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Senate

The Senate met at 2:30 p.m. and was called to order by the Honorable BERNARD SANDERS, a Senator from the State of Vermont.

PRAYER

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

Lord of life, as Senators deal with today's challenges, purge their hearts of anything that does not honor You. Remove from them the things that divide, uniting them in the common tasks of doing what is best for our Nation and world. When they are tempted to doubt, steady their faith. When they feel despair, infuse them with Your hope. When they do not know what to do, open their minds to a wisdom that can change and shape our times according to Your plan. Lord, empower them to trust You more fully, live for You more completely, and serve You more willingly. We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BERNARD SANDERS 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 bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 14, 2012.

To the Senate:

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

DANIEL K. INOUYE,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013—MOTION TO PROCEED

Mr. REID. Mr. President, I move to proceed to Calendar No. 419, S. 3254, the Defense Department authorization bill.

The ACTING PRESIDENT pro tempore. The clerk will report.

The bill clerk read as follows:

Motion to proceed to the bill (S. 3254) to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

SCHEDULE

Mr. REID. Mr. President, the next hour will be equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans the second half.

The filing deadline for first-degree amendments to the Sportsmen's bill is 4 o'clock today. We are trying to work on an agreement with the Republicans to vote on the Sportsmen's bill and cyber security and have a path forward on the Defense authorization bill. We hope to have an agreement in the next couple of hours.

SENATOR GRASSLEY'S 11,000TH VOTE

Mr. REID. Mr. President, I rise today to honor my colleague CHUCK GRASSLEY on the occasion of his 11,000th vote. Senator GRASSLEY has cast more than 6,400 consecutive votes—more consecutive votes than any Senators currently holding office in the Senate. This is truly a remarkable accomplishment that speaks to his dedication.

I know he considers it a sign of respect for his constituents and for the Senate. Senator GRASSLEY is a farmer, assembly line worker, who served in the Iowa State legislature and was elected to the House of Representatives here in Washington in 1974 and to the Senate in 1980.

Senator GRASSLEY learned the value of hard work early on the family farm. Today his son runs that farm but CHUCK still dedicates himself to working on the farm on many occasions, and then after that comes back to Washington.

As ranking member of the Judiciary Committee and past chairman of the Finance Committee, Senator GRASSLEY also takes his constitutional oversight responsibilities very seriously. He has long worked to make the judicial branch more open and transparent. To that end he has sponsored a bill to allow cameras in the courtroom and proposed creating the post of inspector general. He has been one of the most ardent protectors of whistleblowers. As a member of the Agriculture Committee, Senator GRASSLEY brings real-world experience from his Iowa farm to be an advocate for American farmers in Washington.

Even when Senator GRASSLEY and I do not agree on issues, I believe we always have the greatest respect for each other. I know I do for him and I feel confident he does of me. He is a principled, dedicated lawmaker and a genuine person.

One little side note. I came to the Senate and was elected in 1986, so early in 1987 I gave my maiden speech here in the Senate. It was on the Taxpayer Bill of Rights, something I tried to accomplish in the House but, frankly, I did not get to first base. That is an understatement. They paid no attention to

me. So when I came here, that was my speech. I was way back there by the candy drawer.

I gave a speech on the Taxpayer Bill of Rights. The Presiding Officer was David Pryor from Arkansas. He was the chair on the subcommittee dealing with the IRS and finance. Senator GRASSLEY was listening to my speech in his office. Senator Pryor sent me a note when I finished that he had written while he was presiding, saying: I really like your legislation. I want to work with you to get it passed. I was stunned. One of the most senior Members of the Senate was interested in what I had to say. In the House, I repeat, they would not listen to me. I tried to talk to the chairman of that subcommittee. He would not even do a meeting with me. I still remember his name. I am not going to mention it.

Senator GRASSLEY contacted me and said: I want to work on this legislation. They worked with me. My first year in the Senate we passed the historic Taxpayer Bill of Rights to make the taxpayer a little more equal to the tax collector. It was landmark legislation. It would never have happened but for Senator GRASSLEY. So I admire what he has done for America in many different ways but certainly in that manner.

I know my friend, the Republican leader, is going to speak about Senator GRASSLEY. I explained to his staff I have to run to another meeting so I have a couple of minutes of things to say that I think are important.

RISING ABOVE PARTISANSHIP

The work before us in these waning days of this Congress represents a test of our character, that of this body, a test of our willingness to rise above partisanship for the good of this great Nation.

Although I was disappointed that the Senate was unable to vote on final passage of Senator TESTER's Sportsmen's package, I hold fast to my optimism that we can pass that. We have a great deal to accomplish during the next 6 weeks to safeguard our country's financial health and protect middle-class families. But we will not complete anything without bipartisan cooperation. As Senate Majority Leader George Mitchell once said, ''Bipartisanship means you work together to work it out.''

So I hope to see that type of cooperation on display when the Senate votes to reconsider the stalled cyber security legislation. If we can work together to address these two issues, the Sportsmen's package and cyber security, it will set a tone of cooperation that could characterize the remainder of this Congress and next Congress as well.

National security experts say there is no issue facing this Nation more pressing than the threat of cyber attack on our critical infrastructure. Terrorists bent on harming the United States can all too easily devastate our power grid, our banking system, and our nuclear plants. A bipartisan group of Senators has worked for 3 years to craft legislation that would do just that. Yet Republicans filibustered this worthy measure in July. It is imperative that Democrats and Republicans work together to address what the national security experts have called ''the most serious challenge to our national security since the onset of the nuclear age sixty years ago.''

So I found it encouraging when a number of my Republican colleagues—Senators MCCAIN, HUTCHISON, KYL, CHAMBLISS, COATS, and BLUNT—recently wrote President Obama advocating legislative action on cyber security.

They wrote:

> An issue as far reaching and complicated as cyber security requires . . . formal consideration and approval by Congress . . . Only the legislative process can create the durable and collaborative public-private partnership we need to enhance our cyber security.

Senator LIEBERMAN, the chairman, and ranking member COLLINS have worked their hearts out. They have compromised with these people and many others to have a bill that is now before us. This group of Senators that I have just named say they remain committed to the legislative process. Today they have an opportunity to demonstrate that commitment. On several occasions since Republicans filibustered the cyber security bill this summer, I have asked my colleagues to bring me a list of amendments they wish to debate. As we consider this legislation today, they have yet another opportunity to do so. They can show their commitment to the cyber security threat by advancing this worthy measure and moving forward with a productive debate on the issue. This is yet another opportunity for this Congress to prove it can cooperate and compromise when it matters most. But it will not be our last opportunity.

Before the end of the year, we must craft a balanced agreement to reduce the deficit and protect middle-class families from a tax hike. As cyber terrorism represents a serious threat to our national security, so the looming fiscal cliff represents a serious threat to our economic security.

I am heartened to see that a number of Republicans, including a number of prominent conservatives, have opened the door to a balanced agreement. Bill Kristol, a leading conservative commentator, said:

> It won't kill the country if we raise taxes a little bit on millionaires. It really won't.

That is what he said. And Glenn Hubbard, an adviser to the Romney campaign, and an adviser to the last President Bush, conceded that any agreement must include revenue increases.

It is simple math. To protect the middle class, it will be necessary to ask millionaires and billionaires to contribute a little more as we work to reduce the deficit. Democrats understand we will not get everything we want from a bipartisan accord, but Republicans should realize they will not get everything they want either. They should not prevent us, as my esteemed predecessor said, from working together to work it out. That was Senator Mitchell.

RECOGNITION OF THE MINORITY LEADER

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

SENATOR GRASSLEY'S 11,000TH VOTE

Mr. MCCONNELL. Our good friend from Iowa, Senator GRASSLEY, has cast his 11,000th vote. Since the founding of the Republic, only 2,000 men and women have served in the Senate. Only 23 have cast more votes than CHUCK GRASSLEY. No other current Senator has gone as long as he has without missing a single vote. He has not missed a vote in 19 years.

This year, Senator GRASSLEY marks 54 years of public service to the people of the Hawkeye State. While some Members of Congress have a tendency to lose touch with their constituents, CHUCK GRASSLEY has always worked hard to make sure he never did that. He has made it his business to stay connected to the folks back home by holding at least one townhall meeting a year in all of Iowa's 99 counties, and by responding to every letter, postcard, e-mail, or phone call. Of course, we are all familiar with his tweets. Much like the Senator himself, they are truly one of a kind.

Senator GRASSLEY also stays close to the land by working his family farm. He does that even while keeping up his duties here in Washington. He may be a U.S. Senator, but he has always preferred to be known as ''a farmer from Butler County.'' Visitors to the Grassley farm say it is not uncommon to see Senator GRASSLEY pulling a cell phone out from under his baseball cap while riding on his tractor.

Over the years, CHUCK GRASSLEY has distinguished himself by his tenacity and his commitment to the public interest. His first major legislative achievement was the passage of the Federal False Claims Act, which over the years has saved taxpayers more than $17 billion. As chairman of the Finance Committee, he led bipartisan bills through Congress that cut taxes by $2 trillion, leaving more money in the pockets of hard-working Americans.

Senator GRASSLEY has a lot to be proud of in his career. He and Barbara are also rightly proud of their 58 years of marriage. They have five children, and many, many grandchildren. He has been a farmer, a father, a government watchdog, a steward of the Nation's finances; in short, he is a real statesman. The Senate would not be the same without him. The Nation, I firmly believe, would be a lot worse off without the remarkable service of Senator CHUCK GRASSLEY.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. HARKIN. Mr. President, I listened to the speeches of the majority

leader and the Republican leader. I would like to add my statement of congratulations to my longtime friend Senator GRASSLEY for reaching this milestone of 11,000 votes in the U.S. Senate and to our State of Iowa and to our Nation.

Senator GRASSLEY and I were elected the same year, sworn in the same day of January 1975, although he preceded me to come to the Senate by 4 years, but I can say without any fear of contradiction that Senator GRASSLEY and I have had a wonderful working relationship. Obviously, anyone who knows our records knows we don't always agree on things all the time, and that is the way it ought to be around here; we have good debates, but we have always been friends.

The one thing I also know is that we have always worked together for the betterment of our State of Iowa. I think politics tends to end at that doorstep, and when it comes to Iowa, what is good for our State, we have always worked very closely. We have always had a great camaraderie, and our staffs have worked together very closely over the years. So, again, I wish to commend the senior Senator from the State of Iowa.

I now have the distinction of being the most senior junior Senator in the Senate. It used to be Fritz Hollings for years. Now I am the most senior junior Senator, and I couldn't ask for a better colleague and a better friend on that side of the aisle from the State of Iowa than Senator CHUCK GRASSLEY. I congratulate him on reaching this milestone.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. Mr. President, I have been here as a colleague in the Senate during those 11,000 votes. I don't want to ruin his reputation back home, but we have a significant number of those votes where he and I voted the same way, and, of course, he and I sit together or sit side by side on the Senate Judiciary Committee, and I congratulate him. These are milestones worth being noted.

Senator GRASSLEY and his wife Barbara are friends of Marcelle's and mine, and I congratulate him. His wife Barbara was kind enough both to recommend my wife for a cancer awareness award and then to introduce it just before we recessed. It has been that kind of relationship. Those of us who live in rural areas, as the distinguished Presiding Officer knows, acquire certain bonds, so I applaud the Senator.

Mr. GRASSLEY. Mr. President, I wish to thank several of my colleagues who have recognized me for casting my 11,000th vote yesterday. I want to acknowledge the fine things Senator REID, the majority leader, said, Senator MCCONNELL, the Republican leader, Senator STABENOW, Senator HARKIN, and Senator LEAHY, and I wanted them to know I appreciate very much the recognition they brought. I hope it is nothing special, because I believe I am just exhibiting the work ethic of Iowans generally, who work very hard.

RESERVATION OF LEADER TIME

Mr. LEAHY. Mr. President, I have another subject, if I might. Incidentally, what is the parliamentary situation?

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

ORDER OF BUSINESS

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

Mr. LEAHY. Mr. President, I will take from the majority side.

VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT

Mr. LEAHY. As we all know, Congress is now back from an extended recess. When we left, there were a number of significant items pending either on the floor of the House or on the floor of the Senate. Yesterday I spoke about one major piece of legislation we passed here in the Senate by an overwhelmingly bipartisan vote, and that was the farm bill. It has, of course, implications to a State such as Vermont but also to every single State in this country. It has everything from milk price supports to drought and disaster relief. This was a bipartisan vote strongly supported by Democrats and Republicans alike. It has been stalled in the House, and I hope, now that the election is over, they can bring it up and pass it.

But there is another urgently needed piece of legislation that we have passed here in the Senate, and it is time to pass it in the House. I know we have issues such as disaster relief for the victims of Hurricane Sandy. We should do that. We have the fiscal cliff that threatens our economy. That is extremely important. We should have confirmation votes on scores of judicial nominees. We have 19 of them pending on the floor. All of that is important. All of these things can be done in the time remaining for us. But one of the important legislative priorities is the VAWA, the Violence Against Women Reauthorization Act. I wrote the bill with Republican MIKE CRAPO of Idaho. This was and is a bipartisan piece of legislation. It won the support of all the women Senators in this body, Republican and Democratic alike. It passed by an overwhelming margin in this body. The distinguished Presiding Officer was a strong supporter of it. This Senate-passed bill deserves to be on our short list of priorities for the rest of the year.

I was pleased to see that the President and Speaker BOEHNER have indicated a willingness to work toward a bipartisan solution to avoid the fiscal cliff. But on VAWA, the Violence Against Women Reauthorization Act, the time for posturing has long passed. Congress has failed to pass the bipartisan Violence Against Women Reauthorization Act. It passed the Senate with 68 votes more than 200 days ago. We need to take it up and pass it in the House.

I am committed to ensuring that VAWA addresses the changing needs of all victims. I stand ready, as I have from the start, to work with all Members of both parties. I look forward to hearing from the Republican leaders in the House and to seeing this important measure enacted.

You know, both parties could have celebrated the passage of yet another bipartisan VAWA reauthorization bill after the Senate's convincing vote in April. There have been a lot of victims since April. They could be receiving the critical protections included in the Senate-passed VAWA reauthorization bill.

In the month since the Senate passed the Leahy-Crapo bill, we have been reminded of the importance of VAWA. I will give you a couple of examples. Let me tell you, these are very grim stories. But let me tell you some very grim stories about what is happening.

In Wisconsin, a gunman opened fire in a Milwaukee-area spa. He wounded four people and he killed three people, including his estranged wife. The Republican Governor of Wisconsin called for tougher domestic violence laws because the gunman had previously abused his estranged wife. The Leahy-Crapo bill will strengthen the ability of States and service providers to identify domestic violence cases with a significant risk of homicide and take effective steps to protect potential victims.

In another case, an Amherst, MA, college student who was raped by a classmate bravely stepped forward in the pages of her school newspaper to describe the lack of response from the school administration. That young student—she is not alone by any means—along with countless others like her, deserves attentive and respectful treatment in the wake of such a heinous act of sexual violence. Our bill would encourage such a response with new campus protections.

If we don't take congressional action, these and other crucial new protections in the Leahy-Crapo bill will not be able to help victims and prevent crimes nationwide. These recent events remind us that innocent lives are on the line when it comes to domestic and sexual violence. These victims of rape and domestic violence cannot wait. It is unacceptable to delay these protections. I was astounded to hear that some of the objections in the House were because we covered all women—all women—in the act, immigrants, gays, straight, Native Americans, whoever it might be.

Mr. President, I still have nightmares about some of the crime scenes I went to as a young prosecutor in Vermont at 2 and 3 o'clock in the morning. I remember seeing the battered bodies of victims, battered and

bloodied bodies of victims. I never remember a police officer there saying: Wait a minute, we have to find out whether this victim is gay or straight, whether this victim is an undocumented immigrant or a Native American. We have to determine that before we can decide whether we are going to do anything. The distinguished Presiding Officer was mayor of our Queen City of Burlington. He never would have allowed any member of the police force in that city to pick and choose. None of us would.

So let's face up to reality. Let's stop saying we can't pass this bipartisan bill because we have to limit it and we have to pick and choose who are victims. I have said it over and over again on this floor: A victim is a victim is a victim. So let's come together. Let's send the bipartisan Leahy-Crapo bill to the President without further delay. Let's stop the deaths, the beatings, and the rapes that are occurring. How many of us could pick up an article in the paper and read of one of these things and not be shocked? Every one of us, as a Member of Congress, has the ability to do something to stop this. This is an easy bill to pass. It passed by a wide, strong, bipartisan effort here in the Senate. Let's just take it up, call a vote in the House on it.

I have heard from enough Republicans and Democrats in the House of Representatives. If this bill came up for a vote, it would pass. I think it is slamming the door in the faces of people who might be abused if we don't bring it back.

Mr. President, I see the distinguished chair of the Senate Agriculture Committee on the floor, and, as I mentioned earlier, just a few minutes ago and yesterday, her leadership brought about one of the most sweeping, cost-saving, best 5-year farm bills this body has passed.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

THE FARM BILL

Ms. STABENOW. Thank you, Mr. President, and thank you to the former chair of the Agriculture Committee and a very distinguished Member who leads in so many areas, whether it is our dairy producers, whether it is organic farmers, whether it is nutrition entitlement. We wouldn't have the 5-year farm bill that we passed in the Senate without Senator LEAHY's leadership. So his words are very kind, but I am very appreciative of all he has done.

I so much appreciate our senior Senator from Vermont coming to the floor and speaking out about the need to get a farm bill done. That is why I am here today as well—to echo the Senator's words from yesterday and today. We need to get it done, as we all know. We have seen 45 days since the farm bill expired, and there is absolutely no reason whatsoever not to get this done.

Before speaking about that, though, let me also thank our chairman from the Judiciary Committee for his words about the Violence Against Women Act because every victim of crime, every victim of domestic violence needs to be covered under this law. I am very grateful for all the Senator has done to make sure all victims are covered, and that is another bill that needs to get passed in the House of Representatives.

In talking about the farm bill, I also want to say congratulations to another distinguished member of my committee, Senator GRASSLEY, for his 11,000th vote, which he cast last night. I know Senator HARKIN was here on the floor as well speaking about that—two incredibly talented members of the Agriculture Committee. I wish to congratulate Senator GRASSLEY, who has been a real champion and leader on the reforms that are in our bill—really some historic reforms in the bill. He has led that effort, and I congratulate him as he has reached a very important milestone.

Farming is the riskiest business in the world, and this year it is even riskier. I believe that because of what is happening with climate change, it will be even more risky in the future. It is incredibly important that we step up and get a farm bill that gives our farmers the tools they need to manage their risks.

In the spring, we experienced late freezes that wiped out fruit crops in a number of States, including in Michigan, where our cherry growers were just about wiped out and currently have no access to crop insurance, although part of our farm bill is creating a path for them. We are very pleased to be creating a path for them to have crop insurance, but it was devastating in the spring.

Then this summer there were record-breaking droughts that left crops withering in the fields, and in our bill we address issues of drought for lifestyle producers, which is incredibly important and, by the way, fully paid for by the savings of our bill.

Then we saw Hurricane Isaac flood croplands, and Hurricane Sandy has caused destruction like nothing we could have imagined.

In a year when there were so many reminders of the need for risk management for our farmers, there is absolutely no excuse not to finish the job and get a farm bill done by the end of this year. I am optimistic we are going to be able to do that.

I hope my colleagues will remember how we came together in June to pass the bipartisan Agriculture Reform, Food and Jobs Act in the Senate. I thank my ranking member and colleague Senator ROBERTS for his leadership in this effort. We truly did this together, working across the aisle, listening to all the Members of the Senate. As you know, we eliminated 100 different programs and authorizations that did not make sense anymore or were duplicating something else. We streamlined programs to make them work better for farmers and ranchers and we saved taxpayer money and cut $23 billion in spending.

