''.

(e) IMPROVEMENTS TO PERFORMANCE EVALUATION REQUIREMENTS.—Subsection (e) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended by inserting before the first sentence the following:

''(1) IN GENERAL.—The Administrator of FEMA shall establish a performance assessment system, including quantifiable performance metrics, to evaluate the extent to which grants awarded under this section are furthering the purposes of this section.

''(2) SUBMITTAL OF INFORMATION.—''.

(f) REPORT.—

(1) IN GENERAL.—Subsection (f) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended by striking ''The authority'' and all that follows through ''Congress concerning'' and inserting the following: ''Not later than September 30, 2014, the Administrator of FEMA shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Science and Technology of the House of Representatives a report on''.

(2) CONFORMING AMENDMENT.—The heading for subsection (f) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended by striking ''SUNSET AND REPORTS'' and inserting ''REPORT''.

(g) ADDITIONAL DEFINITIONS.—

(1) IN GENERAL.—Subsection (i) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended—

(A) in the matter before paragraph (1), by striking ''In this section, the term—'' and inserting ''In this section:'';

(B) in paragraph (1)—

(i) by inserting ''The term'' before '' 'firefighter' has''; and

(ii) by striking ''; and'' and inserting a period;

(C) by striking paragraph (2); and

(D) by inserting at the end the following:

''(2) The terms 'Administrator of FEMA', 'career fire department', 'combination fire department', and 'volunteer fire department' have the meanings given such terms in section 33(a).''.

(2) CONFORMING AMENDMENT.—Section 34(a)(1)(A) of such Act (15 U.S.C. 2229a(a)(1)(A)) is amended by striking ''career, volunteer, and combination fire departments'' and inserting ''career fire departments, combination fire departments, and volunteer fire departments''.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Subsection (j) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended—

(A) in paragraph (6), by striking ''and'' at the end;

(B) in paragraph (7), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(8) $750,000,000 for fiscal year 2013; and

''(9) for each of fiscal years 2014 through 2017, an amount equal to the amount authorized for the previous fiscal year increased by the percentage by which—

''(A) the Consumer Price Index (all items, United States city average) for the previous fiscal year, exceeds

''(B) the Consumer Price Index for the fiscal year preceding the fiscal year described in subparagraph (A).''.

(2) ADMINISTRATIVE EXPENSES.—Such subsection (j) is further amended—

(A) in paragraph (9), as added by paragraph (1) of this subsection, by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and moving the left margin of such clauses, as so redesignated, 2 ems to the right;

(B) by redesignating paragraphs (1) through (9) as subparagraphs (A) through (I), respectively, and moving the left margin of such subparagraphs, as so redesignated, 2 ems to the right;

(C) by striking ''There are'' and inserting the following:

''(1) IN GENERAL.—There are''; and

(D) by adding at the end the following:

''(2) ADMINISTRATIVE EXPENSES.—Of the amounts appropriated pursuant to paragraph (1) for a fiscal year, the Administrator of FEMA may use not more than 5 percent of such amounts to cover salaries and expenses and other administrative costs incurred by the Administrator of FEMA to make grants and provide assistance under this section.''.

(3) CONGRESSIONALLY DIRECTED SPENDING.—Such subsection (j) is further amended by adding at the end the following:

''(3) CONGRESSIONALLY DIRECTED SPENDING.—Consistent with the requirement in subsection (a) that grants under this section be awarded on a competitive basis, none of the funds appropriated pursuant to this subsection may be used for any congressionally direct spending item (as defined under the rules of the Senate and the House of Representatives).''.

(i) TECHNICAL AMENDMENT.—Section 34 of such Act (15 U.S.C. 2229a) is amended by striking ''Administrator'' each place it appears and inserting ''Administrator of FEMA''.

(j) CLERICAL AMENDMENT.—Such section is further amended in the heading by striking ''expansion of pre-september 11, 2001, fire grant program'' and inserting the following: ''staffing for adequate fire and emergency response''.

(k) SUNSET OF AUTHORITY TO AWARD HIRING GRANTS.—Such section is further amended by adding at the end the following:

''(k) SUNSET OF AUTHORITIES.—The authority to award assistance and grants under this section shall expire on the date that is 10 years after the date of the enactment of the Fire Grants Reauthorization Act of 2012.''.

SEC. 205. SENSE OF CONGRESS ON VALUE AND FUNDING OF ASSISTANCE TO FIREFIGHTERS AND STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE PROGRAMS.

It is the sense of Congress that—

(1) the grants and assistance awarded under sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229 and 2229a) have proven equally valuable in protecting the health and safety of the public and firefighting personnel throughout the United States against fire and fire-related hazards; and

(2) providing parity in funding for the awarding of grants and assistance under both such sections will ensure that the grant and assistance programs under such sections can continue to serve their complementary purposes.

SEC. 206. REPORT ON AMENDMENTS TO ASSISTANCE TO FIREFIGHTERS AND STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE PROGRAMS.

(a) IN GENERAL.—Not later than September 30, 2016, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Science and Technology of the House of Representatives a report on the effect of the amendments made by this title.

(b) CONTENTS.—The report required by subsection (a) shall include the following:

(1) An assessment of the effect of the amendments made by sections 203 and 204 on the effectiveness, relative allocation, accountability, and administration of the grants and assistance awarded under sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229 and 2229a) after the date of the enactment of this Act.

(2) An evaluation of the extent to which the amendments made by sections 203 and 204 have enabled recipients of grants and assistance awarded under such sections 33 and 34 after the date of the enactment of this Act to mitigate fire and fire-related and other hazards more effectively.

SEC. 207. STUDIES AND REPORTS ON THE STATE OF FIRE SERVICES.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the United States Fire Administration.

(2) CAREER FIRE DEPARTMENT, COMBINATION FIRE DEPARTMENT, VOLUNTEER FIRE DEPARTMENT.—The terms ''career fire department'', ''combination fire department'', and ''volunteer fire department'' have the meanings given such terms in section 33(a) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(a)), as amended by section 203.

(3) FIRE SERVICE.—The term ''fire service'' has the meaning given such term in section 4 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2203).

(b) STUDY AND REPORT ON COMPLIANCE WITH STAFFING STANDARDS.—

(1) STUDY.—The Administrator shall conduct a study on the level of compliance with national voluntary consensus standards for staffing, training, safe operations, personal protective equipment, and fitness among the fire services of the United States.

(2) SURVEY.—

(A) IN GENERAL.—In carrying out the study required by paragraph (1), the Administrator shall carry out a survey of fire services to assess the level of compliance of such fire services with the standards described in such paragraph.

(B) ELEMENTS.—The survey required by subparagraph (A) shall—

(i) include career fire departments, volunteer fire departments, combination fire departments, and fire departments serving communities of different sizes, and such other distinguishing factors as the Administrator considers relevant;

(ii) employ methods to ensure that the survey accurately reflects the actual rate of compliance with the standards described in paragraph (1) among fire services; and

(iii) determine the extent of barriers and challenges to achieving compliance with the standards described in paragraph (1) among fire services.

(C) AUTHORITY TO CARRY OUT SURVEY WITH NONPROFIT.—If the Administrator determines that it will reduce the costs incurred by the United States Fire Administration in carrying out the survey required by subparagraph (A), the Administrator may carry out such survey in conjunction with a nonprofit organization that has substantial expertise and experience in the following areas:

(i) The fire services.

(ii) National voluntary consensus standards.

(iii) Contemporary survey methods.

(3) REPORT ON FINDINGS OF STUDY.—

(A) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Administrator shall submit to Congress a report on the findings of the Administrator with respect to the study required by paragraph (1).

(B) CONTENTS.—The report required by subparagraph (A) shall include the following:

(i) An accurate description, based on the results of the survey required by paragraph (2)(A), of the rate of compliance with the standards described in paragraph (1) among United States fire services, including a comparison of the rates of compliance among career fire departments, volunteer fire departments, combination fire departments, and fire departments serving communities of different sizes, and such other comparisons as Administrator considers relevant.

(ii) A description of the challenges faced by different types of fire departments and different types of communities in complying with the standards described in paragraph (1).

(c) TASK FORCE TO ENHANCE FIREFIGHTER SAFETY.—

(1) ESTABLISHMENT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security shall establish a task force to be known as the ''Task Force to Enhance Firefighter Safety'' (in this subsection referred to as the ''Task Force'').

(2) MEMBERSHIP.—

(A) IN GENERAL.—Members of the Task Force shall be appointed by the Secretary from among the general public and shall include the following:

(i) Representatives of national organizations representing firefighters and fire chiefs.

(ii) Individuals representing standards-setting and accrediting organizations, including representatives from the voluntary consensus codes and standards development community.

(iii) Such other individuals as the Secretary considers appropriate.

(B) REPRESENTATIVES OF OTHER DEPARTMENTS AND AGENCIES.—The Secretary may invite representatives of other Federal departments and agencies that have an interest in fire services to participate in the meetings and other activities of the Task Force.

(C) NUMBER; TERMS OF SERVICE; PAY AND ALLOWANCES.—The Secretary shall determine the number, terms of service, and pay and allowances of members of the Task Force appointed by the Secretary, except that a term of service of any such member may not exceed 2 years.

(3) RESPONSIBILITIES.—The Task Force shall—

(A) consult with the Secretary in the conduct of the study required by subsection (b)(1); and

(B) develop a plan to enhance firefighter safety by increasing fire service compliance with the standards described in subsection (b)(1), including by—

(i) reviewing and evaluating the report required by subsection (b)(3)(A) to determine the extent of and barriers to achieving compliance with the standards described in subsection (b)(1) among fire services; and

(ii) considering ways in which the Federal Government, States, and local governments can promote or encourage fire services to comply with such standards.

(4) REPORT.—

(A) IN GENERAL.—Not later than 180 days after the date on which the Secretary submits the report required by subsection (b)(3)(A), the Task Force shall submit to Congress and the Secretary a report on the activities and findings of the Task Force.

(B) CONTENTS.—The report required by subparagraph (A) shall include the following:

(i) The findings and recommendations of the Task Force with respect to the study carried out under subsection (b)(1).

(ii) The plan developed under paragraph (3)(B).

(d) STUDY AND REPORT ON THE NEEDS OF FIRE SERVICES.—

(1) STUDY.—The Administrator shall conduct a study—

(A) to define the current roles and activities associated with fire services on a national, State, regional, and local level;

(B) to identify the equipment, staffing, and training required to fulfill the roles and activities defined under subparagraph (A);

(C) to conduct an assessment to identify gaps between what fire services currently possess and what they require to meet the equipment, staffing, and training needs identified under subparagraph (B) on a national and State-by-State basis; and

(D) to measure the impact of the grant and assistance program under section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) in meeting the needs of fire services and filling the gaps identified under subparagraph (C).

(2) REPORT.—Not later than 2 years after the date of the enactment of this title, the Administrator shall submit to Congress a report on the findings of the Administrator with respect to the study conducted under paragraph (1).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator to carry out this section—

(1) $600,000 for fiscal year 2013; and

(2) $600,000 for fiscal year 2014.

SA 2837. Ms. LANDRIEU (for herself, Ms. SNOWE, and Mrs. SHAHEEN) submitted an amendment intended to be proposed by her to the bill S. 3457, to require the Secretary of Veterans Affairs to establish a veterans jobs corps, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. LOW-INTEREST REFINANCING UNDER THE LOCAL DEVELOPMENT BUSINESS LOAN PROGRAM.

Section 1122(b) of the Small Business Jobs Act of 2010 (15 U.S.C. 696 note) is amended by striking ''2 years'' and inserting ''3 years and 6 months''.

SA 2838. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 3457, to require the Secretary of Veterans Affairs to establish a veterans jobs corps, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. TRANSFER OF AMOUNTS APPROPRIATED FOR ASSISTANCE TO PAKISTAN, YEMEN, EGYPT, AND LIBYA.

Of the amounts appropriated or otherwise made available for fiscal year 2012 for direct United States assistance to the Governments of Pakistan, Yemen, Egypt, or Libya that remain available for expenditure as of the date of the enactment of this Act—

(1) the President shall transfer 50 percent to the Secretary of Veterans Affairs for purposes of the veterans job corps; and

(2) the President shall transfer 50 percent to the Treasury of the United States to be used for deficit reduction.

SEC. ___. LIMITATION ON FOREIGN ASSISTANCE TO PAKISTAN.

No amounts may be obligated or expended to provide any direct United States assistance to the Government of Pakistan unless the President certifies to Congress that—

(1) Dr. Shakil Afridi has been released from prison in Pakistan;

(2) any criminal charges brought against Dr. Afridi, including treason, have been dropped; and

(3) if necessary to ensure his freedom, Dr. Afridi has been allowed to leave Pakistan.