At this time, when we are looking at coming up with a way to reduce the deficit and put us on a path for balancing the budget, I cannot imagine why we would not want to take the savings from our bipartisan farm bill and include that in this much needed agreement that we need to come to by the end of the year.

This was not only a bipartisan effort but, because it was deficit reduction, it is one of the few deficit reduction bills—maybe the only one—we actually have passed this year, and we need to make sure it gets all the way to the finish line. We cannot afford to walk away from the reforms in this bill. We cannot afford to walk away from our dairy farmers who are right now operating without any kind of safety net. The current policy does not work for them so just extending that makes no sense. It is a disaster waiting to happen. We cannot afford to walk away from our dairy farmers.

We cannot afford to walk away from livestock producers who need the permanent disaster assistance we passed in the Senate farm bill. By the way, it is in the House bill that came out of committee. That is also bipartisan.

We cannot afford to walk away from the critical priorities in conservation of our land, air, and water, of energy, not only of biofuels but the new jobs available in bio-based manufacturing, which I am seeing happen in Michigan as well as all across the country. We cannot afford to walk away from support for our specialty crop growers, fruit and vegetable growers, so important for our families' health and for the economic strength of our country as well. Also, as to forestry and nutrition, which affects so many families and so many children in schools, we cannot afford to walk away from important funding and policy reforms in each one of these areas.

We just need to get this done. This is not rocket science; it is a matter of making it a priority and spending a little bit of time and getting it done. Voters in the election made one thing very clear. They want bipartisanship. They want us to work together as we have done in the Senate, both in the Agriculture Committee and on the floor, to be able to get a 5-year farm bill. They want us to simply get things done. The House of Representatives has a chance now to follow our lead, to pass a bipartisan bill that reforms agricultural programs, that cuts the deficit, ends direct payments and other unnecessary subsidies, and gives farmers the risk management tools they desperately need going forward.

Everywhere I go I hear from farmers who say they need us to get this done. They get up early in the morning. They work hard all day. They come home late. When there is work to be done, they do it. They have to do it. They do not put it off until another day for whatever excuse. They do what has to

be done, and they expect us to do what has to be done.

Now we are 45 days past the expiration of the last farm bill. We are looking at January and beyond when a series of changes will happen automatically unless we pass a new bill. It will be very difficult on a number of fronts. We could see chaos in the markets and confusion for farmers as we revert back to what is called permanent law, which is a collection of policies from the Depression era. They are poorly suited to the way agriculture is done today. Again, it makes no sense.

We cannot let this happen. There is no excuse for not getting the bill done by the end of the year. We have done it in the Senate when everyone said it was impossible. We put the votes together in just a couple days, with 73 amendments and went through and voted on every single one of them. Then we voted to pass the bill and got the job done. Now it is time for our House colleagues to do the same. I am looking forward to working with the leadership of the House Agriculture Committee. I have great confidence that we can sit down together and produce a final bill to bring back to the Senate that will allow us to get this done before the end of the year.

Now is the time to do it. I urge our House colleagues to put this on the top of their list.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from Vermont.

DEFICIT REDUCTION AND SOCIAL SECURITY

Mr. SANDERS. Mr. President, I think the American people and Members of Congress, now that the election is over, are paying a great deal of attention to the so-called fiscal cliff and to deficit reduction in general. As we discuss deficit reduction, which is clearly a major issue for our country, it is important for us to remember how we got to where we are today. Where we are today is approximately a $1 trillion deficit and a $16 trillion national debt. I hope everyone does remember that back in January 2001, when Bill Clinton left office and George Bush assumed the Presidency, at that moment in history this country had a $236 billion surplus and economists were projecting that surplus would grow and grow in the future.

The reason, to a very significant degree, that we are where we are today in terms of the deficit has everything to do with the fact that we went to war in Iraq and Afghanistan, but we did not pay for those wars—which, by the way, by the time we take care of our last veteran, will cost us more than $3 trillion. When we do not pay for expensive wars, we add to the deficit.

When we give out a huge amount in tax breaks, as we did under the Bush administration, and a lot of those tax breaks went to the wealthiest people in this country—when we give tax breaks to millionaires and billionaires and we do not offset them, we also add to the deficit. When we pass a Medicare Part D prescription drug program written by the insurance companies—more expensive than it should be—and we do not pay for that, we add to the deficit.

In the midst of this Wall Street-caused recession, one of the points many people have not seen is that today, at 15.2 percent of our GDP, revenue is the lowest it has been in 60 years. When workers lose their jobs and businesses go under, less revenue comes into the Federal Government, adding to our deficit crisis. That, to a significant degree, is why we are where we are today.

When we talk about deficit reduction and how we go forward, there is another reality we have to address; that is, the middle class of this country is disappearing. Not only is unemployment, in real terms, close to 15 percent, but median family income in the last 10 years has gone down by over $3,000.

Meanwhile, in the midst of all that, we have the most unequal distribution of wealth and income of any major country on Earth. We have the top 1 percent owning 42 percent of the wealth in America while the bottom 60 percent owns just 2.3 percent. In the last study we have seen on income distribution, between 2009 and 2010, 93 percent of all new income went to the top 1 percent and the bottom 99 percent shared the remaining 7 percent. We are seeing a disappearing middle class—people on top doing fantastically well and very high rates of poverty.

I say all that as a prelude to suggest how we should go forward in terms of deficit reduction. The main point I wish to make is it is absolutely wrong, it is immoral in my view, and it is bad economics to move forward on deficit reduction on the backs of the elderly, the children, the sick and the poor. What we as a Congress have to do is to make several points very clear.

There are a number of folks out there talking about cutting Social Security. Let's get the facts straight. Social Security has nothing to do with the deficit because it is independently funded by the payroll tax. Let me quote maybe an unlikely source on that issue; that is, on October 7, 1984, President Ronald Reagan said:

> Social Security has nothing to do with the deficit. Social Security is totally funded by the payroll tax levied on employer and employee. If you reduce the outgo of Social Security that money would not go into the general fund to reduce the deficit. It would go into the Social Security trust fund. So Social Security has nothing to do with balancing a budget or erasing or lowering the deficit.

That ends the quote from President Ronald Reagan, October 7, 1984. I do not often agree with Ronald Reagan, but he was absolutely right.

I am very pleased that just a few days ago majority leader HARRY REID said pretty much the same thing: Don't mess with Social Security. It has nothing to do with deficit reduction. I hope very much that the Senate will agree that as we go forward on deficit reduction, Social Security should be off the table.

Many of us want to make sure Social Security is solvent for the next 75 years. How do we do it? I have ideas. Others have different ideas. But it is not part of deficit reduction.

In my view, at a time of great recession, when so many people are hurting, we must not cut Medicare. We must not cut Medicaid. There are ways to do deficit reduction which are fair. Let me suggest some of the ways we should do it.

The President has been very clear. This is what he campaigned on; that it makes no sense at all from an economic or moral perspective that we continue Bush's tax breaks for the top 2 percent, people who are making $250,000 a year or more. If we end those tax breaks, that is $1 trillion going to deficit reduction.

Right now, one out of four profitable corporations in this country, including corporations that make billions of dollars a year, is paying nothing in taxes. Some of them have actually gotten a rebate from the IRS. Before we talk about cutting Medicare, Medicaid or education, let's make sure we do away with the loopholes many large, profitable corporations are currently experiencing.

One of the particularly outrageous examples of tax avoidance that is taking place right now has to do with the tax havens that exist in the Cayman Islands, Bermuda, and in other countries. There are estimates that we are losing over $100 billion a year because corporations and wealthy individuals, instead of paying their Federal taxes to this country, are stashing their money in tax havens in other countries. That is wrong. That is an issue we must address.

Last, when we talk about deficit reduction, we have to remember we have tripled defense spending since 1997. We now spend as much money on defense—or almost as much—as the rest of the world combined. No one disagrees that there is enormous waste, bureaucracy, and unnecessary weapons systems in the Defense Department that we can eliminate while we maintain the strongest defense in the world.

Let me conclude by saying this: Yes, we have to go forward with deficit reduction but, no, we cannot and must not do it on the backs of the elderly, the children, the sick, and the poor. There are ways to do it that are fair which ask those people who are doing phenomenally well to start paying their fair share of taxes, and that is the position this Senate should take.

Thank you very much, Mr. President, and I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I ask unanimous consent to address the Senate as in morning business.

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

(The remarks of Mr. MCCAIN, Mr. GRAHAM, and Ms. AYOTTE pertaining to

the submission of S. Res. 594 are printed in today's RECORD under ''Submitted Resolutions.'')

Mr. MCCAIN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, as the Senate reconvenes this week here in Washington, many States are still working to clean up the wreckage left behind by Hurricane Sandy, the largest Atlantic hurricane on record, and the States are already making new preparations to protect against future extreme weather events.

Hurricane Sandy will be remembered both for the large area it affected and for the devastation wrought by its fierce winds and massive storm surge—more than 100 lives lost, 8.5 million homes and businesses without power, $20 billion in property damage, and possibly another $30 billion in lost business. Hurricane Sandy was no doubt an extreme weather event and she is likely to be the second costliest Atlantic storm in U.S. history at more than $50 billion.

Sandy slammed into the east coast, causing destruction from the Mid-Atlantic up through New England. The States of New Jersey and New York were hit especially hard, and our thoughts and prayers and our promise of prompt and meaningful support go out to all of those affected across the region.

In my home State of Rhode Island, moderate to major flooding occurred along the entire southern coastline, with some areas experiencing severe erosion and destruction.

Houses were swept off their foundations in our southern coast communities such as Matunuck, shown in this photo I have in the Chamber. As shown in this picture, here is our former colleague in the Senate, now Governor Chafee, inspecting the interior of a house with its front having been washed off. And you can see the neighboring cottage that is in the ocean. Other small cottages have been actually destroyed by the ocean in that location.

Beaches and dunes were driven down by the waves and wind, and thick sand and stone deposits covered up roads, as was the case on Atlantic Avenue in Misqaumicut, which was just being dug out here in this photograph.

Nearly 30 percent of Rhode Island's residents were directly affected by this storm. President Obama granted Governor Chafee's request for a Federal disaster declaration in four of our State's five counties. More than 130,000 Rhode Islanders lost power and 8 cities and towns were forced to implement evacuations. The whole State will be affected by the as of yet unknown millions in damage and lost business.

But Rhode Island is resilient. Some businesses hit hard by Sandy and the subsequent nor'easter have already reopened. Others are working hard to reopen soon. Here in this picture we can see Atlantic Avenue from the sky. And the owners of Paddy's Beach Restaurant, shown here, as well as their neighbors all along the beach, are determined to reopen for the summer tourist season.

I remember walking through this little notch here with the owners of Paddy's, and looking at this scene of devastation around them, and the owners saying: That is not so bad. We can rebuild. We will be back on our feet in no time. They already had friends and volunteers on site with hammers and shovels and saws, cleaning up and getting things put right.

The Ocean State of Rhode Island has a special relationship with the seas, and that special relationship requires that we accept challenges presented by extreme ocean weather, and it is part of our day-to-day life on the coast to be part of that proud and rewarding tradition.

But many of us recognize that this tradition, as President Obama reminded us on election night, is—to quote the President—''threatened by the destructive power of a warming planet.''

It is difficult to say whether extreme weather such as Hurricane Sandy was specifically caused by climate change. But we do know that a warming planet increases both the severity and the likelihood of these storms; that it, to use one analogy, loads the dice for extreme weather.

The atmosphere and oceans are getting warmer. We know that. As oceans get warmer, storm systems such as Sandy gather more moisture and energy from them and grow stronger. John T. Fasullo and Kevin Trenberth of the National Center for Atmospheric Research in Boulder, CO, estimate that when Hurricane Sandy struck, ocean temperatures along the east coast were nearly 5 degrees above normal, in part attributed to global warming.

Warmer oceans expand. We know that too. This expansion, along with melting glaciers and snowpack, has resulted in a measurable and continuing rise of sea levels along our coasts. And, of course, as sea levels rise, tides and waves and storms and storm surges reach farther inland.

Sandy caused a whopping storm surge. That is the column of water that is formed by the winds and the pressure system of a major storm. That surge peaked at about 5½ feet in Newport, RI, less than the 9½ feet in the Battery in Lower Manhattan but still significant.

At the Newport tide gauge, mean sea level is up 10 inches. Mean sea level is up 10 inches from our devastating famous Hurricane of 1938, and these extra inches of sea level increased Sandy's storm surge by at least that amount. Experts predict that the sea level rise will continue up to 3 to 5 feet more in Rhode Island by the end of the century.

If we do not recognize the need to reduce our greenhouse gas emissions and to prepare our infrastructure for climate change, future superstorms will be even more damaging than Hurricane Sandy. Hurricane Sandy was, in some respects, a preview of coming attractions. By 2100, the ocean will sit higher, be warmer, and feed more moisture and heat into storms. In addition, the oceans will be far more acidic, but that is for another speech.

Tomorrow, the Committee on Environment and Public Works, which the Presiding Officer serves on with such distinction, will hold a legislative hearing on the Water Resources Development Act. I appreciate very much Chairman BOXER's response to storms such as Sandy and the foresight she had to include a postdisaster program in the draft that will help States such as mine recover from extreme events such as Hurricane Sandy.

Also included is the Northeast coastal restoration program aimed at building the natural and manmade barriers and buffers that helped protect our lives, our infrastructure, and our natural resources from great storms such as Sandy.

When average temperatures rise, we can also expect daily temperature records to be broken. When the average sea level rises, we can also expect an increase in peak coastal flooding. In fact, we have seen thousands of daily temperature records broken and costly coastal flooding and the pain and damage caused by these extreme events has inevitably turned the Nation's attention to climate change.

That is why a growing chorus of voices is convinced and concerned about climate change. A University of Texas poll asked respondents in March and then again in July of this year if they thought global climate change was occurring. It is interesting. The percentage of Democrats convinced of global climate change went from 83 percent in March up to 87 percent amid the high heat and drought of the summer of 2012.

Among Independents, the percentage rose from 60 percent in March to 72 percent in July as news of the unusual weather spread around the country. Even among Republicans, the number of believers who acknowledged that climate change was prevalent went from 45 percent to 53 percent. The party whose hallmark in Congress is denial of climate change, that put forward the view that climate change is a hoax, now actually has a majority of voters who recognize this reality. So this Chamber is getting further and further apart from the reality of the public, even from the reality of the Republican public.

In the aftermath of Hurricane Sandy, Mayor Bloomberg of New York wrote:

> Our climate is changing . . . And while the increase in extreme weather we have experienced in New York City and around the world may or may not be the result of it, the risk that it may be—given the devastation it is wreaking—should be enough to compel all elected leaders to take immediate action.

The only place where denial still prevails is in Congress where polluter

money has such influence. But polluter money cannot change the facts. A study recently published in Science shows that greenhouse gases captured in air bubbles stretching back 650,000 years show that the level of carbon dioxide in the atmosphere is now 27 percent higher than its highest recorded level at any other point in that time.

This year, an Arctic monitor has registered atmospheric concentrations of carbon dioxide at 400 parts per million for the first time; the first time ever that a carbon dioxide sensor has hit this ominous milestone. For tens of thousands of years, for 800,000 years actually, 8,000 centuries, we have been in a range of 170 to 300 parts per million of carbon dioxide in our atmosphere. Now we are starting to see measures of 400. We are in unprecedented and uncharted territory.

We know we will need to adapt our coastal infrastructure to keep communities safe and prosperous in this changing climate. We will be relocating roads and bridges. We will be bolstering utilities and protecting water and wastewater infrastructure. We will be revising our flood maps and our emergency planning.

The Senate needs to do its part to ready us for adaptation in the face of a changing climate. We can address these issues in legislation such as WRDA and Defense reauthorization, even in the budget debate. But the overwhelming majority of scientists is convinced that our climate is changing, and all the evidence shows they are right.

Indeed, the evidence shows it appears to be their worst-case scenarios that are the correct ones. We must be willing to take the necessary actions to prepare both for the new normal climate change is bringing and for the new extremes climate change portends.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

THE FISCAL CLIFF

Mr. ISAKSON. I thank the distinguished Senator from Rhode Island for his hard work. I rise to talk for 1 minute about this lameduck session today. We are in the second day of a lameduck session following the elections of a week and a half ago.

We face an impending fiscal cliff. We face the end of the year. We face a day of calling, a day of reckoning. I think I have an obligation as one Member of the Senate, and I think everybody has the same obligation, to come to this floor and talk about the solutions and resolutions, not problems and what we can and cannot do.

We are in a very dangerous position. I have been in this body one other time when we faced a fiscal cliff. It was in September of 2008. I will never forget it. The markets had been collapsing. The subprime securities had been collapsing. The world was in difficult financial times. The President of the United States, at that time a Republican, brought forward a plan to solve that problem or at least to forestall the collapse of the markets and give us a chance to come back over time.

The House of Representatives rejected it and then the markets went down over 800 points in 1 day. Two days later, the Senate came back and adopted a plan to move us forward. The markets stabilized, but they were already at the bottom. They had fallen by 50 percent.

Now here we are almost 5 years later, still recovering from the depths of the drop of the market at that particular period of time. If we do not address the fiscal cliff and take the first step in this lameduck session to move forward in terms of sanity on taxation, sanity on spending, and sanity on entitlements, then we are going to put ourselves in the same position again.

I happen to think one of the best lines in President Obama's speeches in his first campaign, and he reiterated it in the last one, was when he talked about we are a country not of the red States of America or the blue States of American but of the United States of America.

My predecessor, Zell Miller, former Governor of Georgia, once said: We do not find most Georgians on the very far right or the very far left. We find them in Walmart. They want a fair deal and a fair price and a good deal and they want to be treated right. The American people want to be treated right. They do not want to see their taxes go up at the end of the year. They do not want Congress to turn its back on cutting its spending where it can. They want us to get entitlements so they are fixed for the long run, not in danger of expiring in the short term.

We are this close to being able to find common ground, if we will only take the first step by sitting down at the table. In the last 2 weeks I have heard the first step from both sides of the Democratic and Republican Party. JOHN BOEHNER, 1 week ago, acknowledged that revenues could be a part of the solution. He acknowledged he wanted to do it through tax reform. President Obama has reiterated, as he did today in his press conference, that he wanted to raise rates on those in the upper income. But when pointed to and when asked by a reporter: Mr. President, that means there is no line in the sand? That means it has to be that tax increase or nothing at all, the President refused to take the bait. He said: I will listen to other ideas. He said: I will sit at the table. He said: But it has to be meaningful common ground. It has to be plans to truly deal with our fiscal cliff, deal with our spending and deal with entitlements and deal with our taxes.

Let me just for a second, if I can, opine on what all of us know: It is a three-part problem, our debt and our deficit. It is spending. It is revenues. It is entitlements. It is not that we do not know what the answers or the solutions are. They are all on the table. They have been visited by the Gang of 6, by Simpson-Bowles, by a lot of the brilliant people in this Chamber, Senator CONRAD from North Dakota, who is unfortunately leaving us, has talked about it time and again; Senator COBURN from Oklahoma. Why don't we put those things on the table, sit down around the table and figure out a formula for success to keep us from going off the fiscal cliff?

It is one thing to gain the confidence of the world and investors and the world body politic; it is quite another to lose it. If we ever lose that confidence, if we ever go off that cliff and people no longer think this is still the greatest place on the face of the Earth to invest their money, then America has a harder struggle to come back than it would ever have by facing our problems now.