SEC. ___. LIMITATION ON FOREIGN ASSISTANCE TO YEMEN, EGYPT, AND LIBYA.

(a) PROHIBITION.—Except as provided under subsection (b), no amounts may be obligated or expended to provide any direct United States assistance, loan guarantee, or debt relief to the Government of Yemen, the Government of Egypt, or the Government of Libya.

(b) WAIVER AND CERTIFICATION.—Beginning 60 days after the date of the enactment of this Act, the President may waive the prohibition under subsection (a) with respect to the Government of Yemen, the Government of Libya, or the Government of Egypt if the President certifies to Congress that—

(1) the Government is cooperating or has cooperated fully with investigations into the September 12, 2012, attack on the United States Embassy in Sanaa, Yemen, the September 11, 2012, attack on the United States consulate in Benghazi, Libya, or the September 11, 2012, attack on the United States Embassy in Cairo, Egypt, as the case may be; and

(2) all identifiable persons associated with organizing, planning, or participating in the attack—

(A) have been identified by the Federal Bureau of Investigations or the Central Intelligence Agency and arrested by local authorities; and

(B) have been transferred to United States custody.

(c) 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.

SEC. ___. USE OF SAVINGS FROM LIMITATIONS ON ASSISTANCE.

Of the amounts saved as a result of the prohibitions on assistance in the immediately preceding section—

(1) 50 percent shall be made available to the Secretary of Veterans Affairs for purposes of the veterans job corps; and

(2) 50 percent shall be used for deficit reduction.

SA 2839. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 2782 submitted by Mr. BURR and intended to be proposed to the bill S. 3457, to require the Secretary of Veterans Affairs to establish a veterans jobs corps, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 10. FEDERAL EMPLOYEES RETIREMENT SYSTEM AGE AND RETIREMENT TREATMENT FOR CERTAIN RETIREES OF THE ARMED FORCES.

(a) INCREASE IN MAXIMUM AGE LIMIT FOR POSITIONS SUBJECT TO FERS.—

(1) LAW ENFORCEMENT OFFICERS.—Section 3307(e) of title 5, United States Code, is amended—

(A) in paragraph (1), by inserting ''or (3)'' after ''paragraph (2)''; and

(B) by adding at the end the following:

''(3) The maximum age limit for an original appointment to a position as a law enforcement officer (as defined in section 8401(17)) shall be 47 years of age, in the case of an individual who on the effective date of such appointment is eligible to receive retired pay or retainer pay for military service, or pension or compensation from the Department of Veterans Affairs instead of such retired or retainer pay.''.

(2) OTHER POSITIONS.—The maximum age limit for an original appointment to a position as a member of the Capitol Police or Supreme Court Police, nuclear materials courier (as defined under section 8401(33) of such title), or customs and border protection officer (as defined in section 8401(36) of such title) shall be 47 years of age, in the case of an individual who on the effective date of such appointment is eligible to receive retired pay or retainer pay for military service, or pension or compensation from the Department of Veterans Affairs instead of such retired or retainer pay.

(b) ELIGIBILITY FOR ANNUITY.—Section 8412(d) of such title is amended—

(1) in paragraph (1), by striking ''or'' at the end;

(2) in paragraph (2), by adding ''or'' at the end; and

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

''(3) after becoming 57 years of age and completing 10 years of service as a law enforcement officer, member of the Capitol Police or Supreme Court Police, nuclear materials courier, customs or border protection officer, or any combination of such service totaling 10 years, if such employee—

''(A) is originally appointed to a position as a law enforcement officer, member of the Capitol Police or Supreme Court Police, nuclear materials courier, or customs and border protection officer on or after the effective date of this paragraph under section 10(e) of the Careers for Veterans Act of 2012; and

''(B) on the date that original appointment met the requirements of section 3307(e)(2) of this title or section 10(a)(2) of the Careers for Veterans Act of 2012,''.

(c) MANDATORY SEPARATION.—Section 8425 of such title is amended—

(1) in subsection (b)(1), in the first sentence, by inserting '', except that a law enforcement officer, nuclear materials courier, or customs and border protection officer eligible for retirement under section 8412(d)(3) shall be separated from the service on the last day of the month in which that employee becomes 57 years of age'' before the period;

(2) in subsection (c), in the first sentence, by inserting '', except that a member of the Capitol Police eligible for retirement under section 8412(d)(3) shall be separated from the service on the last day of the month in which that employee becomes 57 years of age'' before the period; and

(3) in subsection (d), in the first sentence, by inserting '', except that a member of the Supreme Court Police eligible for retirement under section 8412(d)(3) shall be separated from the service on the last day of the month in which that employee becomes 57 years of age'' before the period.

(d) COMPUTATION OF BASIC ANNUITY.—Section 8415(e) of such title is amended—

(1) in paragraph (1), by striking ''total service as'' and inserting ''civilian service as a law enforcement officer, member of the Capitol Police or Supreme Court Police, nuclear materials courier, customs and border protection officer, or air traffic controller that, in the aggregate,''; and

(2) in paragraph (2), by striking ''so much of such individual's total service as exceeds 20 years'' and inserting ''the remainder of such individual's total service''.

(e) EFFECTIVE DATE.—This section (including the amendments made by this section) shall take effect 60 days after the date of enactment of this Act and shall apply to appointments made on or after that effective date.

NOTICE OF HEARING

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. LEVIN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs has scheduled a hearing entitled, ''Offshore Profit Shifting and the U.S. Tax Code.'' The Subcommittee will examine the shifting of profits offshore by U.S. multinational corporations and how such activities are affected by the Internal Revenue Code and related regulations. Witnesses will include representatives from the Internal Revenue Service, the Financial Accounting Standards Board, multinational corporations, and an accounting firm. A final witness list will be available Tuesday, September 18, 2012.

The Subcommittee hearing has been scheduled for Thursday, September 20, 2012, at 2 p.m., in Room G–50 of the Dirksen Senate Office Building. For further information, please contact Elise Bean of the Permanent Subcommittee on Investigations at (202) 224–9505.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on September 13, 2012, at 10:30 a.m.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate, to conduct a hearing entitled ''Improving College Affordability: A View From the States'' on September 13, 2012, at 10:30 a.m. in room 430 of the Dirksen Senate Office Building.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on September 13, 2012, in room SD–628 of the Dirksen Senate Office Building, at 2:15 p.m.

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

COMMITTEE ON THE JUDICIARY

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on September 13, 2012, at 10 a.m., in SD–226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

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

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on September 13, 2012, at 9:30 a.m., to conduct a hearing entitled, ''Social Security Disability Programs: Improving the Quality of Benefit Award Decisions.''

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on September 13, 2012, at 2:30 p.m.

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

SUBCOMMITTEE ON SECURITIES, INSURANCE, AND INVESTMENT

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs Subcommittee on Securities, Insurance, and Investment be

authorized to meet during the session of the Senate on September 13, 2012, at 10 a.m., to conduct a hearing entitled ''Holding the CFPB Accountable: Review of Semi-Annual Report to Congress.''

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

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Michael Mederos and Alexis Florczak of my staff be granted floor privileges for the duration of today's proceedings.

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

Mr. TESTER. Mr. President, I ask unanimous consent that Nick Artuso, an intern in the office of Senator BLUMENTHAL, be granted the privilege of the floor for the duration of this afternoon's session.

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

THE PESTICIDE REGISTRATION IMPROVEMENT EXTENSION ACT OF 2012

Mr. DURBIN. Mr. President, I ask unanimous consent the Senate proceed to the consideration of S. 3552, introduced earlier today.

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

The bill clerk read as follows:

A bill (S. 3552) to reauthorize the Federal Insecticide, Fungicide, and Rodenticide Act.

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

Mr. DURBIN. 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 related statements be printed in the RECORD.

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

The bill (S. 3552) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3552

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 ''Pesticide Registration Improvement Extension Act of 2012''.

SEC. 2. PESTICIDE REGISTRATION IMPROVEMENT.

(a) MAINTENANCE FEES.—

(1) FEES.—Section 4(i) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a–1(i)) is amended—

(A) in paragraph (5)—

(i) in subparagraph (C), by striking ''aggregate amount of'' and all that follows through the end of the subparagraph and inserting ''aggregate amount of $27,800,000 for each of fiscal years 2013 through 2017.'';

(ii) in subparagraph (D)—

(I) in clause (i), by striking ''shall be'' and all that follows through the semicolon and inserting ''shall be $115,500 for each of fiscal years 2013 through 2017;''; and

(II) in clause (ii), by striking ''shall be'' and all that follows through the period and inserting ''shall be $184,800 for each of fiscal years 2013 through 2017.'';

(iii) in subparagraph (E)(i)—

(I) in subclause (I), by striking ''shall be'' and all that follows through the semicolon and inserting ''shall be $70,600 for each of fiscal years 2013 through 2017;''; and

(II) in subclause (II), by striking ''shall be'' and all that follows through the period and inserting ''shall be $122,100 for each of fiscal years 2013 through 2017.'';

(iv) in subparagraph (F)—

(I) by striking ''paragraph (3)'' and inserting ''this paragraph''; and

(II) by striking ''Humans'' and inserting ''Human'';

(v) by redesignating subparagraphs (F) through (H) as subparagraphs (G) through (I), respectively;

(vi) by inserting after subparagraph (E) the following:

''(F) FEE REDUCTION FOR CERTAIN SMALL BUSINESSES.—

''(i) DEFINITION.—In this subparagraph, the term 'qualified small business entity' means a corporation, partnership, or unincorporated business that—

''(I) has 500 or fewer employees;

''(II) during the 3-year period prior to the most recent maintenance fee billing cycle, had an average annual global gross revenue from all sources that did not exceed $10,000,000; and

''(III) holds not more than 5 pesticide registrations under this paragraph.

''(ii) WAIVER.—Except as provided in clause (iii), the Administrator shall waive 25 percent of the fee under this paragraph applicable to the first registration of any qualified small business entity under this paragraph.

''(iii) LIMITATION.—The Administrator shall not grant a waiver under clause (ii) to a qualified small business entity if the Administrator determines that the entity has been formed or manipulated primarily for the purpose of qualifying for the waiver.''; and

(vii) in subparagraph (I) (as redesignated by clause (v)), by striking ''2012'' and inserting ''2017'';

(B) in paragraph (6)—

(i) by striking ''2014'' and inserting ''2019''; and

(ii) by striking ''paragraphs (1) through (5)'' and inserting ''paragraph (1)'';

(C) by striking paragraphs (1), (2), (3), (4), and (7); and

(D) by redesignating paragraphs (5) and (6) as paragraphs (1) and (2), respectively.

(2) CONFORMING AMENDMENTS.—

(A) Section 4 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a–1) is amended—

(i) in subsection (d)(5)(B)(ii)(III), by striking ''subsection (i)(1)'' and inserting ''this section'';

(ii) in subsection (j), by striking ''subsection (i)(5)'' and inserting ''subsection (i)(1)''; and

(iii) in subsection (k)(5)—

(I) in the first sentence, by striking ''subsection (i)(5)(C)(ii)'' and inserting ''subsection (i)(1)(C)(ii)''; and

(II) in the third and sixth sentences, by striking ''subsection (i)(5)(C)'' each place it appears and inserting ''subsection (i)(1)(C)''.

(B) Section 33(b)(7)(F) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w–8(b)(7)(F)) is amended—

(i) by striking ''section 4(i)(5)(E)(ii)'' each place it appears in clauses (i), (ii)(I), and (iv)(I) and inserting ''section 4(i)(1)(E)(ii)'';

(ii) by striking ''section 4(i)(5)(E)(ii)(I)(bb)'' each place it appears in clauses (ii)(II) and (iv)(II) and inserting ''section 4(i)(1)(E)(ii)(I)(bb)''; and

(iii) in clause (iv)(II)—

(I) by striking ''applicable.'' and inserting ''applicable''; and

(II) by striking ''revenues'' and inserting ''revenue''.

(3) EXTENSION OF PROHIBITION ON TOLERANCE FEES.—Section 408(m)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(m)(3)) is amended by striking ''September 30, 2012'' and inserting ''September 30, 2017''.

(4) REREGISTRATION AND EXPEDITED PROCESSING FUND.—

(A) SOURCE AND USE.—Section 4(k)(2)(A) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a–1(k)(2)(A)) is amended—

(i) by inserting '', to enhance the information systems capabilities to improve the tracking of pesticide registration decisions,'' after ''paragraph (3)'' each place it appears; and

(ii) in clause (i)—

(I) by inserting ''offset'' before ''the costs of reregistration''; and

(II) by striking ''in the same portion as appropriated funds''.

(B) EXPEDITED PROCESSING OF SIMILAR APPLICATIONS.—Section 4(k)(3)(A) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a–1(k)(3)(A)) is amended—

(i) in the matter preceding clause (i), by striking ''2008 through 2012, between ⅛ and ⅐'' and inserting ''2013 through 2017, between ⅑ and ⅛'';

(ii) in clause (i), by striking ''new''; and

(iii) in clause (ii), by striking ''any application'' and all that follows through ''that—'' and inserting ''any application that—''.

(C) ENHANCEMENTS OF INFORMATION TECHNOLOGY SYSTEMS FOR IMPROVEMENT IN REVIEW OF PESTICIDE APPLICATIONS.—Section 4(k) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a–1(k)) is amended—

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

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

''(4) ENHANCEMENTS OF INFORMATION TECHNOLOGY SYSTEMS FOR IMPROVEMENT IN REVIEW OF PESTICIDE APPLICATIONS.—

''(A) IN GENERAL.—For each of fiscal years 2013 through 2017, the Administrator shall use not more than $800,000 of the amounts made available to the Administrator in the Reregistration and Expedited Processing Fund for the activities described in subparagraph (B).

''(B) ACTIVITIES.—The Administrator shall use amounts made available from the Reregistration and Expedited Processing Fund to improve the information systems capabilities for the Office of Pesticide Programs to enhance tracking of pesticide registration decisions, which shall include—

''(i) the electronic tracking of—

''(I) registration submissions; and

''(II) the status of conditional registrations;

''(ii) enhancing the database for information regarding endangered species assessments for registration review;

''(iii) implementing the capability to electronically review labels submitted with registration actions; and

''(iv) acquiring and implementing the capability to electronically assess and evaluate confidential statements of formula submitted with registration actions.''; and

(iii) in the first sentence of paragraph (6) (as redesignated by clause (i)), by striking ''to carry out the goals established under subsection (l)'' and inserting ''for the purposes described in paragraphs (2), (3), and (4) and to carry out the goals established under subsection (l)''.

(b) PESTICIDE REGISTRATION SERVICE FEES.—

(1) AMOUNT OF FEES.—Section 33(b) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w–8(b)) is amended—

(A) by striking paragraph (3) and inserting the following:

''(3) SCHEDULE OF COVERED APPLICATIONS AND REGISTRATION SERVICE FEES.—Subject to paragraph (6), the schedule of covered pesticide registration applications and corresponding registration service fees shall be as follows:

''TABLE 1.—REGISTRATION DIVISION — NEW ACTIVE INGREDIENTS

EPA No.	New CR No.	Action	Decision Review Time (Months) (1)	Registration Service Fee ($)
R010	1	New Active Ingredient, Food use (2) (3)	24	569,221
R020	2	New Active Ingredient, Food use; reduced risk (2) (3)	18	569,221
R040	3	New Active Ingredient, Food use; Experimental Use Permit application; establish temporary tolerance; submitted before application for registration; credit 45% of fee toward new active ingredient application that follows (3)	18	419,502
R060	4	New Active Ingredient, Non-food use; outdoor (2) (3)	21	395,467
R070	5	New Active Ingredient, Non-food use; outdoor; reduced risk (2) (3)	16	395,467
R090	6	New Active Ingredient, Non-food use; outdoor; Experimental Use Permit application; submitted before application for registration; credit 45% of fee toward new active ingredient (3)	16	293,596
R110	7	New Active Ingredient, Non-food use; indoor (2) (3)	20	219,949
R120	8	New Active Ingredient, Non-food use; indoor; reduced risk (2) (3)	14	219,949
R121	9	New Active Ingredient, Non-food use; indoor; Experimental Use Permit application; submitted before application for registration; credit 45% of fee toward new active ingredient application that follows (3)	18	165,375
R122	10	Enriched isomer(s) of registered mixed-isomer active ingredient (2) (3)	18	287,643
R123	11	New Active Ingredient, Seed treatment only; includes agricultural and non-agricultural seeds; residues not expected in raw agricultural commodities (2) (3)	18	427,991
R125 New	12	New Active Ingredient, Seed treatment; Experimental Use Permit application; submitted before application for registration; credit 45% of fee toward new active ingredient application that follows (3)	16	293,596

(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.

(2) All requests for new uses (food and/or nonfood) contained in any application for a new active ingredient or a first food use are covered by the base fee for that new active ingredient or first food use application and retain the same decision time review period as the new active ingredient or first food use application. The application must be received by the agency in one package. The base fee for the category covers a maximum of five new products. Each application for an additional new product registration and new inert approval that is submitted in the new active ingredient application package or first food use application package is subject to the registration service fee for a new product or a new inert approval. All such associated applications that are submitted together will be subject to the new active ingredient or first food use decision review time. In the case of a new active ingredient application, until that new active ingredient is approved, any subsequent application for another new product containing the same active ingredient or an amendment to the proposed labeling will be deemed a new active ingredient application, subject to the registration service fee and decision review time for a new active ingredient. In the case of a first food use application, until that first food use is approved, any subsequent application for an additional new food use or uses will be subject to the registration service fee and decision review time for a first food use. Any information that (a) was neither requested nor required by the Agency, and (b) is submitted by the applicant at the applicant's initiative to support the application after completion of the technical deficiency screening, and (c) is not itself a covered registration application, must be assessed 25% of the full registration service fee for the new active ingredient or first food use application. (3) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.

''TABLE 2. — REGISTRATION DIVISION — NEW USES

EPA No.	New CR No.	Action	Decision Review Time (Months) (1)	Registration Service Fee ($)
R130	13	First food use; indoor; food/food handling (2) (3)	21	173,644
R140	14	Additional food use; Indoor; food/food handling (3) (4)	15	40,518
R150	15	First food use (2) (3)	21	239,684
R160	16	First food use; reduced risk (2) (3)	16	239,684

''TABLE 2. — REGISTRATION DIVISION — NEW USES—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months) (1)	Registration Service Fee ($)
R170	17	Additional food use (3) (4)	15	59,976
R175 New	18	Additional food uses covered within a crop group resulting from the conversion of existing approved crop group(s) to one or more revised crop groups. (3) (4)	10	59,976
R180	19	Additional food use; reduced risk (3) (4)	10	59,976
R190	20	Additional food uses; 6 or more submitted in one application (3) (4)	15	359,856
R200	21	Additional food uses; 6 or more submitted in one application; reduced risk (3) (4)	10	359,856
R210	22	Additional food use; Experimental Use Permit application; establish temporary tolerance; no credit toward new use registration (3) (4)	12	44,431
R220	23	Additional food use; Experimental Use Permit application; crop destruct basis; no credit toward new use registration (3) (4)	6	17,993
R230	24	Additional use; non-food; outdoor (3) (4)	15	23,969
R240	25	Additional use; non-food; outdoor; reduced risk (3) (4)	10	23,969
R250	26	Additional use; non-food; outdoor; Experimental Use Permit application; no credit toward new use registration (3) (4)	6	17,993
R251 New	27	Experimental Use Permit application which requires no changes to the tolerance(s); non-crop destruct basis (3)	8	17,993
R260	28	New use; non-food; indoor (3) (4)	12	11,577
R270	29	New use; non-food; indoor; reduced risk (3) (4)	9	11,577
R271	30	New use; non-food; indoor; Experimental Use Permit application; no credit toward new use registration (3) (4)	6	8,820
R273	31	Additional use; seed treatment; limited uptake into raw agricultural commodities; includes crops with established tolerances (e.g., for soil or foliar application); includes food or non-food uses (3) (4)	12	45,754
R274	32	Additional uses; seed treatment only; 6 or more submitted in one application; limited uptake into raw agricultural commodities; includes crops with established tolerances (e.g., for soil or foliar application); includes food and/or non-food uses (3) (4)	12	274,523

(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.

(2) All requests for new uses (food and/or nonfood) contained in any application for a new active ingredient or a first food use are covered by the base fee for that new active ingredient or first food use application and retain the same decision time review period as the new active ingredient or first food use application. The application must be received by the agency in one package. The base fee for the category covers a maximum of five new products. Each application for an additional new product registration and new inert approval that is submitted in the new active ingredient application package or first food use application package is subject to the registration service fee for a new product or a new inert approval. All such associated applications that are submitted together will be subject to the new active ingredient or first food use decision review time. In the case of a new active ingredient application, until that new active ingredient is approved, any subsequent application for another new product containing the same active ingredient or an amendment to the proposed labeling will be deemed a new active ingredient application, subject to the registration service fee and decision review time for a new active ingredient. In the case of a first food use application, until that first food use is approved, any subsequent application for an additional new food use or uses will be subject to the registration service fee and decision review time for a first food use. Any information that (a) was neither requested nor required by the Agency, and (b) is submitted by the applicant at the applicant's initiative to support the application after completion of the technical deficiency screening, and (c) is not itself a covered registration application, must be assessed 25% of the full registration service fee for the new active ingredient or first food use application.

(3) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.

(4) Amendment applications to add the new use(s) to registered product labels are covered by the base fee for the new use(s). All items in the covered application must be submitted together in one package. Each application for an additional new product registration and new inert approval(s) that is submitted in the new use application package is subject to the registration service fee for a new product or a new inert approval. However, if a new use application only proposes to register the new use for a new product and there are no amendments in the application, then review of one new product application is covered by the new use fee. All such associated applications that are submitted together will be subject to the new use decision review time. Any application for a new product or an amendment to the proposed labeling (a) submitted subsequent to submission of the new use application and (b) prior to conclusion of its decision review time and (c) containing the same new uses, will be deemed a separate new-use application, subject to a separate registration service fee and new decision review time for a new use. If the new-use application includes non-food (indoor and/or outdoor), and food (outdoor and/or indoor) uses, the appropriate fee is due for each type of new use and the longest decision review time applies to all of the new uses requested in the application. Any information that (a) was neither requested nor required by the Agency, and (b) is submitted by the applicant at the applicant's initiative to support the application after completion of the technical deficiency screen, and (c) is not itself a covered registration application, must be assessed 25% of the full registration service fee for the new use application.

''TABLE 3. — REGISTRATION DIVISION — IMPORT AND OTHER TOLERANCES

EPA No.	New CR No.	Action	Decision Review Time (Months) (1)	Registration Service Fee ($)
R280	33	Establish import tolerance; new active ingredient or first food use (2)	21	289,407
R290	34	Establish import tolerance; additional food use	15	57,882
R291	35	Establish import tolerances; additional food uses; 6 or more crops submitted in one petition	15	347,288
R292	36	Amend an established tolerance (e.g., decrease or increase); domestic or import; applicant-initiated	11	41,124
R293	37	Establish tolerance(s) for inadvertent residues in one crop; applicant-initiated	12	48,510
R294	38	Establish tolerances for inadvertent residues; 6 or more crops submitted in one application; applicant-initiated	12	291,060
R295	39	Establish tolerance(s) for residues in one rotational crop in response to a specific rotational crop application; applicant-initiated	15	59,976
R296	40	Establish tolerances for residues in rotational crops in response to a specific rotational crop petition; 6 or more crops submitted in one application; applicant-initiated	15	359,856
R297 New	41	Amend 6 or more established tolerances (e.g., decrease or increase) in one petition; domestic or import; applicant-initiated	11	246,744
R298 New	42	Amend an established tolerance (e.g., decrease or increase); domestic or import; submission of amended labels (requiring science review) in addition to those associated with the amended tolerance; applicant-initiated (3)	13	53,120
R299 New	43	Amend 6 or more established tolerances (e.g., decrease or increase); domestic or import; submission of amended labels (requiring science review) in addition to those associated with the amended tolerance; applicant-initiated (3)	13	258,740

(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.

(2) All requests for new uses (food and/or nonfood) contained in any application for a new active ingredient or a first food use are covered by the base fee for that new active ingredient or first food use application and retain the same decision time review period as the new active ingredient or first food use application. The application must be received by the agency in one package. The base fee for the category covers a maximum of five new products. Each application for an additional new product registration and new inert approval that is submitted in the new active ingredient application package or first food use application package is subject to the registration service fee for a new product or a new inert approval. All such associated applications that are submitted together will be subject to the new active ingredient or first food use decision review time. In the case of a new active ingredient application, until that new active ingredient is approved, any subsequent application for another new product containing the same active ingredient or an amendment to the proposed labeling will be deemed a new active ingredient application, subject to the registration service fee and decision review time for a new active ingredient. In the case of a first food use application, until that first food use is approved, any subsequent application for an additional new food use or uses will be subject to the registration service fee and decision review time for a first food use. Any information that (a) was neither requested nor required by the Agency, and (b) is submitted by the applicant at the applicant's initiative to support the application after completion of the technical deficiency screening, and (c) is not itself a covered registration application, must be assessed 25% of the full registration service fee for the new active ingredient or first food use application. (3) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.