So for a brief couple minutes, I wish to talk specifically about those things that can be done. First of all, in terms of spending, we can cut discretionary spending. But we all know discretionary spending and our deficit are about equal and have been for about the last 5 years, which means if we cut all Federal discretionary spending, cancel the government for 1 year, all we are doing is balancing the budget; we are not saving any money. We all know we cannot do it totally by cutting spending, but we do know we should, which means we should bring appropriations bills to the floor, we should debate those bills on the floor, we should hold our agencies accountable, and manage things on a cost-benefit analysis—do what JEANNE SHAHEEN and I have talked about in terms of a biennial budget. Have 1 year dedicated to spending, the other year dedicated to oversight. We can find savings and we can find revenue to reduce our deficit, but that will not do all of it.

Entitlements. We have to look at entitlements. But that does not mean we take away anyone's Social Security or anybody's Medicare because I do not consider them entitlements in the first place. The Presiding Officer paid 1.35 percent of his income every day of his working life for his Medicare and he deserves to get it.

The Presiding Officer paid 6.2 percent of his income for his payroll deduction for his Social Security and he deserves to get it. But we all know those programs were started in 1968 and the 1930s and eligibility should be reformed. We should find a way to make eligibility be actuarially sound, as they did in 1983, when Ronald Reagan and Tip O'Neill raised the eligibility for me so I could not get Social Security at age 65, I had to wait until age 66.

Did I miss it? No, I did not think I would live that long in the first place. But when I did get there, I appreciated the fact that they saved Social Security for me in 1983. We need to save it for our children and our grandchildren today, and we can do it by looking at eligibility in the formula. We do not have to raise the tax or lower the benefit. We might means test the COLA in terms of Social Security, but we can

fix it if we just sit around the table and talk about it and not take away anybody's eligibility.

Medicare is tougher. We can means test benefits in terms of copayments. We can take plans such as PAUL RYAN's and give people options. Whatever we do, we can sit down around the table and find a way for the future, find a way to save the Medicare the American people have paid for.

In terms of the safety net, nobody wants to do away with the safety net. But it is time we looked at the safety net and the cost-benefit analysis and the eligibility for the benefit programs so we manage them appropriately such as you would any other expenditure of government.

Then we go to the Tax Code. That is where we are today. That is the stumbling block, seeing where we are going to move forward on taxes. Time is running out. I will be the first person to admit it would be hard to come up with a comprehensive reform in 7 weeks to fix the Tax Code.

But it would not be hard to come up with a comprehensive agreement this month, now in this session, to do it early next year and put off pushing us off the fiscal cliff. Get a new speed bump next year. Give us the time to sit down around the table and find common ground. Maybe it is means testing deductions, which raises revenues without raising rates. In fact, there is a great argument, and the argument comes from 1986, when Reagan and O'Neill again lowered the top tax rate from 70 percent to 28 percent and raised revenues in the same taxable year, all because we raised the base upon which the levy was charged.

We raised more revenue which, in the end, is the name of the game. My main point is this: We should not be sitting around twiddling our thumbs. The clock is running. We face a fiscal cliff. There are some in this Chamber who have said: Oh, we just need to go off it. We will pay the price. Then we will finally sit down and do what is right. I would, with all due respect, say that is pretty stupid. We have gone off a cliff once before in 2008. We are still reeling from it today because we did not deal fast enough with the decisions we had to make as a Congress to address the problems of the people who elected us to come and manage their affairs.

I would submit to you that it is about time the American Government did what every American family has had to do in the last 5 years: sit around our kitchen table like they have sat around theirs, talk about our income like they have talked about theirs, cut their budgets and spending where they have had to because they have had to tighten their belts. Don't you think the government ought to at least ask of itself what it has required every American family to do?

So instead of talking about what we can't find agreement on, why don't we start talking about what we can find agreement on? We don't have to just penalize one taxable class of Americans and declare a political victory but not solve our problem any more than we have some obfuscation in terms of tax reform that really is ''now you see it and now you don't.'' We can do meaningful reform that accomplishes the raising of revenues and more equity in the Tax Code, we can cut discretionary spending where appropriate, and we can reform our entitlements. Over time we can get our fiscal house in order.

The great thing about our problem is that it is not a problem that has to be solved in one fell swoop, but we have to make a commitment to begin to reduce deficits and, in turn, eliminate them so we will reduce debt. We need a game plan over the next decade that causes us to do that. When we do, we will return to the greatness America has always known. But if we don't, it will not be a good place to invest people's money, our rates will go up on our debt service, and America will have a hard time returning to the preeminence it has known.

So my message today is this: The President, in his press conference, said all issues were open on the table. JOHN BOEHNER, in his leadership remarks, said the same thing in terms of revenues a week ago. Let's sit down at that table and let's start talking about those solutions. Let's start giving ourselves meaningful goals and not just use the threat of destroying our economy and our investment in our country as a threat to cause us to do nothing. Let's do something. Let's do the people's business. Let's face the music and make it a symphony.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Ms. KLOBUCHAR). Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S. 3414

Mr. DURBIN. Madam President, I ask unanimous consent that at 4:30 p.m., the motion to proceed to the motion to reconsider the vote by which cloture was not invoked on S. 3414, the Cybersecurity of Act of 2012, be agreed to; that the motion to reconsider be agreed to and that there be up to 60 minutes of debate equally divided between the two leaders or their designees on the motion to invoke cloture on S. 3414; that upon the use or yielding back of time, the Senate proceed to the cloture vote on S. 3414, upon reconsideration.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DURBIN. Madam 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. UDALL of Colorado. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

WIND PRODUCTION TAX CREDIT

Mr. UDALL of Colorado. Madam President, I want to start by welcoming my colleagues to what I hope will be a highly productive lameduck session of Congress. We have immense challenges facing our country, but I believe we can come together and accomplish the tasks before us, hopefully in a truly bipartisan way.

As the Presiding Officer knows, one of the issues I have been really concerned about for some time is the production tax credit for wind energy, which is known by its acronym of PTC. I would like to acknowledge that the Presiding Officer's State, Minnesota, has a big presence in wind energy.

I have come to the floor, as my colleagues know—and maybe, in some of their minds, too often—I come down here every morning we are in session—just about every morning since June—to talk about the importance of extending this job-creating tax credit.

The PTC has helped create literally tens of thousands of good-paying middle-class jobs all across our Nation, it has in turn spurred the growth of the wind energy industry, and it has strengthened American manufacturing, which we all deeply care about, and it has helped free us from foreign sources of energy. That is quite a trifecta of successes, make no mistake about it. It has also underlined the fact that energy security is national security.

But as the expiration of the PTC draws near—and it draws near at the end of this year—the inaction here in the Congress has brought a dark cloud literally over this important American industry, and our workers are paying the price. Manufacturers across our great Nation and all along the wind industry's supply chain have been forced to lay off thousands of workers just in the past several months, and I wish to share one example. Vestas, which is a leading manufacturer of wind turbines that has a large presence in my home State of Colorado, has laid off hundreds of workers. Literally, hard-working Americans are losing their good-paying jobs because Congress has delayed action to extend this tax credit, which I should point out has broad bipartisan and bicameral support, so both the Senate and the House—both parties—have support for extending it. Enough is enough.

Luckily, we have made some progress. Earlier this year the Senate Finance Committee passed a bipartisan tax extenders bill that would extend a number of important tax provisions, and among them was the production tax credit. Unfortunately, this package, which is critical and is so important to our economy, has sat on the shelf for many months now. As comrades tell me, and I share with you as

my colleagues, that is just simply unacceptable.

As I mentioned, I have made these regular trips down to the floor, and what I have been able to do is highlight individual States and how the wind industry has created jobs and generated power for each of those individual States. In fact, I am 20 States in and I am nowhere near done, and that is because almost every one of the 50 States has a presence in the wind energy industry.

Today I am going to turn to Wisconsin, which has a well-established manufacturing sector historically, and that manufacturing sector has retooled to support the wind industry. In fact, if you look at the map here, Wisconsin has over 22 manufacturing facilities that make parts for the wind energy industry.

In addition to the manufacturing sector, Wisconsin has also made big gains in wind power generation. So you can build turbines, blades, the towers, and the cells, but also, if you have a wind resource, you can then harvest that wind. Wisconsin has made big gains in harvesting that wind.

The farms there, the wind farms, already provide enough electricity to power 150,000 homes, and the projects that are currently proposed in Wisconsin could multiply that number fourfold. If you look at the economic implications, they are very impressive. In fact, according to the National Renewable Energy Lab, which I have to say is located in Colorado, if even half of the proposed projects were completed, they would provide a cumulative economic benefit of over $1 billion. That is $1 billion. Let's do our part in helping make that investment happen by extending the production tax credit.

As I have pointed out, the PTC has helped these Wisconsin facilities prosper and grow, but this looming expiration would threaten some 3,000 jobs that are supported by this industry in Wisconsin.

It is also important to note that when the big companies that gain some of the attention in the wind energy world, such as Siemens or Vestas, announce layoffs because of uncertainty over the PTC, there are a lot of other small businesses in the industry that are affected by those decisions. There are literally thousands of parts in a wind turbine—some 8,000, to be exact. So when you see the industry take a step back, a lot of those small businesses are affected, and they feel the downturn as well. We all are really concerned about those families and those communities and the small businesses that are hurt by those sorts of job losses in Wisconsin and all over our country.

As I close, Madam President, there is a tremendous amount of work the wind energy industry has done to help restore America's manufacturing base. With all of that potential looming in front of us, we just can't let our inaction stand in the way.

My message to all of us is pretty simple. We need to pass the production tax credit as soon as possible. PTC equals jobs, and we need to pass it ASAP. I can't say it enough times. There is no reason for this delay. It has caused the loss of good-paying jobs, and it has set back our energy independence goals. If we don't act soon, foreign competition will get the upper hand and pass us by. There is no question that the rest of the world is moving very quickly to implement their own wind energy projects and to build the wind energy turbines. Let's not let this scenario become a reality. Let's move in the way the Senate Finance Committee has shown us we can move. Let's extend the PTC here in the Senate. I know the House could follow suit.

Simply put, let's just pass the production tax credit as soon as possible. If we are focused on the economy, if we are focused on jobs—it is what we heard from the voters just a short week ago—let's get the production tax credit extended.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

THE FISCAL CLIFF

Mrs. HUTCHISON. Madam President, I think we all know that everybody in America is pretty much talking about the fiscal cliff, and that what will happen at the end of this year will have an enormous impact on the economy of our country and its future. There is no doubt about it. In fact, the nonpartisan Congressional Budget Office projects that the impending tax hikes that will take effect at the end of this year if we don't do something along with the spending cuts called sequestration would plunge us into a recession in the first half of 2013. It would also set off credit downgrades and drive up interest rates on credit cards, mortgages, and personal and government debt. They predict unemployment will rise above 9 percent, and the cuts in spending, half of which will be in the defense sector, certainly is going to leave America vulnerable.

If there is anything Congress and the President are responsible for, it is the national security of our country. We can stop this fiscal cliff.

We can answer the calls of the American people who have said clearly, loudly, and repeatedly: Get together and make things happen.

I am happy to see our distinguished Madam President is sitting in the Chair and agreeing because we know there is common ground. We have seen groups of our Senators, Republicans and Democrats—a Gang of 6, a Gang of 8, the Simpson-Bowles Commission, all of these entities—that were bipartisan in nature and they came up with solutions. Did we agree with 100 percent of what was in those plans? No. But there are nuggets we can start from, and what we have to do is sit down and start.

Republicans are saying tax increases in this economy are not the right formula. We know if we tax 100 percent of every person who makes over $200,000 it is not going to affect the deficit. It is not going to have the impact I think people expect when they hear: Oh, we will tax the rich, since it will not affect us, and that will solve the deficit problem. It will not. It will have no impact on the deficit.

Who will be hit if these tax increases go into effect—which they automatically will at the end of December if we don't do something? Who will be hit? Well, it is going to hit the middle class, small businesses, family farmers, retirees, and married couples.

If the individual income tax brackets are not extended, the current six brackets will be five brackets. It will revert to pre-2001. The lowest end is the one that is going to go up in percentage the most. The 10-percent bracket will go to 15 percent, and the 15 percent stays at 15 percent. So the people who were paying 10 percent will now go to 15 percent if we don't do something.

The rates of the remaining four brackets will also increase: 25 percent becomes 28, 28 to 31, 33 to 36, and 35 to 39.6, almost 40 percent. On top of that is the individual alternative minimum tax. We have each year extended the tax relief for what we call the AMT, the alternative minimum tax.

The alternative minimum tax was put in place to target a few millionaires. Now, because of inflation and wage increases, it is targeted right at the middle class. Unless that relief is renewed this year, it will boost 2012 taxes for 31 million Americans in the $30,000 to $40,000 wage range.

Now, really, do people making $30,000 or $40,000 deserve to have a new alternative minimum tax on top of the tax they are going to pay, which will be 25 or 28 percent? I don't think so, Madam President, and it is not what the AMT was meant to target.

The increase in tax rates are going to certainly affect our small businesses. The economic engine of America is small business. The economic engine of America is not big business, although big business is very important, and it is not government. It is small business. Over 60 percent of the jobs created in America are created by small business. Yet they are the ones who are not hiring. They are the ones who see their slim margins of profit getting so much slimmer they are not hiring people because they think the costs are going to be higher because of the new taxes that are impending.

Seventy-five percent of small businesses pay taxes at an individual rate because they are S corporations or are flow-through businesses. So if we look at them and then look at those rate increases, that is going to be an immediate impact on every small business owner who is organized in that way. With over 20 million Americans still looking for work, do we really want to have this kind of economic hit? We need our small businesses to feel confident, and so we need stability.

I have talked to so many small businesspeople in the last month as I have been out talking to people in my home State and in other States. What most of them say comes down to they just need to know what their tax liability is going to be, and they need to know it is going to stay that way for a while. That is how they make their plans. They do not want to hire someone if we are just going to have a 6-month fix or a 1-year fix or a 2-year tax policy. A 2-year tax policy is a nightmare for businesses because they cannot make a long-term plan. They can't have a strategy that puts three more people on the payroll and then have those costs go up at the end of that 2-year period.

It is important we give our businesses stability and that we show we understand they are the economic engine of America and that we want them to succeed and to hire people and give new jobs and get this unemployment rate well below the nearly 8 percent that it is now down into the 6-percent or 5-percent range.

Now, let's talk about the elderly. All of these years I have heard people talking about the importance of saving for retirement, and we have encouraged people to do that. The people who have done that are looking at a huge tax increase.

Madam President, I ask unanimous consent to speak for up to 10 more minutes.

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

Mrs. HUTCHISON. These are people who have done the right thing. They have saved. They have tried to make sure they didn't need any kind of government handout. They have earned Social Security—and that is not a government handout—and they want to know they can make it living the lifestyle they want to live because they have saved. But here we are talking about raising their taxes on the dividends of any stock they might have invested or might have been in their company 401(k) plan, and we are talking about raising the capital gains rate.

In fact, the dividends rate could be as much as 39.6 percent. Nearly forty percent on dividends is going to kill a plan for retirement, and it is just not right to change the rules when we have had a lower dividend tax rate or capital gains tax rate for people who have done the right thing and saved for their own security. That is what will make a strong economy, and for our retirees to be able to get the rest they deserve.

What about married couples? One of my longstanding priorities in the Senate has been to make sure we have a level playing field on deductions of State and local taxes. Some States have income taxes, some States have sales taxes, some have both, and a few have neither. But for those who have both, we give them the choice of a sales tax deduction or income tax deduction. That means on their Federal income tax they don't pay taxes on the taxes they pay. If they are paying a State income tax or a State sales tax, they should be able to deduct at least one of those because there is no reason to be taxed on taxes. The sales tax deduction expired at the end of last year. If we don't renew it, the people who have sales taxes and no income tax are going to be severely disadvantaged.

In my home State of Texas, that makes at least a $500 difference to every person who takes those deductions. That can be a lot for 2 million Texans who claim this deduction, to have an average of $500 they are paying on taxes. So it is not a level playing field if we don't renew that extension. There are eight States that have no income tax, and they do have sales taxes. So I am hoping we will have that kind of parity in taxation, which we must do by the end of the year to allow that equity to take hold.

A second priority of mine is the marriage penalty. I passed the original amendment that would double the standard deduction for married couples. This has been a hugely popular tax deduction because in the past, when two single people got married, they would go into the higher bracket, and they would not get a double standard deduction. Prior to 2001, 25 million couples paid a penalty for being married, and the average cost to them was $1,400. As an example, if a Houston policeman, with a taxable income of $50,000, is marrying a data entry clerk who makes $30,000, they are going to have a tax increase of about $800 a year because the marriage penalty will come back at the end of this year.

We enacted relief in 2001. It was my amendment. And I hope we will not leave here December 31 of this year without renewing the marriage penalty tax relief. It will mean $800 for married couples, as an average, and, for sure, that is something they deserve when they get married. They shouldn't have to pay more for their decision to get married. So if we don't extend the tax cuts that are in place right now, at the end of this year we are going to see tax relief for the middle class, small businesses, family farms, retirees, and families go away. That relief will go away, and all of their taxes are going to go up. That is not even counting the surcharges that are going to take effect January 1 of next year in the health care law on dividends and capital gains.

So if the dividend rate goes back up to 20 percent, it is going to be 23.8 percent. If someone is in the 39.6-percent bracket, it is going to be 43.4 percent. So it is something we must deal with.

The other side of the equation is spending. Madam President, we must do something about the $1 trillion deficits we have had year after year after year that have made this debt go up from $10.6 trillion 4 years ago to $16.2 trillion today. We are about to hit our debt limit, and that means we are going to have to increase the debt that is already a wet blanket on this economy.

So, Madam President, we must come together.

We can do it. We can cut spending. We can address entitlement reform that will bring our entitlements into an actuarial soundness. Social Security and Medicare have already sustained enormous cuts in the health care plan that was adopted 2 years ago, and we can't sustain either of those programs if we continue to go in the direction we have been going.

So rather than the sequestration—which is going to take more than $1 trillion out of federal programs, half of which is going to come from defense—we have got to do something about it now.

We have a 10-year plan that could cut the deficits. But we have got to do more. We have got to enact the next step in budget cuts, and it has got to include entitlement reform, in my opinion. I know there are disagreements about that, but that is the argument and the discussion we need to have. It is our responsibility.

We should be using this time—today, tomorrow, this week—to start putting together a framework of discussions, because we will be in session from the end of November probably up until right before Christmas, and the American people deserve to have a solution, something that assures small business that they can count on a tax structure that is fair, that can allow them to make a reasonable profit, and allow them to hire more people.

We have got to cut spending so we can manage this government in a responsible way without it encroaching on the vibrancy of our economy. That is our challenge. I hope this Congress is up to it.

Madam President, I yield the floor.

CYBERSECURITY ACT OF 2012

The PRESIDING OFFICER. Under the previous order, the motion to proceed to the motion to reconsider the vote by which cloture was not invoked on S. 3414, the Cybersecurity Act of 2012, is agreed to, the motion to reconsider is agreed to, and there is up to 60 minutes of debate equally divided between the two leaders or their designees.

The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Madam President, I want to begin by thanking the majority leader, Senator REID, for being as steadfast as he has been in pursuit of a law that will protect America from what I think most security experts would say today, surprisingly, is the most serious threat to our security and to our economy, which is from cyber attack and cyber theft.

The majority leader, with the authority he has over our schedule, has now pulled up the Cybersecurity Act of 2012, S. 3414, for reconsideration; that is

to say, to reconsider the cloture vote that was held in August and failed to get 60 votes, much to my disappointment. I am very grateful that Senator REID now gives the Senate a second chance to do something to protect the American people from cyber attack and cyber theft.

If you look at what has happened since the cloture vote on the Cybersecurity Act failed back in August, I think you will see how urgently we need to seize this opportunity to at least vote to proceed to the Cybersecurity Act. Senator REID has made clear that he would allow a finite number of amendments—finite because, after all, we are in a postelection so-called lame-duck session. The amendments can't go on forever. But a finite list would allow there to be a discussion and vote on the major concerns people still seem to have with the compromised bipartisan Cybersecurity Act of 2012.

I appeal to my colleagues: Don't be recorded as no. Say yes to at least allowing a discussion of cybersecurity legislation here, offer some amendments, and then, of course, understand that we are not a unicameral legislature, to say the obvious. If—as I hope—we can pass cyber security legislation here, it has to go to conference with the House that I would say has—describing it diplomatically—a different position than as reflected in the Cybersecurity Act of 2012 that emerged in part from the Homeland Security Committee; which is why I have the honor of managing this debate, brought out with the strong support from my ranking member and dear friend Senator COLLINS of Maine, and then working together with Senator FEINSTEIN, the chair of the Senate Intelligence Committee, Senator ROCKEFELLER, the chair of the Commerce Committee, and Senator CARPER, who has had a real interest in cyber security and is a leader on the Homeland Security Committee. We bring this legislation forward.

We are being given a second chance to raise our defenses against rival nations, enemy nations, industrial spies, cyber terrorists, organized anti-American nonstate actors, and international organized criminal gangs who are constantly probing our computer networks for weaknesses that they can exploit to steal industrial secrets, to take some of the best results of American innovation and entrepreneurship overseas and, with it, the jobs that come with those secrets. And, of course, to sabotage critical infrastructure—powerplants, financial systems, telecommunications systems, water systems, and so on and so on—which are the systems that we depend on in our society for our quality of life, for our freedom of expression, so many of them owned by the private sector and managed and controlled now, operated, by cyber systems over the Internet and, therefore, subject to cyber attacks.

That is what this bill is about, creating standards for public-private cooperation to raise our defenses against cyber attack and cyber theft. Everybody you talk to in the public or private sector says today that we are vulnerable to attack. This bill only relates to the most critical cyber infrastructure whose compromise, whose attack, whose disabling would result in mass casualties, catastrophic economic loss, and assaults on our national security.

So let me come back to what I said. The best arguments for this bill and for voting on the motion to proceed and going to the bill are not the arguments, frankly, that I will make on behalf of the bill but the facts that have occurred and the limited amount of time since August when this initial vote to proceed to the Cybersecurity Act occurred.

On August 15, just 2 weeks after the last cloture vote, a computer virus called Shamoon erased the hard drives of 30,000 computers owned and operated by Saudi Aramco, one of the world's largest energy companies. What happened as a result of the erasing of those hard drives, the data files were replaced with images of burning American flags. It is pretty clear who carried out this attack. The computers were rendered useless and had to be replaced and restored. Some cyber experts that I trust say this was the most destructive cyber attack against a private company in history. A similar attack was carried out on the Qatari natural gas company called RasGas. Remember the burning American flags? Iran is suspected as the attacker in both instances.

Thanks to quick work, really extraordinary work by Aramco and many of the world's leading cyber security technologists and experts, the damage to Saudi Aramco was contained. But this attack could have thrown global oil markets into chaos and a lot of economies—including ours—into greater stress than we are already in if orders couldn't be filled or shipments made.

That was August, 2 weeks after the last cloture vote on the cyber security bill. Then in September, the consumer Web banking sites of some great American financial institutions—Bank of America, JPMorgan Chase, Wells Fargo, PNC Bank, and some others—came under the largest sustained denial of service attack in history. As I am sure most of my colleagues know, this is when the Web sites are essentially overloaded, they are flooded, to make it impossible for them to stay up and provide the service they normally do. These attacks went on in different waves for weeks, knocking many of these sites that are very important to commercial life in our country offline or slowing them to a crawl. Just take a look at how much commerce is now conducted over the Internet and I think you can see the potential catastrophe here. These kinds of attacks really could bring our banking system and the economy to its knees. Again, some intelligence officials that I respect suspect that Iran or its agents launched these attacks against the American banks.

Defense Secretary Panetta warned in a recent speech that these and other cyber attacks show that we are approaching a cyber Pearl Harbor where:

> An aggressor nation or extremist group could use these kinds of cybertools to gain control of critical switches . . . [and] derail passenger trains, or even more dangerous, trains loaded with lethal chemicals.
>
> They could contaminate the water supply in major cities, or shut down the power grid across large parts of the country.

That is not science fiction. That is not an alarmist. That is the Secretary of Defense of the United States, Leon Panetta, issuing a warning based on what anybody who works in this field knows is reality.

In recent weeks, we have watched one section of our country—in this case the Northeast, including my own State of Connecticut—hit by Hurricane Sandy and then a follow-on northeaster storm, losing power. Some parts of New York and certainly New Jersey were hit harder than Connecticut, but we were hit pretty hard ourselves. Some still are without power, and this is the third week since the hurricane. This is exactly the kind of dislocation and suffering that would occur if an enemy cyber attacked America's electric power system. It is why we need to at least vote to take this bill up now with a sense of urgency in this session. Time is not on our side.

The elections are over. The American people through their votes have told us in a clear and certain voice that they want us to work together to solve the many challenges our Nation confronts. I know we are focused on avoiding going over the fiscal cliff and the challenge to Congress is, Can we solve our fiscal problems? Can we come to a bipartisan compromise before we go over the cliff?

In this case of cyber security and cyber vulnerability, the challenge before us is, Can we come to a bipartisan agreement compromise—and we think we have in the bill before us—and create and improve our defenses before a catastrophic cyber attack occurs, as it surely will, and then we come rushing back to raise our defenses, as we did after 9/11, after we have suffered an attack?

Mr. WHITEHOUSE. Mr. President, will the Senator yield for a question?

Mr. LIEBERMAN. I will.

Mr. WHITEHOUSE. I want to ask the distinguished chairman, who referenced the important word, ''compromise,'' if he has spoken about the extent to which this bill reflects not only the original bipartisan compromise between himself and his ranking member, Senator SUSAN COLLINS of Maine, but then a second compromise done to reach further to our Republican colleagues that is actually already embedded in this bill. I think it is important for the people who are watching and listening to us to recognize that not only was this an original

bipartisan bill that was the product of bipartisan compromise and discussion, but then a further unilateral step was taken by the distinguished chairman to move even more toward Republican colleagues. So it is not only a compromise but double compromise that is on the Senate floor right now.

Mr. LIEBERMAN. I thank my friend from Rhode Island. I thank my friend for his interest in the area of cyber security and for his leadership. I have not talked about that yet—and I will right now—which is to say, following the advice of most of the experts of both political administrations and experts outside, one of the centerpieces of our original bill was to create a public-private process—government and people who live in these sectors of our economy—to draft best practices, not to have them imposed by the Government, and then to make it mandatory within a set period of time, and that these practices, these standards, would be general principles, not all do's and don'ts, to leave room for the private sector to come up with the best way they thought they could meet those standards.

Opponents, particularly the business community, and some of our friends on the other side, have said to us that they fear that would be more regulation of business. Senator COLLINS, my ranking member and dear friend, is a leading advocate of regulation reform and lighter regulation on business. But she said over and over with such credibility and force: This is not regulation of business; this is protection of our homeland security, of our economy. You reform regulation when the regulations seem to be too much and get in the way of economic growth. We have a threat that is today stealing billions of dollars of American innovation, taking jobs elsewhere in the world.

OK, we had it mandatory, but it was clear we were not going to get to 60 votes. I have said over and over, one of the problems we have in Congress now is people seem to say if they do not get 100 percent of what they want, they are not going to vote for a bill. So I had to listen to my own words because if they wait for 100 percent of what they want on a bill, everybody is going to end up with zero percent. We might as well try to get done what we agree on. So we took a big step, which was to make those mandatory standards voluntary.

Then we threw in an incentive, which is a lot—partial liability, immunity from liability in the case of a cyber attack—as an encouragement for those companies that voluntarily opt into the standards that the voluntary process would set up that gets some immunity from liability for prosecution.

Incidentally, President Obama has made very clear, first, that he totally gets the seriousness of this challenge to our security, this cyber challenge to our security and our prosperity. He has supported this legislation, but he has gone one step further now and said if we fail to pass legislation, he will issue an Executive order that does as much as an Executive order can do to protect America better from cyber attack and cyber theft.

The President does have the authority to issue an Executive order that will establish standards for cyber security for all 18 critical infrastructure sectors under existing law and require those sectors to be implemented in certain areas where the regulators have the power to mandate such observance of the standards. A draft of such Presidential order is now being circulated, but the President does not have the power under existing law to offer a lot of the benefits that our bill would give private sector owners of critical infrastructure.

For one thing the President does not have the ability to offer the private sector owners the liability protection I have just described. In addition, needed changes to law that permit private companies to share cyber security threat information among themselves and with the government will go unmade. So both sides in this debate have acknowledged that this is a critical piece in any bill. But it cannot be implemented by executive action. We are the lawmakers. We have the ability to protect our country better than the President does by Executive order. I have appealed to the President that if we are not able to act here that he should issue this Executive order. I am very encouraged by the work done on it, and I am confident that if we fail to act the President will act. I think he has a responsibility to act because if we fail to act we are leaving the American people extremely vulnerable to a major cyber attack. Therefore, although the legislation is preferable, an Executive order will certainly give the American people protection.

I have more to say, but I note the presence on the floor of my colleague and partner in this pursuit, the chair of the Senate Intelligence Committee, Senator FEINSTEIN. If she would like to speak, I will yield the floor to her.

Mrs. FEINSTEIN. I would, and I thank my colleague.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Madam President, if I may, I want to compliment Senator LIEBERMAN on his steadfast determination to get this bill passed. I think he and his ranking member, Senator COLLINS, have done a very fine job. I think it is important for everyone to know about those hours when we sat down with other Members trying to negotiate something people might agree to on this cyber bill. Unfortunately, we could not.

I am very worried. I am very worried there will be a major cyber attack on this Nation. I do not say that without intelligence to back it up. On the Intelligence Committee, we receive regular warnings from the Intelligence Community that tell us cyber attacks are increasing in number, sophistication, and damage.

Unfortunately, despite significant changes made to the Cybersecurity Act that Senator LIEBERMAN, Senator COLLINS, Senator ROCKEFELLER and I agreed to in July and August, many on the other side of the aisle filibustered the bill. Since that time we have learned of additional major cyber attacks.

In October and September of this year, at least nine major U.S. banks were hit by a series of attacks that blocked their customers from accessing their banking information or making online transactions. This list of victims includes the country's largest, most sophisticated financial institutions: the Bank of America, JPMorgan Chase, Citigroup, the U.S. Bank, Wells Fargo, PNC, Capital One, BB&T Corporation, and HSBC—all cyber attacked.

These attacks systematically hit banks for 5 weeks. They disrupted traffic at each bank for a day or two before moving on to the next victim. It was a well planned and coordinated cyber attack from bank to bank to bank to bank. It disrupted the banking system, but it did not destroy it. But that doesn't mean the attackers do not have the ability to destroy it. This is a real wake-up call, and I think we ignore it at our own peril.

I have come to believe it is negligent to fail to pass a bill with the warnings that are out there today. I remember, I was on the Intelligence Committee when the CIA Director, then-Director Tenet, came before the committee in the middle of the summer in 2001 and said to us: We anticipate an attack. We don't know where. We don't know when. That attack came, and it was 9/11. Today there is the same anticipation of a big attack, a big cyber attack. And we need to put in place the legal procedures to prevent that.

Let me mention other recent cyber attacks. In August, a foreign country or organization used computer code to destroy 30,000 computers at the world's largest energy company, that is Saudi Aramco, and that is Saudi Arabia's state-owned oil company. How is this done? According to the New York Times, the cyber attackers ''unleashed a computer virus to initiate what is regarded as among the most destructive acts of computer sabotage on a company to date. The virus erased data on three-quarters of Aramco's corporate PCs—documents, spreadsheets, e-mails, files—replacing all of it with an image of a burning American flag.''

If anything is a harbinger of things to come, that is clear. Why would one put their signature on a major cyber attack by showing burning American flags unless they had some additional intent against the U.S.? We cannot underestimate the threat. To do so is sheer negligence on the part of this body.

In the 5 months from October 2011 through February 2012, over 50,000 cyber attacks were reported on private and government networks with 86 of

those attacks taking place on critical infrastructure networks. So we have 86 attacks on critical infrastructure networks.

Keep in mind these 50,000 incidents were only the ones reported to the Department of Homeland Security. So they represent but a small fraction of cyber attacks carried out against the United States. This year, 2012, Nissan, MasterCard, and Visa joined the ranks of other major companies already hacked—Sony, Citi, Lockheed Martin, Northrop Grumman, Google, Booze Allen Hamilton, RSA, L–3, and the U.S. Chamber of Commerce as victims of hacking last year.

We also know that last year for at least 6 months, 48 companies in the chemical, defense, and other industries were penetrated by a hacker looking to steal intellectual property. The cyber security company Symantec has attributed some of these attacks to computers in Hebei, China.

Here is the point. We know we are being attacked by other countries. I hear it in the Intelligence Committee. It is classified so I cannot go into it here. But suffice it to say that we know it is happening. Things are only going to get worse, as Secretary Panetta said in a recent major address in New York. Let me just read one section of his speech:

> The collective result of these kinds of attacks could be a cyber Pearl Harbor, an attack that would cause physical destruction and loss of life. In fact it would paralyze and shock the nation and create a new, profound sense of vulnerability.

Members of the Senate, we are warned. We are warned clearly, we are warned directly, and we are warned by the Head of Cyber Command, General Alexander, as well as the Secretary of Defense. Yet we do nothing.

I strongly believe we need to pass this bill. Then it will go to the House. And then there will be a conference. Along the way, there will have to be some accommodations made. But, there is no reason for this Senate, knowing what we know, not to pass this bill.

We also know the President would sign this bill, and we know the President would not sign the House bill as is. So we have an opportunity by moving forward with this bill.

I want to remind my colleagues of efforts made to negotiate an agreement on this bill. Before the bill came to the floor in July, and while the Senate was considering it, there were numerous meetings every day by a dozen or more Senators. The authors of the bill met with Senators McCain, Chambliss, Hutchison, the sponsors of the SECURE IT Act, as well as Senators Kyl and Whitehouse, and a group they convened. We had multiple meetings with the U.S. Chamber of Commerce. The Chamber's largest concern with Title VII on information sharing was over the liability protections in our bill—which is what the Intelligence Committee staff worked on and prepared.

I asked the Chamber where they thought our language was deficient. I asked them if they could improve on the immunity provisions, to please send us bill language. Did they? No. They did not. I think that is some testimony that is worth thinking about.

Over the summer, the majority leader offered to vote on a set list of amendments. He asked if the minority could put together the 10 votes it wanted, and as long as they were relevant and germane to the bill, we would consider them. No list was provided. So we voted, and by a vote of 52 to 46, cloture was not invoked.

Again, after the vote, the staff from both sides of the Homeland Security Committee, the Commerce Committee, and the Intelligence Committee held numerous meetings to negotiate a compromise. The effort did not succeed. So if we are to address the major problem of cyber attacks and potential cyber warfare, we have no option but to bring the Lieberman-Collins bill back on the floor.

I know my time is limited here today. And I know the Nation's cyber laws are woefully out of date. Let me touch on one more thing regarding the information sharing part of the bill. I received a call from a CEO of a high-tech company about the homeland security portal or exchange, as we call it in the bill. That CEO said, We would like our information to go directly into the Department of Defense. Let me note that would create a big problem. It created a problem with a number of U.S. Senators who are concerned about the military getting this kind of cyber information. And it created a big concern with the privacy organizations throughout our country. So it was changed so that the portal would be run most likely by Homeland Security. But here is the point I wish to make. The transfer of cyber information is with the click of a mouse. It moves instantaneously, so that as information——

The PRESIDING OFFICER (Mr. CASEY). The time of the Senator has expired.

Mrs. FEINSTEIN. I ask unanimous consent for 1 minute to conclude.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mrs. FEINSTEIN. So as information comes in, it goes instantaneously into the correct area. The CEO who called me said, I didn't know that. Thank you. I have no problem with that.

So I would ask my colleagues who have voted against this bill to reconsider. We are never going to do the perfect bill. The bills are going to have to be changed and amended as time goes on. But I think passing a bill is important. I think to leave this country vulnerable, not to pass a bill because somebody doesn't like this part or that part, is negligent, it is irresponsible, and God forbid if we have that major cyber Pearl Harbor that Secretary Panetta referred to in his speech. I urge my colleagues to pass this bill.

I thank the Chair for the extra time, yield the floor and ask that my remaining remarks be printed in the RECORD.

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

Let me describe what the information sharing title does specifically.

First, title VII explicitly authorizes companies to search for cybersecurity threats on their own networks and to take appropriate actions to defend their networks against these threats.

Many companies monitor and defend their own networks today, in order to protect themselves and their customers.

But we have heard from numerous companies that the law in this area is unclear, and that sometimes it is less risky, from a liability perspective, to just hope attacks don't happen than to take additional steps to defend themselves.

So this bill will make the law crystal clear by giving companies explicit authority to monitor and defend their own networks.

Second, the bill clearly authorizes private companies to share cyber threat information with each other.

There have been concerns that antitrust laws or other statutes prevent companies from cooperating on cyber defense. This bill, section 702, clearly says: ''notwithstanding any other provision of law, any private entity may disclose lawfully obtained cybersecurity threat indicators to any other private entity in accordance with this section.''

Third, the bill authorizes the government—which will largely mean, in practice, the intelligence community—to share classified information about cyber threats with appropriately cleared organizations, such as companies, outside of the government.

Today, only government employees and contractors are eligible to receive security clearances and therefore gain access to national secrets. To put it another way, those with a valid ''need to know'' national security secrets are usually within the government or working for the government.

That isn't true for cyber security. The companies that underpin our Nation's economy and way of life have a ''need to know'' about the nature of cyber attacks so they can better secure their systems.

So under this bill, companies able to qualify to receive classified information will be certified and then be able to obtain classified information about what cyber threats to look out for.

Fourth, the bill establishes a system for any private sector entity—whether a power utility, a defense contractor, a telecom company, or others—to share cyber threat information with the government.

This is the piece that General Alexander—the Director of the National Security Agency and the Commander of U.S. Cyber Command—says is absolutely necessary for the protection of the United States.

Here is how the provision works:

The Secretary of Homeland Security, in consultation with the Attorney General, the Secretary of Defense, and the Director of National Intelligence, would designate a federal cybersecurity exchange. This would be an office or center that already exists, and already shares and receives cyber threat information.

Private companies would share cyber threat information with the exchange directly. The exchange must be a civilian entity; I expect it would be within the Department of Homeland Security.

Let me stop there. Why not have this portal or exchange be in the military or the NSA? There are two reasons:

First, we are talking here about the protection of the government's network—the dot.gov network—and the computer systems outside of the government. We are not talking about protecting the dot.mil network and the Department of Defense, and we are not talking about actions that the military takes overseas. Protection of the private sector—of the electrical grid or Wall Street—is simply not the military's or NSA's responsibility.

Second, there is, for good reason, major concern among privacy advocates not to have private sector information, which could include Americans' banking records, or email traffic, or health care records, being shared by companies with the military or intelligence community.

In drafting this bill, we heard from several Senators for whom having a military exchange was a complete non-starter. We worked with Senators Durbin, Franken, Coons, Akaka, Blumenthal, and Sanders, and others to craft this language putting a civilian entity in the lead.