''TABLE 4. — REGISTRATION DIVISION — NEW PRODUCTS

EPA No.	New CR No.	Action	Decision Review Time (Months) (1)	Registration Service Fee ($)
R300	44	New product; or similar combination product (already registered) to an identical or substantially similar in composition and use to a registered product; registered source of active ingredient; no data review on acute toxicity, efficacy or CRP – only product chemistry data; cite-all data citation, or selective data citation where applicant owns all required data, or applicant submits specific authorization letter from data owner. Category also includes 100% re-package of registered end-use or manufacturing-use product that requires no data submission nor data matrix. (2) (3)	4	1,434

''TABLE 4. — REGISTRATION DIVISION — NEW PRODUCTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months) (1)	Registration Service Fee ($)
R301	45	New product; or similar combination product (already registered) to an identical or substantially similar in composition and use to a registered product; registered source of active ingredient; selective data citation only for data on product chemistry and/or acute toxicity and/or public health pest efficacy, where applicant does not own all required data and does not have a specific authorization letter from data owner. (2) (3)	4	1,720
R310	46	New end-use or manufacturing-use product with registered source(s) of active ingredient(s); includes products containing two or more registered active ingredients previously combined in other registered products; requires review of data package within RD only; includes data and/or waivers of data for only: • product chemistry and/or • acute toxicity and/or • public health pest efficacy and/or • child resistant packaging. (2) (3)	7	4,807
R314 New	47	New end use product containing two or more registered active ingredients never before registered as this combination in a formulated product; new product label is identical or substantially similar to the labels of currently registered products which separately contain the respective component active ingredients; requires review of data package within RD only; includes data and/or waivers of data for only: • product chemistry and/or • acute toxicity and/or • public health pest efficacy and/or • child resistant packaging. (2) (3)	8	6,009
R315 New	48	New end-use non-food animal product with submission of two or more target animal safety studies; includes data and/or waivers of data for only: • product chemistry and/or • acute toxicity and/or • public health pest efficacy and/or • animal safety studies and/or • child resistant packaging (2) (3)	9	8,000
R320	49	New product; new physical form; requires data review in science divisions (2) (3)	12	11,996
R331	50	New product; repack of identical registered end-use product as a manufacturing-use product; same registered uses only (2) (3)	3	2,294
R332	51	New manufacturing-use product; registered active ingredient; unregistered source of active ingredient; submission of completely new generic data package; registered uses only; requires review in RD and science divisions (2) (3)	24	256,883
R333 New	52	New product; MUP or End use product with unregistered source of active ingredient; requires science data review; new physical form; etc. Cite-all or selective data citation where applicant owns all required data. (2) (3)	10	17,993
R334 New	53	New product; MUP or End use product with unregistered source of the active ingredient; requires science data review; new physical form; etc. Selective data citation. (2) (3)	11	17,993

(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.

(2) An application for a new end-use product using a source of active ingredient that (a) is not yet registered but (b) has an application pending with the Agency for review, will be considered an application for a new product with an unregistered source of active ingredient. (3) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.

''TABLE 5. — REGISTRATION DIVISION — AMENDMENTS TO REGISTRATION

EPA No.	New CR No.	Action	Decision Review Time (Months) (1)	Registration Service Fee ($)
R340	54	Amendment requiring data review within RD (e.g., changes to precautionary label statements) (2) (3)	4	3,617
R345 New	55	Amending non-food animal product that includes submission of target animal safety data; previously registered (2) (3)	7	8,000
R350	56	Amendment requiring data review in science divisions (e.g., changes to REI, or PPE, or PHI, or use rate, or number of applications; or add aerial application; or modify GW/SW advisory statement) (2) (3)	9	11,996
R351 New	57	Amendment adding a new unregistered source of active ingredient. (2) (3)	8	11,996
R352 New	58	Amendment adding already approved uses; selective method of support; does not apply if the applicant owns all cited data (2) (3)	8	11,996
R371	59	Amendment to Experimental Use Permit; (does not include extending a permit's time period) (3)	6	9,151

(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.

(2) (a) EPA-initiated amendments shall not be charged registration service fees. (b) Registrant-initiated fast-track amendments are to be completed within the timelines specified in FIFRA Section 3(c)(3)(B) and are not subject to registration service fees. (c) Registrant-initiated fast-track amendments handled by the Antimicrobials Division are to be completed within the timelines specified in FIFRA Section 3(h) and are not subject to registration service fees. (d) Registrant initiated amendments submitted by notification under PR Notices, such as PR Notice 98–10, continue under PR Notice timelines and are not subject to registration service fees. (e) Submissions with data and requiring data review are subject to registration service

(3) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.

''TABLE 6. — REGISTRATION DIVISION — OTHER ACTIONS

EPA No.	New CR No.	Action	Decision Review Time (Months) (1)	Registration Service Fee ($)
R124	60	Conditional Ruling on Preapplication Study Waivers; applicant-initiated	6	2,294
R272	61	Review of Study Protocol applicant-initiated; excludes DART, preregistration conference, Rapid Response review, DNT protocol review, protocol needing HSRB review	3	2,294
R275 New	62	Rebuttal of agency reviewed protocol, applicant initiated	3	2,294
R370	63	Cancer reassessment; applicant-initiated	18	179,818

(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.

''TABLE 7. — ANTIMICROBIALS DIVISION — NEW ACTIVE INGREDIENTS

EPA No.	New CR No.	Action	Decision Review Time (Months) (1)	Registration Service Fee ($)
A380	64	Food use; establish tolerance exemption (2) (3)	24	104,187
A390	65	Food use; establish tolerance (2) (3)	24	173,644
A400	66	Non-food use; outdoor; FIFRA §2(mm) uses (2) (3)	18	86,823
A410	67	Non-food use; outdoor; uses other than FIFRA §2(mm) (2) (3)	21	173,644
A420	68	Non-food use; indoor; FIFRA §2(mm) uses (2) (3)	18	57,882
A430	69	Non-food use; indoor; uses other than FIFRA §2(mm) (2) (3)	20	86,823

''TABLE 7. — ANTIMICROBIALS DIVISION — NEW ACTIVE INGREDIENTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months) (1)	Registration Service Fee ($)
A431	70	Non-food use; indoor; low-risk, low-toxicity food-grade active ingredient(s); efficacy testing for public health claims required under GLP and following DIS/TSS or AD-approved study protocol (2) (3)	12	60,638

(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.

(2) All requests for new uses (food and/or nonfood) contained in any application for a new active ingredient or a first food use are covered by the base fee for that new active ingredient or first food use application and retain the same decision time review period as the new active ingredient or first food use application. The application must be received by the agency in one package. The base fee for the category covers a maximum of five new products. Each application for an additional new product registration and new inert approval that is submitted in the new active ingredient application package or first food use application package is subject to the registration service fee for a new product or a new inert approval. All such associated applications that are submitted together will be subject to the new active ingredient or first food use decision review time. In the case of a new active ingredient application, until that new active ingredient is approved, any subsequent application for another new product containing the same active ingredient or an amendment to the proposed labeling will be deemed a new active ingredient application, subject to the registration service fee and decision review time for a new active ingredient. In the case of a first food use application, until that first food use is approved, any subsequent application for an additional new food use or uses will be subject to the registration service fee and decision review time for a first food use. Any information that (a) was neither requested nor required by the Agency, and (b) is submitted by the applicant at the applicant's initiative to support the application after completion of the technical deficiency screening, and (c) is not itself a covered registration application, must be assessed 25% of the full registration service fee for the new active ingredient or first food use application.

(3) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.

''TABLE 8. — ANTIMICROBIALS DIVISION — NEW USES

EPA No.	New CR No.	Action	Decision Review Time (Months) (1)	Registration Service Fee ($)
A440	71	First food use; establish tolerance exemption (2) (3) (4)	21	28,942
A450	72	First food use; establish tolerance (2) (3) (4)	21	86,823
A460	73	Additional food use; establish tolerance exemption (3) (4) (5)	15	11,577
A470	74	Additional food use; establish tolerance (3) (4) (5)	15	28,942
A471 New	75	Additional food uses; establish tolerances; 6 or more submitted in one application (3) (4) (5)	15	173,652
A480	76	Additional use; non-food; outdoor; FIFRA §2(mm) uses (4) (5)	9	17,365
A481 New	77	Additional non-food outdoor uses; FIFRA §2(mm) uses; 6 or more submitted in one application (4) (5)	9	104,190
A490	78	Additional use; non-food; outdoor; uses other than FIFRA §2(mm) (4) (5)	15	28,942
A491 New	79	Additional non-food; outdoor; uses other than FIFRA §2(mm); 6 or more submitted in one application (4) (5)	15	173,652
A500	80	Additional use; non-food, indoor, FIFRA §2(mm) uses (4) (5)	9	11,577
A501 New	81	Additional non-food; indoor; FIFRA §2(mm) uses; 6 or more submitted in one application (4) (5)	9	69,462
A510	82	Additional use; non-food; indoor; uses other than FIFRA §2(mm) (4) (5)	12	11,577
A511 New	83	Additional non-food; indoor; uses other than FIFRA §2(mm); 6 or more submitted in one application (4) (5)	12	69,462

(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.

(2) All requests for new uses (food and/or nonfood) contained in any application for a new active ingredient or a first food use are covered by the base fee for that new active ingredient or first food use application and retain the same decision time review period as the new active ingredient or first food use application. The application must be received by the agency in one package. The base fee for the category covers a maximum of five new products. Each application for an additional new product registration and new inert approval that is submitted in the new active ingredient application package or first food use application package is subject to the registration service fee for a new product or a new inert approval. All such associated applications that are submitted together will be subject to the new active ingredient or first food use decision review time. In the case of a new active ingredient application, until that new active ingredient is approved, any subsequent application for another new product containing the same active ingredient or an amendment to the proposed labeling will be deemed a new active ingredient application, subject to the registration service fee and decision review time for a new active ingredient. In the case of a first food use application, until that first food use is approved, any subsequent application for an additional new food use or uses will be subject to the registration service fee and decision review time for a first food use. Any information that (a) was neither requested nor required by the Agency, and (b) is submitted by the applicant at the applicant's initiative to support the application after completion of the technical deficiency screening, and (c) is not itself a covered registration application, must be assessed 25% of the full registration service fee for the new active ingredient or first food use application.

(3) If EPA data rules are amended to newly require clearance under section 408 of the FFDCA for an ingredient of an antimicrobial product where such ingredient was not previously subject to such a clearance, then review of the data for such clearance of such product is not subject to a registration service fee for the tolerance action for two years from the effective date of the rule.

(4) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.

(5) Amendment applications to add the new use(s) to registered product labels are covered by the base fee for the new use(s). All items in the covered application must be submitted together in one package. Each application for an additional new product registration and new inert approval(s) that is submitted in the new use application package is subject to the registration service fee for a new product or a new inert approval. However, if a new use application only proposes to register the new use for a new product and there are no amendments in the application, then review of one new product application is covered by the new use fee. All such associated applications that are submitted together will be subject to the new use decision review time. Any application for a new product or an amendment to the proposed labeling (a) submitted subsequent to submission of the new use application and (b) prior to conclusion of its decision review time and (c) containing the same new uses, will be deemed a separate new-use application, subject to a separate registration service fee and new decision review time for a new use. If the new-use application includes non-food (indoor and/or outdoor), and food (outdoor and/or indoor) uses, the appropriate fee is due for each type of new use and the longest decision review time applies to all of the new uses requested in the application. Any information that (a) was neither requested nor required by the Agency, and (b) is submitted by the applicant at the applicant's initiative to support the application after completion of the technical deficiency screen, and (c) is not itself a covered registration application, must be assessed 25% of the full registration service fee for the new use application.

''TABLE 9. — ANTIMICROBIALS DIVISION — NEW PRODUCTS AND AMENDMENTS

EPA No.	New CR No.	Action	Decision Review Time (Months) (1)	Registration Service Fee ($)
A530	84	New product; identical or substantially similar in composition and use to a registered product; no data review or only product chemistry data; cite-all data citation, or selective data citation when applicant owns all required data, or applicant submits specific authorization letter for data owner. Category also includes 100% re-package of registered end-use or manufacturing-use product that requires no data submission nor data matrix. (2) (3)	4	1,159
A531	85	New product; identical or substantially similar in composition and use to a registered product; registered source of active ingredient: selective data citation only for data on product chemistry and/or acute toxicity and/or public health pest efficacy, where applicant does not own all required data and does not have a specific authorization letter from data owner. (2) (3)	4	1,654
A532	86	New product; identical or substantially similar in composition and use to a registered product; registered active ingredient; unregistered source of active ingredient; cite-all data citation except for product chemistry; product chemistry data submitted (2) (3)	5	4,631
A540	87	New end use product; FIFRA §2(mm) uses only (2) (3)	5	4,631
A550	88	New end-use product; uses other than FIFRA §2(mm); non-FQPA product (2) (3)	7	4,631
A560	89	New manufacturing-use product; registered active ingredient; selective data citation (2) (3)	12	17,365
A570	90	Label amendment requiring data review (3) (4)	4	3,474
A572 New	91	New Product or amendment requiring data review for risk assessment by Science Branch (e.g., changes to REI, or PPE, or use rate) (2) (3) (4)	9	11,996

(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.

(2) An application for a new end-use product using a source of active ingredient that (a) is not yet registered but (b) has an application pending with the Agency for review, will be considered an application for a new product with an unregistered source of active ingredient.

(3) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.

(4) (a) EPA-initiated amendments shall not be charged registration service fees. (b) Registrant-initiated fast-track amendments are to be completed within the timelines specified in FIFRA Section 3(c)(3)(B) and are not subject to registration service fees. (c) Registrant-initiated fast-track amendments handled by the Antimicrobials Division are to be completed within the timelines specified in FIFRA Section 3(h) and are not subject to registration service fees. (d) Registrant initiated amendments submitted by notification under PR Notices, such as PR Notice 98–10, continue under PR Notice timelines and are not subject to registration service fees. (e) Submissions with data and requiring data review are subject to registration service fees.

''TABLE 10. — ANTIMICROBIALS DIVISION — EXPERIMENTAL USE PERMITS AND OTHER TYPE OF ACTIONS

EPA No.	New CR No.	Action	Decision Review Time (Months) (1)	Registration Service Fee ($)
A520	92	Experimental Use Permit application, Non-Food Use (2)	9	5,789
A521	93	Review of public health efficacy study protocol within AD, per AD Internal Guidance for the Efficacy Protocol Review Process; Code will also include review of public health efficacy study protocol and data review for devices making pesticidal claims; applicant-initiated; Tier 1	3	2,250
A522	94	Review of public health efficacy study protocol outside AD by members of AD Efficacy Protocol Review Expert Panel; Code will also include review of public health efficacy study protocol and data review for devices making pesticidal claims; applicant-initiated; Tier 2	12	11,025
A524 New	95	New Active Ingredient, Experimental Use Permit application; Food Use Requires Tolerance. Credit 45% of fee toward new active ingredient application that follows. (2)	18	138,916
A525 New	96	New Active Ingredient, Experimental Use Permit application; Food Use Requires Tolerance Exemption. Credit 45% of fee toward new active ingredient application that follows. (2)	18	83,594
A526 New	97	New Active Ingredient, Experimental Use Permit application; Non-Food, Outdoor Use. Credit 45% of fee toward new active ingredient application that follows. (2)	15	86,823
A527 New	98	New Active Ingredient, Experimental Use Permit application; Non-Food, Indoor Use. Credit 45% of fee toward new active ingredient application that follows. (2)	15	58,000
A528 New	99	Experimental Use Permit application, Food Use; Requires Tolerance or Tolerance Exemption (2)	15	20,260
A529 New	100	Amendment to Experimental Use Permit; requires data review or risk assessment (2)	9	10,365
A523 New	101	Review of protocol other than a public health efficacy study (i.e., Toxicology or Exposure Protocols)	9	11,025
A571 New	102	Science reassessment: Cancer risk, refined ecological risk, and/or endangered species; applicant-initiated	18	86,823

(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.

(2) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.

''TABLE 11. — BIOPESTICIDES AND POLLUTION PREVENTION DIVISION — MICROBIAL AND BIOCHEMICAL PESTICIDES; NEW ACTIVE INGREDIENTS

EPA No.	New CR No.	Action	Decision Review Time (Months) (1)	Registration Service Fee ($)
B580	103	New active ingredient; food use; petition to establish a tolerance (2)	19	46,305

''TABLE 11. — BIOPESTICIDES AND POLLUTION PREVENTION DIVISION — MICROBIAL AND BIOCHEMICAL PESTICIDES; NEW ACTIVE INGREDIENTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months) (1)	Registration Service Fee ($)
B590	104	New active ingredient; food use; petition to establish a tolerance exemption (2)	17	28,942
B600	105	New active ingredient; non-food use (2)	13	17,365
B610	106	New active ingredient; Experimental Use Permit application; petition to establish a temporary tolerance or temporary tolerance exemption	10	11,577
B611 New	107	New active ingredient; Experimental Use Permit application; petition to establish permanent tolerance exemption	12	11,577
B612 New	108	New active ingredient; no change to a permanent tolerance exemption (2)	10	15,918
B613 New	109	New active ingredient; petition to convert a temporary tolerance or a temporary tolerance exemption to a permanent tolerance or tolerance exemption (2)	11	15,918
B620	110	New active ingredient; Experimental Use Permit application; non-food use including crop destruct	7	5,789

(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.

(2) All requests for new uses (food and/or nonfood) contained in any application for a new active ingredient or a first food use are covered by the base fee for that new active ingredient or first food use application and retain the same decision time review period as the new active ingredient or first food use application. The application must be received by the agency in one package. The base fee for the category covers a maximum of five new products. Each application for an additional new product registration and new inert approval that is submitted in the new active ingredient application package or first food use application package is subject to the registration service fee for a new product or a new inert approval. All such associated applications that are submitted together will be subject to the new active ingredient or first food use decision review time, except where the new inert approval decision review time is greater than that for the new active ingredient, in which case the associated new active ingredient will be subject to the new inert approval decision review time. In the case of a new active ingredient application, until that new active ingredient is approved, any subsequent application for another new product containing the same active ingredient or an amendment to the proposed labeling will be deemed a new active ingredient application, subject to the registration service fee and decision review time for a new active ingredient. In the case of a first food use application, until that first food use is approved, any subsequent application for an additional new food use or uses will be subject to the registration service fee and decision review time for a first food use. Any information that (a) was neither requested nor required by the Agency, and (b) is submitted by the applicant at the applicant's initiative to support the application after completion of the technical deficiency screening, and (c) is not itself a covered registration application, must be assessed 25% of the full registration service fee for the new active ingredient or first food use application.

''TABLE 12. — BIOPESTICIDES AND POLLUTION PREVENTION DIVISION — MICROBIAL AND BIOCHEMICAL PESTICIDES; NEW USES

EPA No.	New CR No.	Action	Decision Review Time (Months) (1)	Registration Service Fee ($)
B630	111	First food use; petition to establish a tolerance exemption (2)	13	11,577
B631	112	New food use; petition to amend an established tolerance (3)	12	11,577
B640	113	First food use; petition to establish a tolerance (2)	19	17,365
B643 New	114	New Food use; petition to amend tolerance exemption (3)	10	11,577
B642 New	115	First food use; indoor; food/food handling (2)	12	28,942
B644 New	116	New use, no change to an established tolerance or tolerance exemption (3)	8	11,577
B650	117	New use; non-food (3)	7	5,789

(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.

(2) All requests for new uses (food and/or nonfood) contained in any application for a new active ingredient or a first food use are covered by the base fee for that new active ingredient or first food use application and retain the same decision time review period as the new active ingredient or first food use application. The application must be received by the agency in one package. The base fee for the category covers a maximum of five new products. Each application for an additional new product registration and new inert approval that is submitted in the new active ingredient application package or first food use application package is subject to the registration service fee for a new product or a new inert approval. All such associated applications that are submitted together will be subject to the new active ingredient or first food use decision review time. In the case of a new active ingredient application, until that new active ingredient is approved, any subsequent application for another new product containing the same active ingredient or an amendment to the proposed labeling will be deemed a new active ingredient application, subject to the registration service fee and decision review time for a new active ingredient. In the case of a first food use application, until that first food use is approved, any subsequent application for an additional new food use or uses will be subject to the registration service fee and decision review time for a first food use. Any information that (a) was neither requested nor required by the Agency, and (b) is submitted by the applicant at the applicant's initiative to support the application after completion of the technical deficiency screening, and (c) is not itself a covered registration application, must be assessed 25% of the full registration service fee for the new active ingredient or first food use application.

(3) Amendment applications to add the new use(s) to registered product labels are covered by the base fee for the new use(s). All items in the covered application must be submitted together in one package. Each application for an additional new product registration and new inert approval(s) that is submitted in the new use application package is subject to the registration service fee for a new product or a new inert approval. However, if a new use application only proposes to register the new use for a new product and there are no amendments in the application, then review of one new product application is covered by the new use fee. All such associated applications that are submitted together will be subject to the new use decision review time. Any application for a new product or an amendment to the proposed labeling (a) submitted subsequent to submission of the new use application and (b) prior to conclusion of its decision review time and (c) containing the same new uses, will be deemed a separate new-use application, subject to a separate registration service fee and new decision review time for a new use. If the new-use application includes non-food (indoor and/or outdoor), and food (outdoor and/or indoor) uses, the appropriate fee is due for each type of new use and the longest decision review time applies to all of the new uses requested in the application. Any information that (a) was neither requested nor required by the Agency, and (b) is submitted by the applicant at the applicant's initiative to support the application after completion of the technical deficiency screen, and (c) is not itself a covered registration application, must be assessed 25% of the full registration service fee for the new use application.

''TABLE 13. — BIOPESTICIDES AND POLLUTION PREVENTION DIVISION — MICROBIAL AND BIOCHEMICAL PESTICIDES; NEW PRODUCTS

EPA No.	New CR No.	Action	Decision Review Time (Months) (1)	Registration Service Fee ($)
B652 New	118	New product; registered source of active ingredient; requires petition to amend established tolerance or tolerance exemption; requires 1) submission of product specific data; or 2) citation of previously reviewed and accepted data; or 3) submission or citation of data generated at government expense; or 4) submission or citation of scientifically-sound rationale based on publicly available literature or other relevant information that addresses the data requirement; or 5) submission of a request for a data requirement to be waived supported by a scientifically-sound rationale explaining why the data requirement does not apply (2)	13	11,577
B660	119	New product; registered source of active ingredient(s); identical or substantially similar in composition and use to a registered product; no change in an established tolerance or tolerance exemption. No data review, or only product chemistry data; cite-all data citation, or selective data citation where applicant owns all required data or authorization from data owner is demonstrated. Category includes 100% re-package of registered end-use or manufacturing-use product that requires no data submission or data matrix. For microbial pesticides, the active ingredient(s) must not be re-isolated. (2)	4	1,159
B670	120	New product; registered source of active ingredient(s); no change in an established tolerance or tolerance exemption; requires: 1) submission of product specific data; or 2) citation of previously reviewed and accepted data; or 3) submission or citation of data generated at government expense; or 4) submission or citation of a scientifically-sound rationale based on publicly available literature or other relevant information that addresses the data requirement; or 5) submission of a request for a data requirement to be waived supported by a scientifically-sound rationale explaining why the data requirement does not apply. (2)	7	4,631
B671	121	New product; unregistered source of active ingredient(s); requires a petition to amend an established tolerance or tolerance exemption; requires: 1) submission of product specific data; or 2) citation of previously reviewed and accepted data; or 3) submission or citation of data generated at government expense; or 4) submission or citation of a scientifically-sound rationale based on publicly available literature or other relevant information that addresses the data requirement; or 5) submission of a request for a data requirement to be waived supported by a scientifically-sound rationale explaining why the data requirement does not apply. (2)	17	11,577
B672	122	New product; unregistered source of active ingredient(s); non-food use or food use with a tolerance or tolerance exemption previously established for the active ingredient(s); requires: 1) submission of product specific data; or 2) citation of previously reviewed and accepted data; or 3) submission or citation of data generated at government expense; or 4) submission or citation of a scientifically-sound rationale based on publicly available literature or other relevant information that addresses the data requirement; or 5) submission of a request for a data requirement to be waived supported by a scientifically-sound rationale explaining why the data requirement does not apply. (2)	13	8,269
B673 New	123	New product MUP/EP; unregistered source of active ingredient(s); citation of Technical Grade Active Ingredient (TGAI) data previously reviewed and accepted by the Agency. Requires an Agency determination that the cited data supports the new product. (2)	10	4,631
B674 New	124	New product MUP; Repack of identical registered end-use product as a manufacturing-use product; same registered uses only (2)	4	1,159
B675 New	125	New Product MUP; registered source of active ingredient; submission of completely new generic data package; registered uses only. (2)	10	8,269

''TABLE 13. — BIOPESTICIDES AND POLLUTION PREVENTION DIVISION — MICROBIAL AND BIOCHEMICAL PESTICIDES; NEW PRODUCTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months) (1)	Registration Service Fee ($)
B676 New	126	New product; more than one active ingredient where one active ingredient is an unregistered source; product chemistry data must be submitted; requires: 1) submission of product specific data, and 2) citation of previously reviewed and accepted data; or 3) submission or citation of data generated at government expense; or 4) submission or citation of a scientifically-sound rationale based on publicly available literature or other relevant information that addresses the data requirement; or 5) submission of a request for a data requirement to be waived supported by a scientifically-sound rationale explaining why the data requirement does not apply. (2)	13	8,269
B677 New	127	New end-use non-food animal product with submission of two or more target animal safety studies; includes data and/or waivers of data for only: • product chemistry and/or • acute toxicity and/or • public health pest efficacy and/or • animal safety studies and/or • child resistant packaging (2)	10	8,000

(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.
(2) An application for a new end-use product using a source of active ingredient that (a) is not yet registered but (b) has an application pending with the Agency for review, will be considered an application for a new product with an unregistered source of active ingredient.