General Keith Alexander, the Director of the National Security Agency, also supports this model. He wrote, in his July 31 letter to Senator Reid: ''The American people must have confidence that threat information is being shared appropriately and in the most transparent way possible. That is why I support information to be shared through a civilian entity, with real-time, rule-based sharing of cyber security threat indicators with all relevant Federal partners.'' General Alexander is the top military and intelligence official on cyber saying that he supports a civilian exchange.

So we have the Federal exchange. Companies will use the exchange, as a portal and information will be sent automatically and instantaneously to other parts of the government. This is what General Alexander was describing.

This part is critical. We are not talking about information going to an office in the Department of Homeland Security and waiting for someone to look at it and figure out whether to share it and with whom.

This is an automatic, instantaneous process. Information comes in and is automatically shared with other departments and agencies.

The bill requires that procedures be put in place so that information is shared in real-time. This has to be done automatically, so that cyber defense systems can move to identify and disrupt a cyber attack as it is coming over the networks.

I discussed this recently with a CEO of a high-tech company. He was concerned that information wouldn't reach the Department of Defense. I explained that our bill would provide instantaneous sharing to DOD. He said that would satisfy his concerns. So this is a major point.

Having a single focal point is also more efficient for the government. It will help eliminate stovepipes because right now there are dozens of different parts of the government receiving information from the private sector about the cyber threats they are encountering, and no one agency has the responsibility to ensure the information is shared with other parts of the government.

It would also make privacy and civil liberties oversight easier, as I will describe in a moment. Finally, it should save tax payers money, because it is more efficient to manage and oversee the operation of one designated cybersecurity exchange versus a half dozen or more parts of the government.

Now let me describe the liability protections, because that is a critical part of title VII.

Section 706 of the bill provides liability protection for the voluntary sharing of cyber threat information with the federal cybersecurity exchange.

The bill reads: ''no civil or criminal cause of action shall lie or be maintained in any Federal or State court against any entity [meaning a company] acting as authorized by this title, and any such action shall be dismissed promptly for . . . the voluntary disclosure of a lawfully obtained cybersecurity threat indicator to a cybersecurity exchange.''

In other words, a company is immune from lawsuit if it shares cyber threat information with a Federal exchange.

The same immunity applies to:

Companies who monitor their own networks;

Cybersecurity companies who share threat information with their customers;

Companies that share information with a critical infrastructure owner or operator; or

Companies who share threat information with other companies, as long as they also share that information with the Federal cybersecurity exchange within a reasonable time.

If a company shared information in a way other than the five ways I just mentioned, it still receives a legal defense under this bill from suit if the company can make a reasonable good faith showing that the information sharing provisions permitted that sharing.

Further, no civil or criminal cause of action can be brought against a company or an officer, employee, or agency of a company for the reasonable failure to act on information received through the information sharing mechanisms set up by this bill.

Basically, the only way that anyone participating in the information sharing system can be held liable is if they are found to have knowingly violated a provision of the bill or acted in gross negligence.

So there are very strong liability protections in this bill for anyone that shares information about cyber threats—which is completely voluntarily.

In addition to narrowly defining what information can be shared with an exchange, our bill also requires the Federal government to adopt a very robust privacy and civil liberties oversight regime for information shared under this title. There are multiple layers of oversight from different parts of the executive branch, including the Department of Justice and the independent Privacy and Civil Liberties Oversight Board, as well as the Congress.

Consider this: In October, General Alexander—the Director of the NSA—and Anthony Romero, the Executive Director of the ACLU, spoke together on a cybersecurity roundtable at the Woodrow Wilson Center. General Alexander praised title VII's approach to information sharing, and Mr. Romero said ''I think it strikes the right balance.'' It is not often that the Director of the NSA and the Executive Director of the ACLU agree on legislation. If they can, I would hope that the Senate can come together as well.

The time to act is now. The cyber threat we face is real, it is serious, and it is growing. The country is vulnerable, and this legislation is essential. I urge my colleagues to support the motion to proceed and to support the bill.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Senator GRASSLEY, who is scheduled to speak next, has been kind to give me 45 seconds, so I appreciate that.

In July and August, the cosponsors of both the underlying bill, the Lieberman-Collins bill, and the SECURE IT bill, of which I am a cosponsor, met regularly, and I was hopeful we could resolve the significant differences between these two bills. Unfortunately, we did not reach an agreement, and even though we had been promised an open amendment process on this underlying bill, the majority leader once again filled the tree and filed cloture. Unfortunately, nothing has changed since then, so I am compelled to do the same thing today.

We all understand the serious threat that is facing our country from cyber attacks and intrusions, but that does not mean Congress should just pass any bill. Frankly, the underlying bill is not supported by the business community, for all the right reasons, and they are the ones who are impacted by it. They are the ones who are going to be called on to comply with the mandates and the regulations. Frankly, it is not going to give them the kind of protection they need from cyber attacks.

So I regret to have to stand up today and say that I intend to vote against cloture on this bill, and I yield to Senator GRASSLEY.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, we are again discussing the important topic of cybersecurity—a topic we all agree is of the utmost importance and worthy of our attention. Unfortunately, this is like the movie ''Groundhog Day.'' The majority continues to push the same flawed legislation that failed to garner enough votes for consideration just three months ago.

No one disputes the need for Congress to address cybersecurity.

However, Members do disagree with the notion this problem requires legislation that increases the size of the Federal Government bureaucracy and places new burdens and regulation on businesses.

Enhancing cybersecurity is important to our national security. I support efforts to strengthen our Nation against cyber attacks.

However, I take issue with those who have come to the floor and argued that those who don't support this bill are against strengthening our Nation's cybersecurity.

As I said in August, disagreements over how to address policy matters shouldn't devolve into accusations about a Member's willingness to tackle tough issues.

The debate over cybersecurity legislation has turned from a substantive analysis of the merits into a political blame game as to which side supports defending our Nation more.

If we want to tackle big issues such as cybersecurity, we need to rise above disagreements and work in a constructive manner. Disagreements over policy should be openly and freely debated.

Unfortunately, this isn't how the debate on cybersecurity proceeded. Instead, before a real debate began last August, the majority cut it off.

This was contrary to the majority's promise earlier this year of an open

amendment process to address cybersecurity.

Aside from process, I also have significant substantive concerns with the bill. Chief among my concerns with the pending bill is the role played by the Department of Homeland Security. These concerns stem from oversight I have conducted on its implementation of the Chemical Facility Anti-Terrorism Standards, or the CFATS program.

CFATS was the Department's first major foray into regulation of the chemical sector. DHS spent nearly $500 million on the program. Five years later, they have just begun to approve site security plans for the more than 4,000 facilities designated under the rule.

I have continued to conduct oversight on this matter. Despite assurances from DHS that they have fixed all the problems with CFATS, I keep discovering more problems.

On top of this concern, since the last vote in August, the chairman and ranking member of the Senate Permanent Subcommittee on Investigations have released a report criticizing DHS and the fusion centers they operate. The subcommittee report criticized DHS's fusion centers as ''pools of ineptitude, waste, and civil liberties intrusions.''

And that is the evaluation after DHS spent as much as $1.4 billion on this program.

Given these examples, I am baffled why the Senate would take an agency that has proven problems with overseeing critical infrastructure and give them chief responsibility for our country's cybersecurity.

Additionally, I am concerned with provisions that restrict the way information is shared.

The restrictions imposed under title VII of this bill are a step backward from other information-sharing proposals. This includes the bill I have cosponsored, the SECURE IT bill.

The bill before us places DHS in the role of gatekeeper of cyber threat information. The bill calls for DHS to share the information in ''as close to real time as possible'' with other agencies. However, this will create a bottleneck for information coming into the government.

Further, title VII includes restrictions on what types of information can be shared, limiting the use of it for criminal prosecutions except those that cause imminent harm.

This is exactly the type of restriction on information sharing that the 9/11 Commission warned about.

In fact, the 9/11 Commission said, ''the [wall] resulted in far less information sharing and coordination.'' The Commission further added, ''the removal of the wall that existed before 9/11 between intelligence and law enforcement has opened up new opportunities for cooperative action.''

Why would we even consider legislation that could rebuild these walls that threaten our national security?

We haven't had any real debate on these issues. The lack of a real process in the Senate on this current bill amplifies my substantive concerns.

In fact, this is eerily reminiscent of the debate surrounding ObamaCare.

Here we are once again, in a lame duck session the week before Thanksgiving, tackling a serious problem that hasn't been given the benefit of the Senate's full process.

I don't want cybersecurity legislation to become another ObamaCare. If we are serious about our Nation's security, then shouldn't we treat it as such?

Additionally, the staff of the sponsors of the legislation before us continue behind-the-scenes efforts to negotiate changes to the bill we are being asked to vote on. If the bill sponsors are still negotiating changes, why don't we have the benefit of a full and open amendment process to try and fix it before we vote for cloture? It simply doesn't make sense.

Instead, it appears today's vote is about something other than cybersecurity. It is yet another attempt by the majority to paint the minority as obstructing the work of the Senate. Most likely, this vote will be used simply as fuel for the majority's effort to dismantle the filibuster. So much for tackling cybersecurity without putting politics into the mix.

This isn't the way we are supposed to legislate. The people who elected us expect more.

How many Senators are prepared to vote on something this important, without knowing its impact because we haven't followed regular order? Are we to once again pass a bill so that the American public can then read it and find out what is in it?

These are questions that all Senators should consider. And our citizens should know in advance what we are actually considering.

If we are serious about addressing this problem, then let's deal with it appropriately.

Rushing something through that will impact the country in such a massive way isn't the way we should do business.

It is not good for the country and it is not good for this body.

Thank you. I yield the floor.

Ms. MIKULSKI. Mr. President, today I wish to support the Cybersecurity Act of 2012. As a member of the Intelligence Committee, I know that cyber security is the most pressing economic and national security threat facing our country.

There still needs to be a sense of urgency in addressing this issue, and we must pass this legislation. Doing so will allow us to defend our computer networks and critical infrastructure from a hostile, predatory attack. Such an attack is meant to humiliate, intimidate, and cripple us. If we wait until a major attack occurs, we will likely end up over-reacting, over-regulating, and overspending in order to address our weakness.

The threat of a cyber attack is real. Our Nation is already under attack. We are in a cyber war, and cyber attacks are happening every day. Cyber terrorists are working to damage critical infrastructure through efforts to take over the power grid or disrupt our air traffic control systems. Those carrying out these attacks are moving at breakneck speeds to steal state secrets and our Nation's intellectual property. They are stealing financial information and disrupting business operations.

Cyber attacks can disrupt critical infrastructure, wipe out a family's entire life savings, and put human lives at risk. They can take down entire companies by hacking into computer networks where they remain undiscovered for months, even years.

FBI Director Mueller testified before the Senate Intelligence Committee, stating that cyber crime will eventually surpass terrorism as the No. 1 threat to America. The economic losses of cyber crime alone are stunning. A Norton Cybercrime Report valued losses from cyber attacks at $388 billion in 2011.

I have been working on cyber issues since I was elected to the Senate. The National Security Agency—our cyber warriors—are in Maryland. I have been working with the NSA to ensure that signals intelligence is a focus of our national security even before cyber was a method of warfare.

In 2007, Estonia was attacked. Estonia was strengthening its ties to NATO, and Russian hackers swiftly struck back. They waged war on Estonia and threatened its government, rendered Estonia's networks obsolete for days. This attack was designed to intimidate, manipulate, and distort.

The cyber attacks on Estonia raised important questions. Would article 5 of the NATO Charter be invoked? Since the attack was on one member of NATO—was it an attack on all members? How would the U.S. and other allies need respond to future attacks? What would happen if America experienced a similar cyber attack?

As member of the Senate Intelligence Committee, I served on the Cyber Working Group where we developed core findings to guide Congress. The need to get governance right, the need to protect civil liberties, and the need to improve the cyber workforce.

As chair of the Commerce, Justice, Science Appropriations Subcommittee, I fund critical cyber security agencies: the FBI which investigates cyber crime, NIST, which works with the private sector to develop standards for cyber security technology, and NSF, which does research.

As a member of Defense Appropriations Subcommittee, I work to ensure critical funding for Intel and cyber agencies such as the NSA, CIA, and IARPA. These organizations are coming up with the new ideas that will create jobs and keep our country safe.

Funding is critical to build the workforce, provide technology and resources, and to make our cyber security smarter, safer, and more secure.

Yet technology will mean nothing unless we have a trained workforce. In order to fight the cyber security war, we have to maintain our technological development, maintain our qualitative advantage, and have our cyber warriors ready at battle stations. In order to develop our cyber shield, we need to train cyber warriors so they can protect our Nation. I have been working with Maryland colleges and universities to create world-class programs, a national model, and for training our next generation of cyber warriors.

I asked Senator REID to conduct a cyber security exercise, which showed us in real time how the U.S. Government would respond to a predatory cyber attack of great magnitude. I asked for the Senate cyber exercise for three reasons. First, we need a sense of urgency here in the Senate to pass cyber security legislation. Second, we need to put the proper legislative policy in place. Third, I wanted to create a sense of bipartisanship camaraderie.

One example of the impact a cyber attack would have is the power outages caused by our freak storms this summer. We got a glimpse of what an attack on the grid would be like. At least Pepco has the ability to respond and restore and turn the power back on. With an attack on the grid we could lose the power to turn electricity back on because it was shut down by power manipulation. Imagine our largest cities, like New York and Washington, like the Wild West with no power, schools shut down, parents stuck in traffic, public transit crippled, no traffic lights, and 9-1-1 systems failing.

In the financial industry, the FBI currently has 7,600 pending bank robbery cases and over 9,000 pending cyber investigations. According to the FBI, the Bureau is currently investigating over 400 reported cases of corporate account takeovers where cyber criminals have made unauthorized transfers from the bank accounts of U.S. businesses. These cases involve the attempted theft of over $255 million and actual losses of approximately $85 million.

Hackers have repeatedly penetrated the computer network of the company that runs the Nasdaq Stock Market. The New York Stock Exchange has been the target of cyber attacks. In the future, successful attempts to shut down or steal information from our financial exchanges could wreak havoc of untold proportions on our economy.

In the 2010 ''flash crash'', the Dow Jones plunged 1,000 points in matter of minutes when automatic computerized traders shut down. This was the result of turbulent trading, not a cyber attack and the market recovered. But this is a micro-example of what could happen if stock market computers are hacked, infected, or go dark.

In November 2008 the American credit card processor RBS Worldpay was hacked—$9 million was stolen in less than 12 hours. The hackers broke into accounts and changed limits on payroll debit cards employees use to withdraw their salaries from ATMs. The cards were used at over 2,100 ATMs in at least 280 cities around the world, United States, Russia, Ukraine, Estonia, Italy, Hong Kong, Japan, Canada, stealing over $9 million from unsuspecting employers and employees.

This heist, one of the most sophisticated and organized computer fraud attacks ever conducted proves that you don't need a visa to steal someone's visa card.

From 2008 to 2010, a Slovenian citizen created ''Butterfly Bot'' and sold it to other criminals worldwide. Cyber criminals developed networks of infected computers. The Mariposa variety from Spain was the most notorious and largest. Mariposa infected personal computers, stole credit card and bank account information, launched denial attacks to shut down online services, and spread viruses to disable computers and networks.

Industry experts estimated the Mariposa Botnet may have infected as many as 8 million to 12 million computers. The size and scope of the infection makes it difficult to quantify financial losses but could easily be tens of millions of dollars.

Speaking simply, this bill does two key things from a national security perspective. It helps businesses voluntarily get cyber standards that they can use to protect themselves, and it allows businesses and the government to share information with each other about cyber threats. That is, to help ''.gov'' to protect ''.com.''

In a constitutional manner, these two things are not necessarily connected, but they can be. The reason why these provisions are such an innovation is that despite all the amazing talent and expertise that companies have, many are being attacked and don't know it. And this legislative framework gives the structure to allow for unprecedented ''.com'' and ''.gov'' cooperation.

There are also other several other key components in the bill focusing on research and development, workforce development, and FISMA reform.

Why do we need a bill to make some of these vital partnerships and exchanges happen?

Because, as I have outlined, America is under attack every second of every day. General Alexander, the head of NSA and U.S. Cyber Command, has said that we have witnessed the greatest transfer of wealth in history in the heist that foreign actors have perpetrated on our country. By stealing our secrets, stealing our intellectual property, and stealing our wealth. It is mindboggling. Take just one example. A theft by a foreign actor that took, among other things, key plans for our F–35 fighter. One attack on the Pentagon made off with so many sensitive documents that they would have filled delivery trucks end-to-end stretching from Washington, DC to Baltimore Harbor.

But don't take my word for it that this issue is urgent and that we need to address critical infrastructure. Who else says it is urgent? Experts from both side of the aisle do. Folks like former CIA Director Mike McConnell, DHS head Michael Chertoff, Vice Chairman of the Joint Chiefs of Staff James Cartwright, former cyber czar Richard Clarke, and many others have said we need to address critical infrastructure.

And our top defense and military leaders such as Defense Secretary Leon Panetta, Chairman of the Joint Chiefs of Staff Dempsey, Director of National Intelligence Clapper, and again, GEN Keith Alexander. The threat is here and it is now. And if we do not act, if we let the perfect be the enemy of the good, then this country will be more vulnerable than ever before, and Congress will have done nothing.

This bill is not perfect, but I want to say upfront that Senators LIEBERMAN and COLLINS have heard the critics and tried to incorporate their views. DHS's role has been criticized by many, myself included. I have been skeptical that they could perform some of the duties assigned in this bill.

To be honest, I still am skeptical, although less so than before, but I think this bill takes important steps to diversify the government and private sector actors involved. So we are not just focusing on DHS, but also the right civilian agencies in charge because in the end we cannot have intelligence agencies leading this effort with the private sector. Some would like to see that go further, and that is what the amendment process is there for.

We have had people in the civil liberties community worried about whether this bill could allow intrusions by the government into people's privacy. As a Marylander, this was a tantamount concern for me as well. If we don't protect our civil liberties, then all this added security is for naught because we would have lost what we value most, our freedom.

Again, I think the authors of this bill, especially Senator FEINSTEIN, have made key improvements on issues of law enforcement powers and protecting core privacy concerns. I know not everyone is totally pleased. But I think this bill has made important strides to balance information sharing and privacy.

We all have been concerned that the business community has opposed a lot of key critical infrastructure elements of this bill. They fear strangulation and over-regulation. They fear that they will open themselves up to lawsuits if they participate in the program with the government. These are valid concerns, and I have heard them from Maryland businesses. I think this new bill has made the most strides in trying to accommodate business and

building a voluntary framework to allow businesses to choose protection.

Protection does not come without responsibility for participants, but I think this bill links the need for cyber security with appropriate liability protection and the expertise of our business community in a way that answers a lot of companies' concerns. We cannot eliminate all government involvement in this issue. That won't work. And we will lose key government expertise in DOD, FBI, and elsewhere. But we work to try to minimize it while maintaining government's role in protecting our national security.

I am so proud that the Senate came together in a bipartisan way to draft this legislation. The Senate must pass this legislation now. Working together we can make our Nation safer and stronger and we can show the American people that we can cooperate to get an important job done.

Mr. ROCKEFELLER. Mr. President, for 4 years, we have been pushing the United States Senate to pass a bill to improve our Nation's cybersecurity. During this time, the cybersecurity threat to our country—to our way of life—has only grown. We have now seen cyber attacks against our Nation's pipelines, against our financial industry, and even against nuclear power plants.

The good news is we have not yet suffered a devastating cyber attack. At this point, we are still only talking about the potential impacts. We have not yet suffered an attack that greatly disrupts our financial industry, or an attack that cripples our electric grid. But these potential outcomes are real. And it is imperative that we begin addressing the risks.