''TABLE 14. — BIOPESTICIDES AND POLLUTION PREVENTION DIVISION — MICROBIAL AND BIOCHEMICAL PESTICIDES; AMENDMENTS

EPA No.	New CR No.	Action	Decision Review Time (Months) (1)	Registration Service Fee ($)
B621	128	Amendment; Experimental Use Permit; no change to an established temporary tolerance or tolerance exemption.	7	4,631
B622 New	129	Amendment; Experimental Use Permit; petition to amend an established or temporary tolerance or tolerance exemption.	11	11,577
B641	130	Amendment of an established tolerance or tolerance exemption.	13	11,577
B680	131	Amendment; registered source of active ingredient(s); no new use(s); no changes to an established tolerance or tolerance exemption. Requires data submission. (2)	5	4,631
B681	132	Amendment; unregistered source of active ingredient(s). Requires data submission. (2)	7	5,513
B683 New	133	Label amendment; requires review/update of previous risk assessment(s) without data submission (e.g., labeling changes to REI, PPE, PHI). (2)	6	4,631
B684 New	134	Amending non-food animal product that includes submission of target animal safety data; previously registered (2)	8	8,000

(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.
(2) (a) EPA-initiated amendments shall not be charged registration service fees. (b) Registrant-initiated fast-track amendments are to be completed within the timelines specified in FIFRA Section 3(c)(3)(B) and are not subject to registration service fees. (c) Registrant-initiated fast-track amendments handled by the Antimicrobials Division are to be completed within the timelines specified in FIFRA Section 3(h) and are not subject to registration service fees. (d) Registrant initiated amendments submitted by notification under PR Notices, such as PR Notice 98–10, continue under PR Notice timelines and are not subject to registration service fees. (e) Submissions with data and requiring data review are subject to registration service fees.

''TABLE 15. — BIOPESTICIDES AND POLLUTION PREVENTION DIVISION — STRAIGHT CHAIN LEPIDOPTERAN PHEROMONES(SCLPS)

EPA No.	New CR No.	Action	Decision Review Time (Months) (1)	Registration Service Fee ($)
B690	135	New active ingredient; food or non-food use. (2)	7	2,316
B700	136	Experimental Use Permit application; new active ingredient or new use.	7	1,159
B701	137	Extend or amend Experimental Use Permit.	4	1,159

''TABLE 15. — BIOPESTICIDES AND POLLUTION PREVENTION DIVISION — STRAIGHT CHAIN LEPIDOPTERAN PHEROMONES(SCLPS)—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months) (1)	Registration Service Fee ($)
B710	138	New product; registered source of active ingredient(s); identical or substantially similar in composition and use to a registered product; no change in an established tolerance or tolerance exemption. No data review, or only product chemistry data; cite-all data citation, or selective data citation where applicant owns all required data or authorization from data owner is demonstrated. Category includes 100% re-package of registered end-use or manufacturing-use product that requires no data submission or data matrix. (3)	4	1,159
B720	139	New product; registered source of active ingredient(s); requires: 1) submission of product specific data; or 2) citation of previously reviewed and accepted data; or 3) submission or citation of data generated at government expense; or 4) submission or citation of a scientifically-sound rationale based on publicly available literature or other relevant information that addresses the data requirement; or 5) submission of a request for a data requirement to be waived supported by a scientifically-sound rationale explaining why the data requirement does not apply. (3)	5	1,159
B721	140	New product; unregistered source of active ingredient. (3)	7	2,426
B722	141	New use and/or amendment; petition to establish a tolerance or tolerance exemption. (4) (5)	7	2,246
B730	142	Label amendment requiring data submission. (4)	5	1,159

(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.

(2) All requests for new uses (food and/or nonfood) contained in any application for a new active ingredient or a first food use are covered by the base fee for that new active ingredient or first food use application and retain the same decision time review period as the new active ingredient or first food use application. The application must be received by the agency in one package. The base fee for the category covers a maximum of five new products. Each application for an additional new product registration and new inert approval that is submitted in the new active ingredient application package or first food use application package is subject to the registration service fee for a new product or a new inert approval. All such associated applications that are submitted together will be subject to the new active ingredient or first food use decision review time, except where the new inert approval decision review time is greater than that for the new active ingredient, in which case the associated new active ingredient will be subject to the new inert approval decision review time. In the case of a new active ingredient application, until that new active ingredient is approved, any subsequent application for another new product containing the same active ingredient or an amendment to the proposed labeling will be deemed a new active ingredient application, subject to the registration service fee and decision review time for a new active ingredient. In the case of a first food use application, until that first food use is approved, any subsequent application for an additional new food use or uses will be subject to the registration service fee and decision review time for a first food use. Any information that (a) was neither requested nor required by the Agency, and (b) is submitted by the applicant at the applicant's initiative to support the application after completion of the technical deficiency screening, and (c) is not itself a covered registration application, must be assessed 25% of the full registration service fee for the new active ingredient or first food use application.

(3) An application for a new end-use product using a source of active ingredient that (a) is not yet registered but (b) has an application pending with the Agency for review, will be considered an application for a new product with an unregistered source of active ingredient.

(4) (a) EPA-initiated amendments shall not be charged registration service fees. (b) Registrant-initiated fast-track amendments are to be completed within the timelines specified in FIFRA Section 3(c)(3)(B) and are not subject to registration service fees. (c) Registrant-initiated fast-track amendments handled by the Antimicrobials Division are to be completed within the timelines specified in FIFRA Section 3(h) and are not subject to registration service fees. (d) Registrant initiated amendments submitted by notification under PR Notices, such as PR Notice 98–10, continue under PR Notice timelines and are not subject to registration service fees. (e) Submissions with data and requiring data review are subject to registration service fees.

(5) Amendment applications to add the new use(s) to registered product labels are covered by the base fee for the new use(s). All items in the covered application must be submitted together in one package. Each application for an additional new product registration and new inert approval(s) that is submitted in the new use application package is subject to the registration service fee for a new product or a new inert approval. However, if a new use application only proposes to register the new use for a new product and there are no amendments in the application, then review of one new product application is covered by the new use fee. All such associated applications that are submitted together will be subject to the new use decision review time. Any application for a new product or an amendment to the proposed labeling (a) submitted subsequent to submission of the new use application and (b) prior to conclusion of its decision review time and (c) containing the same new uses, will be deemed a separate new-use application, subject to a separate registration service fee and new decision review time for a new use. If the new-use application includes non-food (indoor and/or outdoor), and food (outdoor and/or indoor) uses, the appropriate fee is due for each type of new use and the longest decision review time applies to all of the new uses requested in the application. Any information that (a) was neither requested nor required by the Agency, and (b) is submitted by the applicant at the applicant's initiative to support the application after completion of the technical deficiency screen, and (c) is not itself a covered registration application, must be assessed 25% of the full registration service fee for the new use application.

''TABLE 16. — BIOPESTICIDES AND POLLUTION PREVENTION DIVISION — OTHER ACT

EPA No.	New CR No.	Action	Decision Review Time (Months) (1)	Registration Service Fee ($)
B614 New	143	Conditional Ruling on Preapplication Study Waivers; applicant-initiated	3	2,294
B615 New	144	Rebuttal of agency reviewed protocol, applicant initiated	3	2,294

''TABLE 16. — BIOPESTICIDES AND POLLUTION PREVENTION DIVISION — OTHER ACT—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months) (1)	Registration Service Fee ($)
B682	145	Protocol review; applicant initiated; excludes time for HSRB review	3	2,205

(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.

''TABLE 17. — BIOPESTICIDES AND POLLUTION PREVENTION DIVISION — PLANT INCORPORATED PROTECTANTS (PIPS)

EPA No.	New CR No.	Action	Decision Review Time (Months) (1)	Registration Service Fee ($)
B740	146	Experimental Use Permit application; no petition for tolerance/tolerance exemption. Includes: 1) non-food/feed use(s) for a new (2) or registered (3) PIP; 2) food/feed use(s) for a new or registered PIP with crop destruct; 3) food/feed use(s) for a new or registered PIP in which an established tolerance/tolerance exemption exists for the intended use(s). (4)	6	86,823
B750	147	Experimental Use Permit application; with a petition to establish a temporary or permanent tolerance/tolerance exemption for the active ingredient. Includes new food/feed use for a registered (3) PIP. (4)	9	115,763
B770	148	Experimental Use Permit application; new (2) PIP; with petition to establish a temporary tolerance/tolerance exemption for the active ingredient; credit 75% of B771 fee toward registration application for a new active ingredient that follows; SAP review. (5)	15	173,644
B771	149	Experimental Use Permit application; new (2) PIP; with petition to establish a temporary tolerance/tolerance exemption for the active ingredient; credit 75% of B771 fee toward registration application for a new active ingredient that follows.	10	115,763
B772	150	Application to amend or extend an Experimental Use Permit; no petition since the established tolerance/tolerance exemption for the active ingredient is unaffected.	3	11,577
B773	151	Application to amend or extend an Experimental Use Permit; with petition to extend a temporary tolerance/tolerance exemption for the active ingredient.	5	28,942
B780	152	Registration application; new (2) PIP; non-food/feed.	12	144,704
B790	153	Registration application; new (2) PIP; non-food/feed; SAP review. (5)	18	202,585
B800	154	Registration application; new (2) PIP; with petition to establish permanent tolerance/tolerance exemption for the active ingredient based on an existing temporary tolerance/tolerance exemption.	12	231,585
B810	155	Registration application; new (2) PIP; with petition to establish permanent tolerance/tolerance exemption for the active ingredient based on an existing temporary tolerance/tolerance exemption. SAP review. (5)	18	289,407
B820	156	Registration application; new (2) PIP; with petition to establish or amend a permanent tolerance/tolerance exemption of an active ingredient.	15	289,407
B840	157	Registration application; new (2) PIP; with petition to establish or amend a permanent tolerance/tolerance exemption of an active ingredient. SAP review. (5)	21	347,288
B851	158	Registration application; new event of a previously registered PIP active ingredient(s); no petition since permanent tolerance/tolerance exemption is already established for the active ingredient(s).	9	115,763
B870	159	Registration application; registered (3) PIP; new product; new use; no petition since a permanent tolerance/tolerance exemption is already established for the active ingredient(s). (4)	9	34,729
B880	160	Registration application; registered (3) PIP; new product or new terms of registration; additional data submitted; no petition since a permanent tolerance/tolerance exemption is already established for the active ingredient(s). (6) (7)	9	28,942

''TABLE 17. — BIOPESTICIDES AND POLLUTION PREVENTION DIVISION — PLANT INCORPORATED PROTECTANTS (PIPS)—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months) (1)	Registration Service Fee ($)
B881	161	Registration application; registered (3) PIP; new product or new terms of registration; additional data submitted; no petition since a permanent tolerance/tolerance exemption is already established for the active ingredient(s). SAP review. (5) (6) (7)	15	86,823
B883 New	162	Registration application; new (2) PIP, seed increase with negotiated acreage cap and time-limited registration; with petition to establish a permanent tolerance/tolerance exemption for the active ingredient based on an existing temporary tolerance/tolerance exemption. (8)	9	115,763
B884 New	163	Registration application; new (2) PIP, seed increase with negotiated acreage cap and time-limited registration; with petition to establish a permanent tolerance/tolerance exemption for the active ingredient. (8)	12	144,704
B885 New	164	Registration application; registered (3) PIP, seed increase; breeding stack of previously approved PIPs, same crop; no petition since a permanent tolerance/tolerance exemption is already established for the active ingredient(s). (9)	9	86,823
B890	165	Application to amend a seed increase registration; converts registration to commercial registration; no petition since permanent tolerance/tolerance exemption is already established for the active ingredient(s).	9	57,882
B891	166	Application to amend a seed increase registration; converts registration to a commercial registration; no petition since a permanent tolerance/tolerance exemption already established for the active ingredient(s); SAP review. (5)	15	115,763
B900	167	Application to amend a registration, including actions such as extending an expiration date, modifying an IRM plan, or adding an insect to be controlled. (10) (11)	6	11,577
B901	168	Application to amend a registration, including actions such as extending an expiration date, modifying an IRM plan, or adding an insect to be controlled. SAP review. (10) (11)	12	69,458
B902	169	PIP protocol review	3	5,789
B903	170	Inert ingredient tolerance exemption; e.g., a marker such as NPT II; reviewed in BPPD.	6	57,882
B904	171	Import tolerance or tolerance exemption; processed commodities/food only (inert or active ingredient).	9	115,763

(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.
(2) New PIP = a PIP with an active ingredient that has not been registered.
(3) Registered PIP = a PIP with an active ingredient that is currently registered.
(4) Transfer registered PIP through conventional breeding for new food/feed use, such as from field corn to sweet corn.
(5) The scientific data involved in this category are complex. EPA often seeks technical advice from the Scientific Advisory Panel on risks that pesticides pose to wildlife, farm workers, pesticide applicators, non-target species, as well as insect resistance, and novel scientific issues surrounding new technologies. The scientists of the SAP neither make nor recommend policy decisions. They provide advice on the science used to make these decisions. Their advice is invaluable to the EPA as it strives to protect humans and the environment from risks posed by pesticides. Due to the time it takes to schedule and prepare for meetings with the SAP, additional time and costs are needed.
(6) Registered PIPs stacked through conventional breeding.
(7) Deployment of a registered PIP with a different IRM plan (e.g., seed blend).
(8) The negotiated acreage cap will depend upon EPA's determination of the potential environmental exposure, risk(s) to non-target organisms, and the risk of targeted pest developing resistance to the pesticidal substance. The uncertainty of these risks may reduce the allowable acreage, based upon the quantity and type of non-target organism data submitted and the lack of insect resistance management data, which is usually not required for seed-increase registrations. Registrants are encouraged to consult with EPA prior to submission of a registration application in this category.
(9) Application can be submitted prior to or concurrently with an application for commercial registration.
(10) For example, IRM plan modifications that are applicant-initiated.
(11) EPA-initiated amendments shall not be charged fees.

''TABLE 18. — INERT INGREDIENTS, EXTERNAL REVIEW AND MISCELLANEOUS ACTIONS

EPA No.	New CR No.	Action	Decision Review Time (Months) (1)	Registration Service Fee ($)
I001	172	Approval of new food use inert ingredient (2) (3)	12	18,000
I002 New	173	Amend currently approved inert ingredient tolerance or exemption from tolerance; new data (2)	10	5,000

''TABLE 18. — INERT INGREDIENTS, EXTERNAL REVIEW AND MISCELLANEOUS ACTIONS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months) (1)	Registration Service Fee ($)
I003 New	174	Amend currently approved inert ingredient tolerance or exemption from tolerance; no new data (2)	8	3,000
I004 New	175	Approval of new non-food use inert ingredient (2)	8	10,000
I005 New	176	Amend currently approved non-food use inert ingredient with new use pattern; new data (2)	8	5,000
I006 New	177	Amend currently approved non-food use inert ingredient with new use pattern; no new data (2)	6	3,000
I007 New	178	Approval of substantially similar non-food use inert ingredients when original inert is compositionally similar with similar use pattern (2)	4	1,500
I008 New	179	Approval of new polymer inert ingredient, food use (2)	5	3,400
I009 New	180	Approval of new polymer inert ingredient, non food use (2)	4	2,800
I010 New	181	Petition to amend a tolerance exemption descriptor to add one or more CASRNs; no new data (2)	6	1,500
M001 New	182	Study protocol requiring Human Studies Review Board review as defined in 40 CFR 26 in support of an active ingredient (4)	9	7,200
M002 New	183	Completed study requiring Human Studies Review Board review as defined in 40 CFR 26 in support of an active ingredient (4)	9	7,200
M003 New	184	External technical peer review of new active ingredient, product, or amendment (e.g., consultation with FIFRA Scientific Advisory Panel) for an action with a decision timeframe of less than 12 months. Applicant initiated request based on a requirement of the Administrator, as defined by FIFRA § 25(d), in support of a novel active ingredient, or unique use pattern or application technology. Excludes PIP active ingredients. (5)	12	58,000
M004 New	185	External technical peer review of new active ingredient, product, or amendment (e.g., consultation with FIFRA Scientific Advisory Panel) for an action with a decision timeframe of greater than 12 months. Applicant initiated request based on a requirement of the Administrator, as defined by FIFRA § 25(d), in support of a novel active ingredient, or unique use pattern or application technology. Excludes PIP active ingredients. (5)	18	58,000
M005 New	186	New Product: Combination, Contains a combination of active ingredients from a registered and/or unregistered source; conventional, antimicrobial and/or biopesticide. Requires coordination with other regulatory divisions to conduct review of data, label and/or verify the validity of existing data as cited. Only existing uses for each active ingredient in the combination product. (6) (7)	9	20,000
M006 New	187	Request for up to 5 letters of certification (Gold Seal) for one actively registered product.	1	250
M007 New	188	Request to extend Exclusive Use of data as provided by FIFRA Section 3(c)(1)(F)(ii)	12	5,000
M008 New	189	Request to grant Exclusive Use of data as provided by FIFRA Section 3(c)(1)(F)(vi) for a minor use, when a FIFRA Section 2(ll)(2) determination is required	10	1,500

(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.

(2) If another covered application is associated with and dependent upon a pending application for an inert ingredient action, each application will be subject to its respective registration service fee. The decision review time for the other associated covered application will be extended to match the PRIA due date of the pending inert ingredient action, unless the PRIA due date for the other associated covered action is further out, in which case it will be subject to its own decision review time. If the application covers multiple ingredients grouped by EPA into one chemical class, a single registration service fee will be assessed for approval of those ingredients.

(3) If EPA data rules are amended to newly require clearance under section 408 of the FFDCA for an ingredient of an antimicrobial product where such ingredient was not previously subject to such a clearance, then review of the data for such clearance of such product is not subject to a registration service fee for the tolerance action for two years from the effective date of the rule.

(4) Any other covered application that is associated with and dependent on the HSRB review will be subject to its separate registration service fee. The decision review times for the associated actions run concurrently, but will end at the date of the latest review time.

(5) Any other covered application that is associated with and dependent on the SAP review will be subject to its separate registration service fee. The decision review time for the associated action will be extended by the decision review time for the SAP review.

(6) An application for a new end-use product using a source of active ingredient that (a) is not yet registered but (b) has an application pending with the Agency for review, will be considered an application for a new product with an unregistered source of active ingredient.

(7) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.'';

(B) in paragraph (6)—

(i) in subparagraph (A)—

(I) by striking ''October 1, 2008'' and inserting ''October 1, 2013''; and

(II) by striking ''September 30, 2010'' and inserting ''September 30, 2015''; and

(ii) in subparagraph (B)—

(I) by striking ''October 1, 2010'' and inserting ''October 1, 2015''; and

(II) by striking ''September 30, 2010'' and inserting ''September 30, 2015''; and

(C) in paragraph (8)(C)(ii)—

(i) in subclause (I), by striking ''or'' at the end;

(ii) in subclause (II), by striking the period at the end and inserting ''; or''; and

(iii) by adding at the end the following:

''(III) on the basis that the Administrator rejected the application under subsection (f)(4)(B).''.

(2) PESTICIDE REGISTRATION FUND.—Section 33(c)(3)(B) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w–8(c)(3)(B)) is amended—

(A) in clause (i), by striking ''2008 through 2012'' and inserting ''2013 through 2017'';

(B) in clause (ii), by striking ''grants'' and all that follows through the end of the clause and inserting ''grants, for each of fiscal years 2013 through 2017, $500,000.''; and

(C) in clause (iii), by striking ''2008 through 2012'' and inserting ''2013 through 2017''.

(3) ASSESSMENT OF FEES.—Section 33(d) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w–8(d)) is amended—

(A) in paragraph (2), by striking ''2002'' each place it appears and inserting ''2012'';

(B) by striking paragraph (4); and

(C) by redesignating paragraph (5) as paragraph (4).

(4) REFORMS TO REDUCE DECISION TIME REVIEW PERIODS.—Section 33(e) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w–8(e)) is amended by striking ''Pesticide Registration Improvement Act of 2003'' and inserting ''Pesticide Registration Improvement Extension Act of 2012''.

(5) DECISION TIME REVIEW PERIODS.—Section 33(f) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w–8(f)) is amended—

(A) in paragraph (1), by striking ''Pesticide Registration Improvement Renewal Act, the Administrator shall publish in the Federal Register'' and inserting ''Pesticide Registration Improvement Extension Act of 2012, the Administrator shall make publicly available'';

(B) in paragraph (2), by striking ''appearing in the Congressional Record on pages S10409'' and all that follows through the period and inserting ''provided under subsection (b)(3).''; and

(C) in paragraph (4)—

(i) in subparagraph (A), by inserting ''and fee'' before the period; and

(ii) in subparagraph (B)—

(I) by striking ''(B) COMPLETENESS OF APPLICATION'' and all that follows through ''Not later'' in clause (i) and inserting the following:

''(B) INITIAL CONTENT AND PRELIMINARY TECHNICAL SCREENINGS.—

''(i) SCREENINGS.—

''(I) INITIAL CONTENT.—Not later'';

(II) in clause (i) (as so designated) by adding at the end the following:

''(II) PRELIMINARY TECHNICAL SCREENING.—After conducting the initial content screening described in subclause (I) and in accordance with clause (iv), the Administrator shall conduct a preliminary technical screening—

''(aa) not later than 45 days after the date on which the decision time review period begins (for applications with decision time review periods of not more than 180 days); and

''(bb) not later than 90 days after the date on which the decision time review period begins (for applications with decision time review periods greater than 180 days).'';

(III) by striking clause (ii) and inserting the following:

''(ii) REJECTION.—

''(I) IN GENERAL.—If the Administrator determines at any time before the Administrator completes the preliminary technical screening under clause (i)(II) that the application failed the initial content or preliminary technical screening and the applicant does not correct the failure before the date that is 10 business days after the applicant receives a notification of the failure, the Administrator shall reject the application.

''(II) WRITTEN NOTIFICATION.—The Administrator shall make every effort to provide a written notification of a rejection under subclause (I) during the 10-day period that begins on the date the Administrator completes the preliminary technical screening.'';

(IV) in clause (iii)—

(aa) in the heading, by inserting ''INITIAL CONTENT'' before ''SCREENING'' ;

(bb) in the matter preceding subclause (I), by inserting ''content'' after ''initial''; and

(cc) in subclause (II), by striking ''contains'' and inserting ''appears to contain''; and

(V) by adding at the end the following:

''(iv) REQUIREMENTS OF PRELIMINARY TECHNICAL SCREENING.—In conducting a preliminary technical screening of an application, the Administrator shall determine if—

''(I) the application and the data and information submitted with the application are accurate and complete; and

''(II) the application, data, and information are consistent with the proposed labeling and any proposal for a tolerance or exemption from the requirement for a tolerance under section 408 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), and are such that, subject to full review under the standards of this Act, could result in the granting of the application.''.

(6) REPORTS.—Section 33(k) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w–8(k)) is amended—

(A) in paragraph (1), by striking ''March 1, 2014'' and inserting ''March 1, 2017'';

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) in clause (vi)(V), by striking ''and'' at the end;

(II) in clause (vii)(II), by inserting ''and'' at the end; and

(III) by adding at the end the following:

''(viii) the number of extensions of decision time review periods agreed to under subsection (f)(5) along with a description of the reason that the Administrator was unable to make a decision within the initial decision time review period;'';

(ii) in subparagraph (E), by striking ''and'' at the end;

(iii) in subparagraph (F), by striking the period and inserting a semicolon; and

(iv) by adding at the end the following:

''(G) a review of the progress made toward—

''(i) carrying out section 4(k)(4) and the amounts from the Reregistration and Expedited Processing Fund used for the purposes described in that section;

''(ii) implementing systems for the electronic tracking of registration submissions by December 31, 2013;

''(iii) implementing a system for tracking the status of conditional registrations, including making nonconfidential information related to the conditional registrations publicly available by December 31, 2013;

''(iv) implementing enhancements to the endangered species knowledge database, including making nonconfidential information related to the database publicly available;

''(v) implementing the capability to electronically submit and review labels submitted with registration actions;

''(vi) acquiring and implementing the capability to electronically assess and evaluate confidential statements of formula submitted with registration actions by December 31, 2014; and

''(vii) facilitating public participation in certain registration actions and the registration review process by providing electronic notification to interested parties of additions to the public docket;

''(H) the number of applications rejected by the Administrator under the initial content and preliminary technical screening conducted under subsection (f)(4);

''(I) a review of the progress made in updating the Pesticide Incident Data System, including progress toward making the information contained in the System available to the public (as the Administrator determines is appropriate); and

''(J) an assessment of the public availability of summary pesticide usage data.''; and

(C) by adding at the end the following:

''(4) OTHER REPORT.—

''(A) SCOPE.—In addition to the annual report described in paragraph (1), not later than October 1, 2016, the Administrator shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that includes an analysis of the impact of maintenance fees on small businesses that have—

''(i) 10 or fewer employees; and

''(ii) annual global gross revenue that does not exceed $2,000,000.