Today, we have the opportunity to begin this important work by moving forward with the Cybersecurity Act of 2012. We have the opportunity to show the American people that we can rise above politics to do the job that they expect of us.

National security is one of our most sacred obligations as Members of this body. If a vote on cybersecurity fails today, we will have failed to meet that obligation for the 112th Congress.

I will be the first person to admit that this bill is not perfect. I have been clear that I believe a regulatory approach was the best approach to ensure that our country's most critical infrastructure addresses its cybersecurity vulnerabilities. We moved to a voluntary approach to seek a compromise. Yet it was not enough for some of our colleagues. Frankly, I do not understand why.

I know the Chamber of Commerce decided that it did not like this bill. But sometimes we need to make decisions that the Chamber of Commerce is not happy with. Because it is not the Chamber's job to worry about national security. That is the job of our military. And they have been quite clear about what is needed. They have told us that they need this legislation. They have implored us to act. General Alexander, the Director of the National Security Agency, knows what is at stake. And his warnings have been dire.

He has said: ''The cyber threat facing the Nation is real and demands immediate action.''

He has said: ''the time to act is now.''

General Dempsey, the Chairman of the Joint Chiefs of Staff, wrote me a letter earlier this year about the urgent need for comprehensive cybersecurity legislation. In the letter, he explained that our: ''adversaries will increasingly attempt to hold our Nation's core critical infrastructure at risk.''

He stated that: ''we cannot afford to leave our electricity grid and transportation system vulnerable to attack.''

Both Generals agreed that we must do something and they both pushed the Senate to adopt comprehensive cybersecurity legislation that tracks the specifics of the bill we have been debating. Despite this urgent advice from our nation's top military advisors, that we need to act and that we need to do it now, some Senators suggested in August that we needed more time to debate cybersecurity. I strongly disagreed with this notion. But now we have had another few months to think about this bill. Today, there is simply no more reason for delay.

We passed a Cybersecurity bill out of the Commerce Committee in March 2010. And it passed unanimously. The Homeland Security Committee, led by Senators Lieberman and Collins, passed their cybersecurity bill by a voice vote in June 2010. The bills both went through Committees well over 2 years ago. Since that time, we have had hundreds of meetings with the private sector, interest groups, and national security experts. Senators have received multiple classified briefings about the nature of this threat. Everyone has had plenty of time to think about this issue. And we have made it quite clear that we are looking to compromise on this legislation. But to compromise you need a partner. I am hoping that our Republican colleagues are now willing to be our partners on this legislation.

I hope that my colleagues will reconsider the path we are on. At some point, if we do not do anything, there will be a major cyber attack and it will do great damage to the United States. After it is over, the American people will ask, just as they asked after 9/11, what could we have done to stop this?

If we do not pass this legislation, they will learn about days like this one and their disappointment in us and the United States Senate will grow. And we will deserve their disappointment. Because we have had the opportunity to act and we have failed.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. How much time is remaining on our side?

The PRESIDING OFFICER. There is 20 minutes remaining.

Mrs. HUTCHISON. Thank you. Are there other speakers on our side? Let me ask the Chair to notify me when there is 10 minutes left in case Senator COLLINS comes or someone else. So I would like to have up to 10 minutes and be notified.

Mr. President, I rise to speak against revoting this cloture motion, and the main reason is that we are not going to be allowed to have amendments. That is unacceptable because although we have worked diligently with the sponsors of the cyber security bill on the floor, a number of the ranking members of the relevant committees that have jurisdiction over cyber security have an alternative bill, the SECURE IT Act, that we would like to be able to put forward as an alternative or have an amendment process that would allow our approach to have a chance to prevail anyway.

Now, we are aware that the President is signaling his intention to issue an Executive Order, but an Executive Order is not sufficient to really give the encouragement and the protection to the companies to allow them to share information with other companies that might have the same types of threats in the same industry area or with the Federal Government. I am sorry we are not going to be able to have amendments that would allow us to perfect this bill.

Let me say that the proponents of S. 3414 acknowledge that it is important to have a collaborative effort between the businesses that run almost 90 percent of our Nation's critical infrastructure and the Federal Government. We agree with that, which is why we have worked with the companies that run the private networks to fashion a bill that would give them immunity if they share information and give them the direct sharing capabilities to go directly to the defense agencies because we believe the agencies that work with the communications and the military industrial base companies would have more of an understanding of the needs and what can be done to employ countermeasures in a direct way. The bill that is on the floor, however, requires everything to go through the Homeland Security Department, and those of us who are supporting SECURE IT believe there should be the ability to direction share information with other agencies including the defense agencies.

The sponsors of our bill are the ranking members of eight committees and subcommittees that have jurisdiction in this area: Senators MCCAIN, CHAMBLISS, GRASSLEY, MURKOWSKI, COATS, BURR, JOHNSON, myself and Minority Leader MCCONNELL. We believe the consensus items in our bill are preferable to the bill that is before us that we are not going to be allowed to amend.

SECURE IT offers a balanced approach that will significantly advance cyber security in both the public and private sectors—first, to facilitate

sharing of cyber threat information between the private sector and government, allowing the information to go to the defense agencies where the response can be direct, not filtered through Homeland Security. Secondly, it gives immunity from liability for sharing among the industries that might be affected as well as the defensive actions that are taken. This is essential because you even need antitrust protection if you are going to share vital information on this issue so that you are not going to get sued for collaborating with a competitor. It is in our country's interest, and I think our private sector companies want the ability to help secure all of our networks because we know this is a real threat.

Secure IT has the overwhelming support of the network operators that are trying to gear up to defend against cyber threats. Because it will help their members protect their networks, we have the endorsement of the U.S. Chamber of Commerce.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from the U.S. Chamber of Commerce dated November 14 of this year.

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

CHAMBER OF COMMERCE OF THE
UNITED STATES OF AMERICA,
Washington, DC, November 14, 2012.

TO THE MEMBERS OF THE UNITED STATES SENATE: The U.S. Chamber of Commerce, the world's largest business federation representing the interests of more than three million businesses and organizations of every size, sector, and region, continues to have serious concerns with S. 3414, the ''Cybersecurity Act of 2012,'' including the related manager's amendment, which was debated in the Senate before the August recess.

The Chamber believes that Congress should approve a workable cybersecurity bill focused on information sharing. The waning days of a lame-duck session are hardly the appropriate place to address the fundamental flaws in a bill that remain unresolved since it was last on the Senate floor. The underlying issues are simply too crucial to our economy for treatment in a rushed legislative product.

First, there is a healthy and robust disagreement about the proper role of government in regulating the business community—given the incredibly dynamic nature of cybersecurity risks—that is far from resolved. Title I of S. 3414 would create a National Cybersecurity Council that would give federal departments and agencies overwhelming authority over what actions businesses could take to protect their computers and information systems.

Critical infrastructure owners and operators are concerned that core threats to enterprise cybersecurity—including nation states or their proxies, organized criminals, and other nefarious actors—could go unchallenged because they would be compelled to redirect resources toward meeting government mandates. Indeed, any cybersecurity program must afford businesses maximum input and flexibility with respect to implementing best cybersecurity practices.

In addition, insufficient attention has been paid to the likelihood of creating a well-intended program that, in practice, becomes slow, bureaucratic, and costly. An ineffective program would tie businesses in red tape but would do little to deter bad actors. Businesses do not have unlimited capital and human talent to devote to regulatory regimes that are inadequately managed or out of date as soon as they are written.

Second, the Chamber agrees with most lawmakers that federal legislation is needed to cause a sea change in the current information-sharing practices between the public and private sectors. Title VII of the bill would actually impede the sharing of information between business and government. The bill's framework and strict definition of cyber threat information would erect, not bring down, barriers to productive information sharing.

Third, the liability ''protection'' provisions throughout the bill need to be further clarified and strengthened. Private-sector entities should be fully protected against liability if they ''voluntarily'' adopt a federally directed cybersecurity program and suffer a cyber incident. Strong liability protections are essential to spur businesses to share threat data with their peers and government partners.

Fourth, the ''Marketplace Information'' provision of S. 3414 seems intended to compel businesses that suffer from a cybersecurity event to publicly disclose the occurrence. This section of the bill would essentially ''name-and-shame'' companies and could compromise their security. The Chamber strongly rejects disclosing businesses' sensitive security information publicly, and draws your attention to a June 2011 letter from the Securities and Exchange Commission to the Senate where the agency stated that investors have not asked for more disclosure in this area.

Finally, the bill has not been scored, making the cost of the bill unknown to lawmakers and to the public.

These are some of the Chamber's high-level concerns with S. 3414. The Chamber and our members have invested considerable time and energy working with lawmakers to develop smart and effective cybersecurity legislation. The business community is fully prepared to work with Congress and the Administration to advance efforts that would truly help business owners and operators counter advanced and increasingly sophisticated cyber threats.

Cybersecurity is a pressing issue that the Chamber remains committed to addressing in a constructive way. Moving a large, problematic bill within a short legislative timeframe would not lay the necessary groundwork to help businesses deflect or defeat novel and highly adaptive cyber threats. Any new legislative program must foster timely and actionable information, be dynamic in its execution, and promote innovation in order to increase collective cybersecurity and allow electronic commerce to grow.

The Chamber recognizes the leadership of the sponsors and cosponsors of the bill on cybersecurity. We appreciate the degree to which they have listened to the concerns of the Chamber and the broader business community, and have sought to address them in whole or in part. This legislation came directly to the floor for consideration without proceeding through regular order. Legislative hearings and a committee mark-up of the bill would have properly allowed Senators who have concerns with the bill to question experts and offer amendments in order to improve the bill before a Senate floor debate.

The Chamber appreciates the steps that the Administration has taken to engage the Chamber on cybersecurity. Despite all this engagement, and despite the best intentions of the sponsors of S. 3414, it would be ill-advised to craft a cybersecurity bill on the Senate floor during a lame-duck session.

The Chamber strongly opposes S. 3414, the ''Cybersecurity Act of 2012,'' and may consider including votes on, or in relation to S. 3414 in our annual How They Voted scorecard.

Sincerely,

R. BRUCE JOSTEN,
Executive Vice President,
Government Affairs.

Mrs. HUTCHISON. We also have the endorsement of the National Association of Manufacturers, the American Fuel & Petrochemical Manufacturers, the American Petroleum Institute, US Telecom, the National Retail Federation, Financial Services Roundtable, the Internet Security Alliance, and CTIA The Wireless Association.

We can come together to pass the areas of SECURE IT that would allow better cooperation and also an information sharing relationship that they understand and know will help them defend against the cyber attacks. We believe SECURE IT is a superior bill, and we would like the ability to amend the bill that is on the floor to perfect it so we could send a bill to the House.

If we are not able to get this bill this year, certainly I hope it will be started again with all of the relevant committees doing the markups, doing the discussion that is required for a bill of this magnitude. Many of the committees did not have markups. They did not have input into the bill. The committee process does work when we are able to use it, and I hope we will be able to go back to the drawing board, or if the majority would allow amendments down the road, if we have the time later this year, we would love to continue working with the sponsors of the legislation to see if we could come up with the amendments to which everyone could agree.

It has been a tough road. We have all tried hard. I think the sponsors of the bill are sincere in wanting to improve the systems. The ranking members who have cosponsored SECURE IT, who also have jurisdiction of this area, also are sincere. I hope we can come together, hopefully later this year, but if not, certainly in the new year, with the new session, let's start from the beginning and go through all the committees of jurisdiction so there can be a real consensus and a give-and-take.

Mr. President, I thank you and yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent to speak for up to 1 minute and not have the time taken out of the Republican side.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, I want to respond to the concern of my friend from Texas that if cloture is granted on this motion, there will not be an opportunity to amend the bill. I understand why she is saying that, but I do want to say that Senator REID has made it clear—I think twice today—that if cloture is granted, he is open

to—he will allow amendments. He said he cannot allow endless amendments because we are in a lameduck session with limited time but that he will allow a finite number of amendments, if you will, on both sides.

So I want to assure my colleagues and appeal to my colleagues to vote to at least consider this measure. I mean, our cyber enemies are at the gates. In fact, they have already broken through the gates. The least we can do is debate and vote on amendments to determine how we can strengthen our cyber defense.

I thank my colleagues and yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, first, let me thank the Senator from Texas for reserving some time for me while I was at a briefing and on my way to the floor. I will attempt to be very quick because I know our colleagues are eager to vote on this important issue. And, Mr. President, that is my point. This is a critically important issue. How many more warnings do we need to hear from the experts that we are extremely vulnerable to a cyber security attack? Cyber attacks are happening every day.

Just recently there was an attack on several of our financial institutions. According to press reports, it was launched by Iranian sources. We know that Iran, Russia, and China are extremely active in probing our cyber systems, including those that control our critical infrastructure—not only our financial systems, our transportation systems, our water treatment plants, but also our electric grid.

Recently we have seen what Hurricane Sandy, the superstorm, has done to States—so many States—destroying lives and property and leaving people without power for days on end. Well, multiply that many times. If it were a deliberate cyber attack that knocked out the electric grid along the entire east coast, that is what we are talking about. That is the kind of risk that calls us to act.

We have heard from the experts over and over again that this vulnerability is huge and escalating. We know that the number of cyber attacks that have been reported to the Department of Homeland Security has increased by 200 percent in just the last year. And those are just the attacks that have been reported. That is just the tip of the iceberg. Undoubtedly, there are many more on our critical infrastructure that have not been reported. We know there have been attempts to probe the security of the computer systems that run some of our natural gas pipelines.

This problem is very real, and it is not only a threat to our national and homeland security, it is also a threat to the economic prosperity of this country. How many more thefts of research and development, of intellectual property of businesses right here in our country that are providing good jobs for Americans do we need to endure before we act to secure our cyber systems?

I have worked on the cyber security bill for years with my friend, colleague, and chairman, JOE LIEBERMAN. We have held countless hearings. We have marked up a previous bill. It is so ironic that we are being criticized for not doing yet another markup on this bill when all of the changes reflect our attempts to address the criticisms of the opponents of this bill. We made a huge change by making this bill voluntary rather than mandatory and by providing incentives such as liability protections for businesses that voluntarily agree to adopt cyber standards. We have created a system where there would be a cooperative process between the public and the private sectors to share information and to develop the best practices so that information can be shared.

In all the time I have worked on homeland security issues, I cannot think of another threat where our vulnerability is greater and where we have failed to act and have done less.

This is not a Republican or a Democratic or an Independent issue. The experts, regardless of their political leanings, from the Bush administration to the current administration have urged us to act, have pleaded with us to act.

General Alexander, the nonpartisan general who is the head of Cyber Command and the head of the National Security Agency, has urged this Congress over and over again to give this administration, to give our country the tools it needs to protect critical infrastructure and to help safeguard our economic edge.

I urge our colleagues to listen to the wisdom of former Homeland Security Secretary Michael Chertoff and former NSA chief GEN Michael Hayden from the previous administration, from President Bush's administration. They wrote the following:

> We carry the burden of knowing that 9/11 might have been averted with the intelligence that existed at the time. We do not want to be in the same position again when ''cyber 9/11'' hits—it is not a question of ''whether'' this will happen; it is a question of ''when.''

This time all the dots have been connected. This time we know cyber attacks are occurring each and every day. This time the warnings are loud and clear. How can we ignore these dire warnings? How? How can we fail to act on the cyber security bill, especially since the majority leader has indicated he is willing to allow for amendments, as he should, to make this process fair. Germane amendments would be allowed.

I urge our colleagues to heed the warnings from the experts and to vote for cloture on the cyber security bill so we can proceed to its consideration. I do not want to be here 1 year from now saying, why did we not act? Why did we not listen to the cyber experts from the Bush administration, from the Obama administration, from GEN Keith Alexander, the premier expert in our government.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I ask unanimous consent to speak for 1 minute.

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

Mr. CARPER. Mr. President, this is the first opportunity we will have had since returning from the election to cast a vote on a meaningful piece of legislation. As legislation goes, it is about as meaningful as any we are going to come across for a while.

If we were in the minority and the Republicans were coming to the floor and asking us to support moving to a bill so we could debate it, offer amendments to the bill, I would hope we would do that. For our Republican friends who are fearful they are not going to have a chance to offer these amendments, Senator LIEBERMAN, the chairman, the ranking Republican SUSAN COLLINS and myself, all cosponsors of the bill, say we will work very hard to make sure any amendments that are relevant and germane to the bill can be offered, can be debated.

We worked a similar process with the postal bill. We ended up having 50 or 60 amendments. They were not all relevant or germane. At the end, we had a lot of amendments and the chance for everyone to be heard. Some of those amendments were not relevant or germane. As long as amendments are relevant and germane to this underlying legislation on cyber security, we will work very hard to make sure they have their opportunity to be heard and to vote on their proposals.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, although we have different views on this issue, I would yield 1 minute to the Senator from Arizona.

Mr. MCCAIN. Mr. President, I would like to express my appreciation for Senator LIEBERMAN's and Senator COLLINS' hard work. We have had some disagreements. I still believe that if we could have, say, five amendments that would be voted and debated, I think we could move forward with this bill. I truly believe that.

I would like to see, possibly even right after this vote, if we could reach some agreement between the leaders and ourselves that we could say there would be five pending amendments and perhaps we could go ahead and debate and vote on those. I, again, think we have some very significant differences, but the fact that the chairman and the two cochairmen or whatever they call themselves have worked incredibly hard on this issue, they deserve debate. I hope they would understand we are seeking like five amendments.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, in the remaining time, I appreciate what my friend from Arizona said. I not only join him in that request, but I am confident because I have talked to Senator REID about this—he said that if we invoke cloture tonight, he will allow a finite number of amendments. I do not want to encourage anyone. He said not 15. I took that to be some number less than 15.

I think five amendments is well within the term ''finite.'' So I would ask my colleagues, give it a chance, and let's vote for cloture. I am sure Senator REID will allow five amendments.

CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on S. 3414, a bill to enhance the security and resiliency of the cyber and communications infrastructure of the United States.

Harry Reid, Joseph I. Lieberman, Barbara A. Mikulski, Thomas R. Carper, Richard J. Durbin, Christopher A. Coons, Mark Udall, Ben Nelson, Jeanne Shaheen, Tom Udall, Daniel K. Inouye, Carl Levin, John D. Rockefeller IV, Charles E. Schumer, Sheldon Whitehouse, John F. Kerry, Michael F. Bennet.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on S. 3414, a bill to enhance the security and resiliency of the cyber and communications infrastructure of the United States, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. INOUYE), is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER (Mr. BENNET). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 51, nays 47, as follows:

[Rollcall Vote No. 202 Leg.]

YEAS—51

Akaka	Conrad	Lautenberg
Begich	Coons	Leahy
Bennet	Durbin	Levin
Bingaman	Feinstein	Lieberman
Blumenthal	Franken	Lugar
Boxer	Gillibrand	Manchin
Brown (MA)	Hagan	McCaskill
Brown (OH)	Harkin	Menendez
Cantwell	Johnson (SD)	Mikulski
Cardin	Kerry	Murray
Carper	Klobuchar	Nelson (NE)
Casey	Kohl	Nelson (FL)
Collins	Landrieu	Reed
Reid	Shaheen	Udall (NM)
Rockefeller	Snowe	Warner
Sanders	Stabenow	Webb
Schumer	Udall (CO)	Whitehouse

NAYS—47

Alexander	Graham	Murkowski
Ayotte	Grassley	Paul
Barrasso	Hatch	Portman
Baucus	Heller	Pryor
Blunt	Hoeven	Risch
Boozman	Hutchison	Roberts
Burr	Inhofe	Rubio
Chambliss	Isakson	Sessions
Coats	Johanns	Shelby
Coburn	Johnson (WI)	Tester
Cochran	Kyl	Thune
Corker	Lee	Toomey
Cornyn	McCain	Vitter
Crapo	McConnell	Wicker
DeMint	Merkley	Wyden
Enzi	Moran	

NOT VOTING—2

Inouye	Kirk

The PRESIDING OFFICER. On this vote, the yeas are 51, the nays are 47. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, upon reconsideration, the motion is not agreed to.

The majority leader.

ORDER OF BUSINESS

Mr. REID. Mr. President, the bill that was, and is, most important to the intelligence community and to the Pentagon was just killed. I am speaking of the cyber security bill.

I have had a number of people come to me during the day and say: Are you going to allow relevant amendments on this? I said: Sure. They said: How about five? I said: Fine. But whatever we do on this bill, it is not enough for the Chamber of Commerce. It is not enough.

So everyone should understand, cyber security is dead for this Congress. What an unfortunate thing. But that is the way it is.

I filed cloture on the Sportsmen's bill yesterday. Unless we can agree to a limited number of amendments, we will have a cloture vote on the bill early tomorrow morning, probably around 9 o'clock. If we get cloture, there will be a potential 30 hours of debate under the rules, as we all know too well. I have been told someone on the other side also plans to make a Budget Act point of order against the Sportsmen's bill.

We have Members representing the States of New York and New Jersey who are going to be in their States tomorrow because of the tremendous damage caused by Sandy, but they will be back here tomorrow evening and we will have a vote in the morning on cloture on the Sportsmen's bill, and then we could have votes later tomorrow or on Friday.

On DOD authorization—Senator LEVIN is here, Senator MCCAIN was here earlier. I have had conversations with Senator LEVIN. I haven't spoken to Senator MCCAIN this week but have spoken to him previously on a number of occasions. This is a bill we should get done. It is an important piece of legislation. I know we have the Defense appropriations bill at a later time, but this is something we have to do now because it changes policy toward our fighting men and women around the world. It does a lot of good for them. We need to get this bill done, I repeat.

Probably what we are going to do is move to the bill. I don't know why in the world we have to file cloture on a motion to proceed to it. I don't quite understand that. But I haven't understood that about almost 400 times the last few years. So what we are going to do, and everyone should understand—listen to this, everybody—we are going to move to the bill. If we get permission to go to the bill, we will have an open amendment process on this bill. I have been assured by Senator LEVIN and Senator MCCAIN, through Senator LEVIN, that on all these nonrelevant, vexatious amendments they will help us table them or dispose of them in some appropriate manner. And that is how we should legislate around here.

I hope Senator MCCAIN, after speaking to Senator LEVIN, will agree to move forward on this bill. And that is my proposal. I hope it is something that everyone would agree to. We will start legislating on this bill the day we get back after the Thanksgiving recess.

Mr. CARPER. Would the majority leader yield for a question?

Mr. REID. Yes.

Mr. CARPER. I am pleased to hear the leader say he would be most willing to allow the minority to offer five relevant, germane amendments to the cyber security legislation. Literally within the last 30 minutes we have had on the floor both the leader saying this, and I have heard him saying it before, that a limited number of relevant amendments—Senator MCCAIN came to the floor, who, as you know, has not been anxious to support the bipartisan legislation developed by Senators LIEBERMAN and COLLINS and others—but we have had one of the antagonists to that legislation and the majority leader both saying that five relevant and germane amendments would be allowed for the minority to offer, so we could at least take up the bill, debate the bill. At the end of the day, we still need 60 votes to get the bill off the floor.

I have heard so many of my colleagues say it is not a matter of if but it is when, and I don't want us to leave and go home for Thanksgiving with this hanging, if we could actually do something relevant.

Mr. REID. Mr. President, just so everyone listening to my friend understands—and he also has worked so hard on the bill that was just killed—when he says it is not a question of if, it is when, he is not talking about passing this bill, he is talking about a cyber attack, a gargantuan cyber attack on our country.

Here we are in this beautiful Capitol building today, and all around America we have government officials and private sector officials who are trying to thwart the people trying to destroy businesses and parts of our country's infrastructure.

As I have said here so many different times—and Senator LIEBERMAN and Senator FEINSTEIN, the chairman of the Intelligence Committee are on the floor—the record is here. We have told everybody for months and months that something is going to happen. And we have laid the groundwork, I am sorry to say, to blame you guys for not doing something to take care of this issue. It is a big issue and it is an important issue for our country. This should have nothing to do with partisan politics. And why the Chamber of Commerce is doing what they are doing is beyond my ability to comprehend.

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

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

DOD INSPECTOR GENERAL OVERSIGHT FAILURE

Mr. GRASSLEY. Mr. President, I am getting the runaround from the inspector general at the Department of Defense, and my remarks, which are fairly lengthy, will be connected with that problem I am having. With sequestration looming on the horizon, Congress needs a truly independent Department of Defense audit oversight capability. We need it to root out waste.

As my friend from Oklahoma, Senator COBURN, knows all too well, rooting out Department of Defense waste is no easy task. His new report identifies some excellent examples of waste ready for removal. I commend Senator COBURN for his outstanding work and stand ready to help him.

But to successfully root out waste day in and day out, there must be a topnotch audit quality and capability in the hands of an inspector general who is ready and willing to use it effectively.

I am reluctant to say this, but it needs to be said. I fear, and I suspect, that the independence of the inspector general's audit capability may have been compromised. I say this because of the story I am about to tell. This story is about a difficult audit, where the inspector general apparently got a bad case of weak knees and caved under pressure. The inspector general dropped the ball on an audit that should be a critical component in Secretary Panetta's good-faith effort to bring the Defense Department into compliance with the Chief Financial Officers Act.

Today, the Department of Defense is the only Federal agency that cannot pass the test. So Secretary Panetta turned up the pressure. He wants to move the audit readiness date up to no more than 3 years from the congressionally mandated date of 2017 to 2014. This is a daunting task, which I spoke about here on the floor almost 12 months ago now, on December 11 of last year. I say it is a daunting task because there is a big pothole in the road the Secretary faces that he may not know about, hence the reason I am speaking.

The kingpin of this initiative—the Department's flagship accounting agency known as the Defense Finance and Accounting Service—may not be ready to produce credible financial statements. It claims to have earned a clean opinion. Yet when its financial statements were put under the inspector general's microscope, they were found to be very lacking. They did not meet the prescribed audit standards.

To make matters worse—far worse—all the evidence suggests the inspector general may have quashed this negative audit report, allowing the charade to continue unchecked. This oversight failure could leave a gaping hole in Secretary Panetta's master plan.

Except for the Corps of Engineers, the Defense Finance and Accounting Service handles all the Department's financial transactions. It should be the foundation of Secretary Panetta's initiative. It was created over 20 years ago to clean up the Department's financial mess. It should be exerting leadership in this arena and showing the rest of the Department how to balance the books. Its audit needs to be as clean as a whistle. If the Department's central accounting agency can't earn a clean opinion, then who can earn a clean opinion?

Today the central accounting agency's claim of a clean opinion may be hollow. The inspector general, who is responsible for making those judgments, rejected that opinion. The inspector general reviewed it and concluded that it did not pass muster. Unfortunately, the inspector general dropped the ball and quit before the job was done.

The inspector general's report, known as a nonendorsement report, was finalized but never signed and issued. It was simply buried in some deep hole and covered with dirt. Were it not for whistleblowers who are in touch with my office, we might think the Defense Finance and Accounting Service's statements were somehow squeaky clean. I now have the nonendorsement report and other relevant audit workpapers, and they tell a very different story.

The financial statements produced by smaller organizations, such as the Defense Finance and Accounting Service, are audited by certified public accounting firms. But this is always done under the watchful eye of the inspector general. In the end, the inspector general must validate those opinions produced by a CPA firm.

The firm Urbach Kahn and Werlin, UKW, examined the defense accounting agency's statements. It awarded an unqualified opinion or passing grade. The inspector general, by comparison, reached a different opinion. It concluded that those statements did not meet standards. The inspector general announced that it would issue a nonendorsement report, but that report was never issued.

That is why this Senator is here on the floor today. What happened to the nonendorsement report? All the evidence appears to indicate that the inspector general may have quashed the nonendorsement report. That assessment is based on a continuing review of all the pertinent documents. I would like to briefly review those facts so my colleagues can understand where I am coming from.

Seven red flags have popped up on my radar screen.

Red flag No. 1. The contract, which governed the audits in question, is a good place to start because it sets the stage for what followed. The contract was supposed to put the inspector general in the driver's seat. Section 3 of the contract clearly specifies that ''all deliverables are subject to final Department of Defense Inspector General approval.'' The opinion prepared by the public accounting firm was the main deliverable. Two members of the inspector general's audit team were designated as contracting officer representatives. They had exclusive authority to determine whether that opinion met audit standards and deserved endorsement and to approve invoices for payment. Unfortunately, as I will explain, none of the parties involved showed much respect for this contract. In fact, when the crunch came, they trashed it.

Red flag No. 2. The inspector general's decision memorandum and final version of the nonendorsement letter, both dated February 16, 2010, contain compelling evidence. The evidence points in just one direction: There was a lack of credible audit evidence to justify a clean opinion. Both the inspector general's audit team and its Quantitative Methods and Analysis Division reported major deficiencies in the CPA firm's work. Once the inspector general determined that the CPA's audit opinion did not meet prescribed standards, the inspector general's representative prepared a nonendorsement letter and instructed that payments on outstanding invoices be stopped. Those decisions precipitated a classic bureaucratic impasse.

Red flag No. 3. The impasse came to a head at the Defense Finance and Accounting Service's audit committee meeting held on January 27, 2010, where three options were considered: first option, the IG would issue a nonendorsement letter; second option, the CPA firm would do more work on accounts payable and undelivered orders issued; and third option, the IG would do additional work. Just 1 day later, January 28, a senior official from the Inspector General's Office, Ms. Patty Marsh, announced the results of the meeting. Ms. Marsh reported that a consensus was reached: No additional work would be performed. She then declared that the

Inspector General's Office would issue a nonendorsement letter.

Red flag No. 4. The Defense Finance and Accounting Service immediately implemented a series of measures that appeared to bypass and eliminate oversight by the inspector general.

In what appeared to be overt defiance of the inspector general's decision, the accounting agency's Director of Resource Management, Elaine Kingston, in a letter to the accounting firm, unilaterally declared that her agency had ''proudly achieved an unqualified opinion.'' Kingston's letter was dated February 19. At that point, this opinion had been explicitly and unambiguously rejected by the inspector general, and Kingston knew it. She also authorized that all disputed invoices be paid. The invoices authorized for payment by Ms. Kingston were the very same ones previously rejected by the inspector general's contract officer representative. Their rejection was based on advice from the inspector general's legal counsel. Kingston's actions showed blatant disregard for the contract and authorized payments alleged to be fraudulent.

Then, on April 15, the central accounting agency's contract officer, Normand Gomolak, effectively eliminated independent oversight by the inspector general. He issued a letter terminating the two inspector general contract officer representatives. A known flaw in the contract allowed this to happen. Gomolak's termination order was retroactive to January 27, 2010—the very same day the inspector general revealed its intention to issue the nonendorsement letter. It is as if Mr. Gomolak had superhuman powers and could reach back in time and wipe the nonendorsement report clean off the slate, like it never really happened. As one witness put it, ''DFAS virtually kicked us—the Inspector General—out of the contract, and without so much as a whimper from the duly designated junkyard dog.''

Red flag No. 5. Under the circumstances, the stop-work order blessed by the audit committee was not surprising. That it would be accepted and tolerated by the inspector general is astonishing indeed. The consensus reached was between the three main targets of the audit: the accounting agency, the CPA firm, and the chief financial officer, who supervises the central accounting agency—such a consensus, as it was. All appeared to share one common goal: Just simply stop the audit. That is a predictable response from audit targets, especially if there is something to hide.

The inspector general's initial response was appropriate. The Inspector General's Office expressed a willingness to do more work, and when it became evident that was not a viable option, it declared that a nonendorsement letter would be issued. Of course, those were good moves. Unfortunately, however, the Inspector General's Office quickly began to backpedal and to align itself with the stop-the-audit coalition. First, it issued a stop-work order to the audit team. That occurred February 4. Then on April 13 the IG informed the accounting agency by telephone that the nonendorsement report would not be issued. This was, of course, a bolt out of the blue.

Red flag No. 6. In a letter to me dated May 26, the Inspector General's Office attempted to provide a plausible explanation for why this report never saw the light of day. First, the letter suggested that a formal nonendorsement report was unnecessary because the Inspector General's Office had already informed the audit committee of its decision to nonendorse the opinion. Is the inspector general implying that Ms. Marsh's verbal nonendorsement announcement constituted de facto or unofficial nonendorsement? If that is indeed the case, then how come the central accounting agency still pretends to have earned a clean bill of health? There is something wrong with this reasoning. Failing to issue the nonendorsement report left the opinion under a dark cloud, where it remains today.

In addition, the inspector general also suggested that doing a mere 2 to 3 weeks of additional work to finalize the nonendorsement letter would not have constituted a ''good use of audit resources''—that is, it would have been a waste of money. The need for 2 to 3 weeks of extra work appears to be a real stretch. I have the nonendorsement letter. It was finished. All it lacks is Ms. Marsh's signature.

More importantly, however, the Inspector General's Office does not seem to understand either the purpose or the importance of this audit oversight project. For starters, I recommend the inspector general check section 7 of the contract. It states:

> The DoD OIG will perform oversight of the Contractor's work to support the decision about whether to endorse the Contractor's opinion report.

That was the stated purpose of this costly audit project—to make a decision on endorsement. From day one, however, this was a significant effort to resolve a difficult and sensitive question: Did the Defense Finance and Accounting Service deserve a clean opinion—yes or no? Since the focus of this audit was the kingpin of Secretary Panetta's initiative in the first place, well, that makes this work inherently important.

Red flag No. 7 and the last red flag. One of my main concerns about this entire matter is that it appears to point to a failure of oversight. So I ask this question: Did the Inspector General's Office cave under pressure and surrender its oversight responsibilities? By accepting and tolerating the central accounting agency's actions, the Office of the Inspector General appears to have allowed a Defense Department entity to effectively block its ability to perform one of its core missions; that is, auditing the books of a key defense agency. If true, this would be a cardinal sin for the inspector general.

The central accounting agency allegedly violated the terms of the contract. It allegedly made fraudulent payments, and it unilaterally terminated oversight. Yet, in the face of such blatant defiance, the Inspector General's Office turned a blind eye to this challenge.

So you have to ask the question, Why did the IG just roll over? Why did the IG fail to assert its independent audit authority? Stopping work at this critical juncture does not appear to have been a responsible oversight option. Why did top management fail to allow the oversight team to finish its work and render a decision on the opinion? Why quit when it was on the very edge of issuing a nonendorsement report on the flawed opinion? Was that report quashed to spare the chief financial officer another black eye for the unending accounting screwups or did the IG drop the ball because everyone involved knew these financial statements were in such bad shape they could never pass the test?

While we may never know the reasons for what happened, I feel certain about one thing. On this audit, effective oversight collapsed. Congress and the citizens of this country need some answers, but one is paramount: Did the Defense Finance and Accounting Service earn a clean opinion? A simple yes or no. As the drive to audit readiness begins in earnest, and that is under Secretary Panetta's leadership, the Secretary and the Congress need a straight answer right upfront. Leaving it in limbo is unacceptable.

In closing, I would like to emphasize one point. My inquiry is about some very important principles. True, the preparation of these financial statements and all the attendant audit work probably costs the taxpayers somewhere between $10 and $20 million. To the average American, those are big bucks. Since the audit came to nothing, waste surely occurred. Any waste, whatever it is, is unacceptable.

But putting important principles at risk was as egregious as the dollar waste. What I am talking about are ethical standards, audit standards, and the integrity of the audit process. Those standards must be protected at all cost. That is one of the inspector general's jobs, to watchdog and follow those guiding principles.

The record appears to show that these standards got trampled and this may have happened with the IG's knowledge and approval. That is what the evidence appears to suggest so far. If the integrity and the credibility of that process were undermined, then the effectiveness of one of our primary oversight weapons would be gravely impaired. When and if those lines are crossed, the inspector general and anyone else involved would be treading on dangerous territory. If such transgressions occurred, then there must be corrective action and accountability.

When I complete this oversight investigation, I will submit a final report to Secretary of Defense Panetta. It will contain findings and recommendations for the Secretary's consideration. To facilitate this process, I ask Deputy Inspector General Halbrooks to answer all my outstanding questions promptly. In other words, I am getting tired of being jerked around.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators allowed to speak for up to 10 minutes each.

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

REMEMBERING SAMUEL WILSON THOMAS

Mr. MCCONNELL. Mr. President, today I wish to pay tribute to a respected historian of my hometown of Louisville, KY, who has sadly passed away. Samuel Wilson Thomas died on Thursday, October 4, of this year, at his home at the age of 74.

Louisville is a wonderful city, and I am always pleased to sing its praises. This is much easier to do thanks to the work of Mr. Thomas. He wrote 18 books touching on every corner of Louisville history, from the famous Churchill Downs to the legendary Cave Hill Cemetery, from Oxmoor Farm to Crescent Hill.

Sam Thomas received his bachelor's degree and Ph.D. from the University of Louisville. He is best known for serving as the first director and curator of Locust Grove, a National Historic Landmark that was the home to George Rogers Clark, the founder of Louisville. Locust Grove also hosted three U.S. Presidents—Monroe, Jackson, and Taylor—and was a stopping point for famed explorers Meriwether Lewis and William Clark upon their return from their expedition to the Pacific.

The log cabin at Locust Grove was Sam Thomas's home for two decades. In his role as director and curator, he oversaw Locust Grove's restoration with careful attention paid to the preservation of its history.

Mr. Thomas also taught at the University of Louisville, edited numerous local publications, and published a host of articles. His role in preserving the history of Louisville and the legacy of its famous inhabitants was tremendous and will not be forgotten.

I know my colleagues join me in expressing gratitude for Sam Thomas's body of work and in extending sympathies to his family, including his wife, Debbie; his brother and sister-in-law, Jim and Susanna; his niece, Sheena McGuffey; his nephews, Ian Thomas, Mason Thomas, and Cas McGuffey; and many other beloved friends and family members.

Mr. President, I ask unanimous consent that an obituary for Mr. Samuel Wilson Thomas printed in the Louisville Courier-Journal be printed in the RECORD.

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

[From the Louisville Courier-Journal, Oct. 6, 2012]

SAMUEL WILSON THOMAS, 74, DIED THURSDAY, OCTOBER 4, 2012, AT HIS HOME

Born on January 21, 1938, in Chestnut Hill, Penn., Sam moved to Louisville shortly after his graduation from Chestnut Hill Academy. He received his B.A. (1960) and Ph.D. (1964) in chemistry from the University of Louisville.

Although Sam taught for a short time at UofL, his life and career were forever changed when he began his long association with Locust Grove, overseeing its restoration and serving as its first director and curator. The log house there was his home for nearly two decades.

Sam is the author of 18 seminal books on Kentucky topics, all meticulously researched and primarily focused on Louisville: its neighborhoods, landmarks, and corporations.

His most recent work includes histories of St. Matthews, Anchorage, the Cherokee Triangle, Crescent Hill, Oxmoor Farm, Cave Hill Cemetery, and Churchill Downs, but the project closest to his heart was an overview of early Louisville architecture.

He edited numerous publications for the Courier-Journal's book division and published many articles on a host of Kentucky subjects. He also co-authored with his brother Jim ''The Simple Spirit,'' a pictorial history of Shaker Village of Pleasant Hill.