''(B) INFORMATION REQUIRED.—In conducting the analysis described in subparagraph (A), the Administrator shall collect, and include in the report under that subparagraph, information on—

''(i) the number of small businesses described in subparagraph (A) that are paying maintenance fees; and

''(ii) the number of registrations each company holds.''.

(7) TERMINATION OF EFFECTIVENESS.—Section 33(m) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w–8(m)) is amended—

(A) in paragraph (1), by striking ''2012'' and inserting ''2017''; and

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) in the heading, by striking ''2013'' and inserting ''2018'';

(II) by striking ''2013,'' and inserting ''2018,''; and

(III) by striking ''September 30, 2012'' and inserting ''September 30, 2017'';

(ii) in subparagraph (B)—

(I) in the heading, by striking ''2014'' and inserting ''2019'';

(II) by striking ''2014,'' and inserting ''2019,''; and

(III) by striking ''September 30, 2012'' and inserting ''September 30, 2017'';

(iii) in subparagraph (C)—

(I) in the heading, by striking ''2014'' and inserting ''2019''; and

(II) by striking ''September 30, 2014'' and inserting ''September 30, 2019''; and

(iv) in subparagraph (D), by striking ''2012'' each place it appears and inserting ''2017''.

(c) EFFECTIVE DATE.—This section and the amendments made by this section take effect on October 1, 2012.

(d) RELATIONSHIP TO OTHER LAW.—In the case of any conflict between this section (including the amendments made by this section) and a joint resolution making continuing appropriations for fiscal year 2013 (including any amendments made by such a joint resolution), this section and the amendments made by this section shall control.

STATE AND PROVINCE EMERGENCY MANAGEMENT ASSISTANCE MEMORANDUM OF UNDERSTANDING

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S.J. Res. 44.

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

The bill clerk read as follows:

A joint resolution (S.J. Res. 44) granting the consent of Congress to the State and Province Emergency Management Assistance Memorandum of Understanding.

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

Mr. DURBIN. Mr. President, I ask unanimous consent that the joint resolution 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 joint resolution be printed in the RECORD.

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

The joint resolution (S.J. Res. 44) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S.J. RES. 44

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

SECTION 1. CONGRESSIONAL CONSENT.

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

''ARTICLE I—PURPOSE AND AUTHORITIES

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

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

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

''ARTICLE II—GENERAL IMPLEMENTATION

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

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

''ARTICLE III—PARTICIPATING JURISDICTION RESPONSIBILITIES

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

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

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

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

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

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

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

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

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

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

care, resource support, health and medical services, and search and rescue.

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

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

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

''ARTICLE IV—LIMITATION

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

''ARTICLE V—LICENSES AND PERMITS

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

''ARTICLE VI—LIABILITY

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

''ARTICLE VII—SUPPLEMENTARY AGREEMENTS

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

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

''ARTICLE VIII—WORKERS' COMPENSATION AND DEATH BENEFITS

''Each participating jurisdiction shall provide, in accordance with its own laws, for the payment of workers' compensation and death benefits to injured members of the emergency contingent of that participating jurisdiction and to representatives of deceased members of those forces if the members sustain injuries or are killed while rendering aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within their own jurisdiction.

''ARTICLE IX—REIMBURSEMENT

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

''ARTICLE X—IMPLEMENTATION

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

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

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

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

''ARTICLE XI—SEVERABILITY

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

''ARTICLE XII—CONSISTENCY OF LANGUAGE

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

SEC. 2. INCONSISTENCY OF LANGUAGE.

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

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

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

EXPRESSING APPRECIATION FOR UNITED STATES FOREIGN AND CIVIL SERVICE PROFESSIONALS AROUND THE GLOBE

Mr. DURBIN. Mr. President, I ask unanimous consent the Senate proceed to Calendar No. 386, S. Res. No. 401.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A resolution (S. Res. 401) expressing appreciation for Foreign Service and Civil Service professionals who represent the United States around the globe.

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

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

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

The resolution (S. Res. 401) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 401

Whereas the United States Foreign Service was established by Congress in 1924 to professionalize the country's diplomatic and consular services and advance freedom, democracy, and security for the benefit of the people of the United States and the international community;

Whereas the United States Agency for International Development was established in 1961 to support the foreign policy goals of the United States through economic, development, and humanitarian assistance;

Whereas the Department of State and the United States Agency for International Development together employ more than 27,000 United States nationals in the Foreign Service and Civil Service dedicated to promoting United States interests around the world;

Whereas Foreign Service personnel deploy to Asia, Africa, the Americas, Australia, Europe, the Middle East, and Southeast Asia on a permanent, rotating basis to defend and promote United States priorities abroad;

Whereas many Foreign Service employees spend months or years away from families and loved ones on assignment to dangerous

or inhospitable posts where family members are not permitted;

Whereas numerous Department of State and United States Agency for International Development employees have lost their lives while serving abroad;

Whereas strong and purposeful United States diplomacy and development, carried out by a diverse, professionally educated, and well-trained force of Foreign Service and Civil Service professionals, are the most cost-effective means to protect and advance United States interests abroad;

Whereas the promotion of commercial engagement by United States businesses in foreign markets and targeted international development projects support economic prosperity, job creation, and opportunities for United States business and industry;

Whereas United States diplomats are often the first line of defense against international conflict and transnational security threats;

Whereas Foreign Service and Civil Service professionals have worked to support the members of the United States Armed Forces involved in critical national security missions and military engagements in dangerous and unstable regions;

Whereas Foreign Service and Civil Service professionals administer emergency assistance in crisis situations; and

Whereas the contributions of Foreign Service and Civil Service professionals to the global advancement of international understanding, American ideals, and the promotion of freedom and democracy around the world should be commended: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and gives special appreciation to the Foreign Service and Civil Service personnel of the Department of State, the United States Agency for International Development, and other United States Government agencies that promote and protect United State priorities abroad; and

(2) owes a debt of gratitude to these individuals, and their families, who put public service and pride in their country ahead of comfort, convenience, and even safety in service to the United States and the global community.

MEASURE READ THE FIRST TIME—H.R. 5949

Mr. DURBIN. Mr. President, I understand there is a bill at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The bill clerk read as follows:

A bill (H.R. 5949) to extend the FISA Amendments Act of 2008 for five years.

Mr. DURBIN. I now ask for a second reading, and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read for the second time on the next legislative day.

ORDERS THROUGH WEDNESDAY, SEPTEMBER 19, 2012

Mr. DURBIN. I ask unanimous consent when the Senate completes its business today, it adjourn until 2 p.m. on Monday, September 17, 2012, for a pro forma session only, with no business conducted; that following the pro forma session, the Senate adjourn until 10 a.m. on Wednesday, September 19, 2012; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that the majority leader be recognized and that following the remarks of the two leaders, the Senate resume consideration of S. 3457, the Veterans Jobs Corps Act, under the previous order; that following the vote on the motion to waive the Budget Act with respect to the substitute amendment, No. 2789, the majority leader be recognized, and that following his remarks the Senate recess until 2:15 p.m. to allow for the weekly caucus meetings.

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

PROGRAM

Mr. DURBIN. The Senate will be in pro forma session on Monday and out of session on Tuesday in order to accommodate Rosh Hashanah. The next rollcall vote will be at noon on Wednesday. There will also be a cloture vote on the motion to proceed to the continuing resolution at 2:15 p.m. next Wednesday.

ADJOURNMENT UNTIL MONDAY, SEPTEMBER 17, 2012, at 2 P.M.

Mr. DURBIN. 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 8:03 p.m., adjourned until Monday, September 17, 2012, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF COMMERCE

MARK DOMS, OF MARYLAND, TO BE UNDER SECRETARY OF COMMERCE FOR ECONOMIC AFFAIRS, VICE REBECCA M. BLANK, RESIGNED.

AMTRAK BOARD OF DIRECTORS

CHRISTOPHER R. BEALL, OF OKLAHOMA, TO BE A DIRECTOR OF THE AMTRAK BOARD OF DIRECTORS FOR A TERM OF FIVE YEARS, VICE DONNA R. MCLEAN, TERM EXPIRED.

METROPOLITAN WASHINGTON AIRPORTS AUTHORITY

WILLIAM SHAW MCDERMOTT, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE METROPOLITAN WASHINGTON AIRPORTS AUTHORITY FOR A TERM EXPIRING NOVEMBER 22, 2017, VICE ROBERT CLARKE BROWN, TERM EXPIRED.

NINA MITCHELL WELLS, OF NEW JERSEY, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE METROPOLITAN WASHINGTON AIRPORTS AUTHORITY FOR A TERM EXPIRING MAY 30, 2018, VICE CHARLES DARWIN SNELLING, TERM EXPIRED.

DEPARTMENT OF STATE

DEBORAH ANN MCCARTHY, OF FLORIDA, 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 LITHUANIA.

UNITED NATIONS

JOAN M. PRINCE, OF WISCONSIN, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-SEVENTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

TED R. DINTERSMITH, OF VIRGINIA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-SEVENTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

MILLENNIUM CHALLENGE CORPORATION

LORNE W. CRANER, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE MILLENNIUM CHALLENGE CORPORATION FOR A TERM OF TWO YEARS. (REAPPOINTMENT)

BROADCASTING BOARD OF GOVERNORS

JEFFREY SHELL, OF CALIFORNIA, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2015, VICE WALTER ISAACSON, TERM EXPIRED.

JEFFREY SHELL, OF CALIFORNIA, TO BE CHAIRMAN OF THE BROADCASTING BOARD OF GOVERNORS, VICE WALTER ISAACSON, RESIGNED.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

BRUCE CARTER, OF FLORIDA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2018, VICE ROBERT BRETLEY LOTT, TERM EXPIRED.

JOHN UNSWORTH, OF MASSACHUSETTS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2016, VICE JEAN B. ELSHTAIN, TERM EXPIRED.

JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION

MARTIN O'MALLEY, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION FOR A TERM EXPIRING NOVEMBER 5, 2018. (REAPPOINTMENT)

MARTIN O'MALLEY, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION FOR THE REMAINDER OF THE TERM EXPIRING NOVEMBER 5, 2012, VICE JOE MANCHIN III.

BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION

WALTER G. SECADA, OF FLORIDA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM EXPIRING MARCH 3, 2016, VICE LAURIE STENBERG NICHOLS, TERM EXPIRED.

STEWART M. DE SOTO, OF ILLINOIS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM EXPIRING AUGUST 11, 2016, VICE CHARLES P. RUCH, TERM EXPIRED.

MORRIS K. UDALL AND STEWART L. UDALL FOUNDATION

ANNE J. UDALL, OF OREGON, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE MORRIS K. UDALL AND STEWART L. UDALL FOUNDATION FOR A TERM EXPIRING OCTOBER 6, 2016. (REAPPOINTMENT)

IN THE AIR FORCE

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. ROBERT J. BECKLUND

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS 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. MARK E. BARTMAN
BRIG. GEN. STANLEY J. OSSERMAN, JR.
BRIG. GEN. THOMAS A. THOMAS, JR.
BRIG. GEN. ERIC G. WELLER
BRIG. GEN. JAMES C. WITHAM

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS 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

COLONEL GLEN M. BAKER
COLONEL JEFFREY D. BUCKLEY
COLONEL ANTHONY J. CARRELLI
COLONEL TIMOTHY J. CATHCART
COLONEL ANDREW J. DONNELLY
COLONEL HAROLD S. EGGENSPERGER
COLONEL JAMES O. EIFERT
COLONEL BRYAN P. FOX
COLONEL RICKY D. GIBNEY
COLONEL CHRISTOPHER A. HEGARTY

COLONEL JOHN P. HRONEK II
COLONEL PAUL HUTCHINSON
COLONEL KEVIN J. KEEHN
COLONEL RICHARD W. KELLY
COLONEL CHRISTOPHER J. KNAPP
COLONEL MICHAEL E. MANNING
COLONEL CLAYTON W. MOUSHON
COLONEL JILL J. NELSON
COLONEL MICHAEL A. NOLAN
COLONEL MICHAEL L. OGLE
COLONEL RONALD E. PAUL
COLONEL STEPHEN E. RADER
COLONEL SAMUEL H. RAMSAY III
COLONEL WILLIAM B. RICHY
COLONEL ADALBERTO RIVERA
COLONEL SAMI D. SAID
COLONEL ANTHONY E. SCHIAVI
COLONEL JOHN D. SLOCUM
COLONEL RONALD W. SOLBERG
COLONEL RANDALL A. SPEAR, JR.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

WILLIAM A. CHRISTMAS