He was also involved in the restoration of the Jefferson County Courthouse, the Ferguson Mansion headquarters of The Filson Historical Society, and the 1785 log house at Oxmoor. He was a founder of Preservation Alliance and the George Rogers Clark Press, a member of the Louisville Landmarks and Preservation Districts Commission, and archivist of Jefferson County.

Sam is survived by his wife, Debbie; brother, Jim (Susanna); niece, Sheena McGuffey; and nephews, Ian Thomas, Mason Thomas and Cas McGuffey.

Sam chose cremation and requested that no funeral or memorial service be held. The family will receive friends from 4 to 7 p.m. Monday, October 8, 2012, in the Audubon Room at Locust Grove, 561 Blankenbaker Lane.

Memorial gifts may be directed to Locust Grove or to the University of Louisville Photographic Archives, to which Sam gave his collection of photographs and research materials.

TRIBUTE TO JOE LILES

Mr. MCCONNELL. Mr. President, I stand before you today to pay tribute to a man who has spent a significant amount of his life working for the Kentucky Rural Water Association and the National Rural Water Association. Mr. Joe Liles helped in founding the Kentucky Rural Water Association in 1979. He has also been an employee of the National Rural Water Association since 1999, when he was first elected to the Board of Directors.

He has progressed through numerous positions within the association, and as of September 2010, Mr. Liles has been President of the National Rural Water Association.

I would like to congratulate Mr. Liles on his achievements. I would also like to acknowledge the Kentucky Rural Water Association Leadership Award that Mr. Liles was given in 2008. He was presented this prestigious award based on his exemplary service, leadership, and commitment to Kentucky's water and wastewater utilities. Most recently, Mr. Liles received the 2012 Man of the Year Award from the National Rural Water Association.

After 38 years of dedication to the water systems of Warren, Butler, and Simpson counties, Mr. Liles retired in 2005 from his managerial position. However, he currently serves as the utilities' community and government relations assistant.

Mr. Joe Liles resides in Bowling Green, KY, with his wife, Sally, and his four daughters. He is a grandfather to six. Liles earned his bachelor's degree with an area of concentration in management from Western Kentucky University.

Mr. Liles has shown tremendous loyalty, devotion, and consideration, not only to his job and career, but also to the Bluegrass State. I appreciate all that Mr. Liles has done for the Commonwealth of Kentucky.

Mr. President, the National Rural Water Association recently published an article about the accomplishments of Mr. Joe Liles, and I would ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed as follows:

[From the National Rural Water Association Newsletter, Oct. 23, 2012]

The National Rural Water Association recently honored Joe Liles as the 2012 Man of the Year. A long-standing leader in rural water, Liles was honored during the Tribute to Excellence awards ceremony, held on Sept. 24th in Nashville, Tenn. Joe Liles, outgoing NRWA president and founding member of the Kentucky Rural Water Association board of directors, has served in numerous positions on the boards for both Kentucky Rural Water and NRWA.

The Man of the Year Award is a prestigious award that recognizes individuals for their many years of exemplary service, leadership, and commitment to our nation's water and wastewater utilities. Although Mr. Liles retired as manager of the Warren, Butler and Simpson counties water systems in 2005 after 38 years, he currently serves as the utilities' community and government relations assistant.

Kentucky Rural Water congratulates Joe on this esteemed honor!

JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, now that the elections are over, I renew my call

for all of us to come together to do what is right and to act in the interests of the American people. We should come together to avert the fiscal cliff and the automatic cuts that will otherwise occur in domestic and defense spending.

I am hopeful that, working together, Democrats and Republicans can come to an agreement so that we can avoid sequestration. The automatic cuts from sequestration would further damage our Federal courts. According to the sequestration report released by the Office of Management and Budget, the sequestration would lead to a $555 million reduction below fiscal year 2012 levels for our independent judiciary. The impending across-the-board cuts under sequestration would reduce Federal court allotments to fiscal year 2006 levels, despite considerably higher caseloads. The impact of sequestration on Federal court operations nationwide could be devastating. It could result in the Federal courts eliminating as many as 6,300 employees, about one-third of their staff, or implementing court employees furloughs for more than a month system-wide.

If we do not find a solution to both the vacancy crisis and the threat to judicial resources, it will be harder for Americans to obtain justice in our Federal courts. Our courts are already overburdened, and the sequester will result in cuts that will force courts to hear fewer cases, which means that court proceedings will be delayed even longer. This will be especially damaging in civil cases, where there are already over 40,000 cases that have been pending for more than 3 years. Sequestration cuts could even result in the suspension of civil jury trials. Even more alarming is what is at stake in the criminal context. If probation and pretrial services offices are downsized or closed, Federal courts and their staff will be unable to properly supervise thousands of persons under pretrial release and convicted felons released from Federal prisons. It is critical, then, that we work together.

And we should complete the task of considering the judicial nominees who have already had their hearings before the Senate recessed for the elections. There is no justification for holding up final Senate action on these judicial nominations. These are not judgeships that Republicans can claim they wish to keep open in order to be filled by nominees from President Obama's successor next year. The American people have decided that President Obama will continue to lead our Nation. In accordance with the will of the American people, it is time for the obstruction to end and for the Senate to complete action on these nominees so that they may serve the American people without further delay. Even Senate Republicans' contorted application of the Thurmond Rule can no longer serve as any sort of rationale for inaction. Delay for delay's sake is wrong and should end. The Senate should start by acting on the 19 judicial nominations that have been approved by the Judiciary Committee and have been awaiting final Senate action without further delay.

Two months ago, the Senate recessed without taking action on 19 judicial nominations. All were supported by their home State Senators, Republican and Democratic. Almost all had bipartisan support. I cannot remember a time when the Senate refused to act on nominees with such bipartisan support. There was no precedent for the filibuster of Robert Bacharach of Oklahoma to the Tenth Circuit and that filibuster should end. After Senator COBURN failed to vote for cloture to end the filibuster of the Bacharach nomination last July, he indicated that he expected Judge Bacharach to be confirmed before the end of the year if President Obama was reelected. The junior Senator from Texas also indicated that the circuit judges would be voted on if President Obama was reelected. Well, now that the people of this country have spoken, we should be working together to approve these judicial nominees so they can provide justice for the American people.

I urge Senate Republicans to come together and work with us to consider these judicial nominees without further delay. They should agree to debate and then to let the Senate vote on the nominations of Judge Patty Shwartz of New Jersey to the Third Circuit, Richard Taranto to the Federal Circuit, William Kayatta of Maine to the First Circuit, Robert Bacharach of Oklahoma to the Tenth Circuit, and the district court nominees from Connecticut, Maryland, Florida, Oklahoma, Michigan, California, New York, Pennsylvania, and Illinois. I am also working to have the Judiciary Committee complete its consideration of five more judicial nominees who had their hearing in September. With the confirmation of these nominees, we can eliminate the backlog here in the Senate and take a significant step toward filling a good portion of the judicial vacancies that have been plaguing our courts, including filling over a dozen judicial emergency vacancies.

The president of the Hispanic National Bar Association wrote a letter to the Senate Leaders in September saying: ''The fact that Congress is adjourning without confirming these candidates is of great concern, and is a disservice to the Federal Courts and the people they serve.'' He was right. Now that the election is over, let us come together as the Senate of the United States and make progress on behalf of the American people.

The New York Times noted in an editorial last month entitled ''Politics and the Courts'' that: ''During the Obama years, nominees presenting no ideological threat have been held up in the Republicans' campaign of partisan attack and obstruction—even against trial judges. * * * The holdups have cost Americans dearly—in justice delayed (it now generally takes two years to get a federal civil trial) and justice denied.'' Now that the election is over, let us do what we can to mitigate the damage and move forward.

The number of judicial vacancies has, again, risen above 80. I have heard from judges around the country whose courts have vacancies. They are working hard to keep their courts functioning, but they need help to ensure that all Americans have access to courts and to justice. Recently, Professor Carl Tobias summed up the vacancy crisis that has been plaguing us for the last four years. Professor Tobias is right, and we need to expeditiously confirm our judicial nominees so they can deliver justice for the American people. I ask consent that his full article in The Hill, entitled, ''Obstruction in Senate Taking Its Toll on the Courts,'' appear in the RECORD at the conclusion of my remarks.

We can begin to help address the vacancy crisis by confirming the 19 nominees who are currently waiting for final Senate action. The four circuit court nominees have each been waiting at least 5 months for a vote. One has been stalled for more than 8 months. The 15 district court nominees have all been waiting at least 3 months, with some stalled for as long as 7 months.

The Republican Senator from Pennsylvania wrote a letter to the Majority leader and Senator MCCONNELL asking that the two nominees for the Middle District of Pennsylvania be considered. I want to see those nominees, as well as the dozen whose Senate votes have been delayed even longer, and all the judicial nominees who have had a hearing, acted upon by the Senate.

The Senate should not continue down the path of unprecedented obstruction and delay. President Obama had not sought to pick an ideological fight with the Senate on judicial nominees as his predecessor had done. By way of example, the Republican Senators from Oklahoma have said that they support Robert Bacharach, and the Republican Senators from Maine strongly support William Kayatta. It is unprecedented to have this many consensus judicial nominees not acted upon before the election recess in a presidential election year.

The American people deserve better, and I know the Senate can do better. After the midterm election in 2002, Senate Democrats worked with Senate Republicans to confirm 20 of President Bush's judicial nominees in 1 week, including 18 in just 1 day. Again, in 2010, the Senate proceeded to confirm 19 judicial nominees during the lameduck session after the election. Unfortunately, Republican delays in 2010 had backlogged 38 judicial nominees and the confirmations of 19 went only halfway to what we should have done.

When Ronald Reagan, George H.W. Bush and George W. Bush were President, Senate Democrats cleared the calendar of all but the most controversial and extreme ideological judicial

nominations. The Senate needs to be allowed to vote on President Obama's judicial nominees now so that our Federal courts are better able to function and fulfill the fundamental guarantee of providing access to justice. I hope that now that President Obama has been reelected, Senate Republicans will work with us to fill these longstanding judicial vacancies. The American people deserve no less.

When an injured plaintiff sues to help cover the cost of his or her medical expenses, or when two small business owners disagree over a contract, they should not have to wait years for a court to resolve their dispute. Americans are rightfully proud of our legal system and its promise of access to justice and speedy trials. This promise is embedded in our Constitution. When overburdened courts make it hard to keep this promise, the Senate should work in a bipartisan manner to help.

I ask unanimous consent that the letters to which I referred be printed in the RECORD.

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

HISPANIC NATIONAL BAR ASSOCIATION,
Washington, DC, September 25, 2012.

Hon. HARRY REID,
Senate Majority Leader,
Washington, DC.
Hon. MITCH MCCONNELL,
Republican Leader,
Washington, DC.

DEAR SENATORS REID AND MCCONNELL: On behalf of the Hispanic National Bar Association (HNBA), which represents the interests of the 100,000 Hispanic attorneys, judges, and law professors in the United States and Puerto Rico, we write expressing our concern that Congress is adjourning without confirming the remaining Latino nominees and HNBA endorsed nominees pending on the Senate Executive Calendar. As a bar association, one of our greatest priorities is to advocate for a diverse judiciary and legal profession, and we believe that having a judiciary that is reflective of the citizenry should be one of Congress' priorities.

Fernando Olguin and Jesus Bernal, who have been nominated for seats in the Central District of California, and William Kayatta, who has been nominated to the First Circuit in Maine, are all highly qualified, noncontroversial candidates with bipartisan support who were voted out of the Senate Judiciary Committee by voice. Despite their qualifications and the lack of any substantive opposition to their nominations, they have been pending on the Senate calendar for months—Mr. Olguin and Mr. Bernal for over two months, and Mr. Kayatta for over five months—waiting to be confirmed. This is especially concerning considering both Mr. Bernal and Mr. Olguin are nominated to seats that have been deemed judicial emergencies, and Mr. Kayatta is nominated for the First Circuit. The fact that Congress is adjourning without confirming these candidates is of great concern, and is a disservice to the Federal Courts and the people they serve.

It is of utmost importance for the operational capacity and overall integrity of our judicial system that we appoint and confirm quality and experienced individuals to serve in the Federal judiciary in a timely manner. Given the number of judicial emergencies and growing caseloads across the country, the need to fill vacancies efficiently and expeditiously has become paramount. It is of vital importance that qualified, noncontroversial nominees are confirmed as quickly as possible. With that, we again urge your consideration of the Latino nominees and HNBA endorsed nominees currently pending on the Senate Calendar.

Sincerely,

PETER M. REYES, Jr.,
National President, Hispanic National Bar Association.

[From the New York Times, Oct. 16, 2012]

POLITICS AND THE COURTS

The winner of the presidential election will have scores of federal judgeships to fill and the chance to shape the courts—even aside from potential Supreme Court vacancies should one or more of the current justices retire.

After a slow start, the Obama administration picked up the pace in filling judgeships, but it will end up with more vacancies on Election Day than the day the president took office. Currently, 32 positions, considered ''judicial emergencies'' by court administrators, are unfilled, creating heavy workloads for judges on those courts.

On the federal appeals courts, the final arbiters on all but the tiny percentage of cases decided by the Supreme Court, there are now 14 judgeships open out of 179 total seats. With about six judges a year taking senior status, working only part time, the next president could have as many as 40 appellate openings to fill by the end of 2016.

On the trial courts, which resolve around 325,000 cases a year, six times the number of appeals court cases, there are now 62 vacancies out of 677 positions.

Much of the problem, of course, has been the broken confirmation process in the Senate, where Republicans have used the filibuster to block judicial nominees for no reason except to prevent President Obama from filling the seats. In the next Congress, the Senate should ensure every nominee an up-or-down vote within 90 days.

The United States Court of Appeals for the District of Columbia, one of the nation's most important courts, has suffered particularly in this process, with three unfilled seats and no judge confirmed for the court since 2006.

Politicization has also crept into the process for approving district court nominees. In the 101st Congress in 1989 and 1990, 96 percent of the district court nominees picked by President George H. W. Bush were confirmed, and the confirmation process took on average just 77 days. Twenty years later, only 56 percent of President Obama's nominees were confirmed and the process took on average 174 days.

During the Obama years, nominees presenting no ideological threat have been held up in the Republicans' campaign of partisan attack and obstruction—even against trial judges whose decisions are rarely ideological and can be appealed.

The holdups have cost Americans dearly—in justice delayed (it now generally takes two years to get a federal civil trial) and justice denied. It is time to adopt a more efficient, less political approach to district court confirmations. The courts must be brought to full strength so they can meet the demands for justice. The next president and the new Senate should make reforming the confirmation process a paramount priority.

[The Hill's Congress Blog, Oct. 31, 2012]

OBSTRUCTION IN THE SENATE TAKES ITS TOLL ON COURTS

(By Carl Tobias)

Halloween is the perfect occasion for analyzing scary federal judicial selection with three judges assuming senior status on October 31. The bench experiences 83 vacancies in the 858 appellate and district judgeships. The openings first spiked to 90 in August 2009 and have since remained near ten percent. These empty seats are ghost-like apparitions that do nothing to resolve huge caseloads. Thus, President Barack Obama must promptly nominate, and the Senate expeditiously confirm, lower court nominees, or the nation will confront the nightmare of a judiciary that cannot deliver justice.

Since 1987, Republican and Democratic accusations, countercharges and paybacks have haunted selection mainly because of divided government. Democrats now control the White House and the Senate. However, the party should continue cooperating with Republicans to reduce these counterproductive dynamics because the process has stopped until the November lame duck session.

President Obama has vigorously consulted with Republican and Democratic senators from states where vacancies materialized before actual nominations. Obama has proffered uncontroversial nominees, of even temperament, who are smart, ethical, diligent and independent and diverse in terms of ethnicity, gender and ideology.

Senator Patrick Leahy (D–Vt.), the Judiciary Committee chairman, has rapidly conducted hearings and votes, condemning (sending) nominees to unending nights of the living dead on the floor where many languished over months. For example, in late September, the Senate confirmed two nominees, although it could easily have voted on another 19 nominees with committee approval. Indeed, the Senate recessed without considering any of those well qualified nominees, most of whom the committee reported absent substantive opposition, because the GOP refused to vote.

Republicans should stop their tricks and treat the process more cooperatively. The primary bottleneck has been the floor. Senator Mitch McConnell (R–Ky.), the minority leader, has played the role of Dracula, sucking the lifeblood out of qualified nominees' candidacies by rarely agreeing to final votes. Even the dreaded Ninth Circuit nominee Goodwin Liu—whom McConnell and his colleagues outrageously characterized as the Second Coming of Earl Warren and refused any vote—has proved to be a remarkably mainstream California Supreme Court Justice. Most problematic has been Republican rejection of votes on noncontroversial strong nominees, inaction that violates Senate customs. When the chamber has ultimately voted, it has approved many nominees unanimously or by substantial majorities.

The 179 appellate judgeships, 15 of which are open, are crucial because the dozen circuits are courts of last resort in their regions for 99 percent of appeals. Obama has proposed seven exceptional nominees, and he should keep working with Leahy and Senator Harry Reid (D–Nev.), the majority leader, who arranges floor votes, and their Republican counterparts to facilitate smooth confirmation while nominating strong candidates for the eight openings that lack nominees. On June 13, the GOP leadership invoked the ''Thurmond Rule,'' which masqueraded as a binding mandate, saying it would oppose votes on all appellate nominees until the election. Because this notion does not apply to excellent, consensus nominees, like First, Tenth, and Federal Circuit nominees William Kayatta, Robert Bacharach and Richard Taranto, the Senate must vote on them soon.

The 679 district judgeships, 68 of which are open, are essential, as district judges conduct federal trials and ascertain the facts, while appeals courts uphold 80 percent of

lower court decisions. Obama has nominated 27 excellent individuals and must quickly suggest candidates for the 41 vacancies without nominees. For its part, the Senate must swiftly confirm nominees.

The vacancies in 83 judgeships resulting from GOP obstruction have, like Dr. Frankenstein, created monstrous dockets that jeopardize expeditious, inexpensive and fair case resolution. Thus, President Obama must promptly nominate, and senators rapidly confirm, numerous superb judges, so the courts can deliver justice. Boo!

TRIBUTE TO LLOYD GOODROW

Mr. LEAHY. Mr. President, today I am proud to call to the Senate's attention the record of accomplishment of a military officer who has retired after 33 years of outstanding service to the Vermont Air and Army National Guard.

LTC Lloyd Goodrow served five Adjutant Generals. He distinguished himself in the position of State Public Affairs Officer. Through diligence, honesty, and integrity he forged a strong and straightforward relationship with the media and the Vermont Congressional Delegation.

In the years after the attacks of September 11, 2001, Lieutenant Colonel Goodrow provided strong, meaningful support to deployed troops and their families. He helped Vermonters to make a human connection to the Guard during this difficult time. His empathy and deep understanding of the tragedy and suffering of Gold Star families not only aided those families in the healing process but left a lasting impression on Lloyd.

Lloyd is an outstanding family man. Marcelle and I are fortunate to count as friends Lloyd, his wife Margo, and their son Daniel. Daniel has been recognized at the State and national level for his swimming in the Special Olympics. Like his parents, he has been a strong advocate for people with special needs.

In recognition of Lieutenant Colonel Goodrow's service to our country and to our State of Vermont, I ask that an article, ''Spokesman for Vt. National Guard retires,'' written by Matt Ryan in the November 1, 2012, edition of the Burlington Free Press, be entered into the CONGRESSIONAL RECORD.

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

[The Burlington Free Press, Nov. 1, 2012]

GOODROW REFLECTS ON 33-YEAR CAREER

(By Matt Ryan)

Lt. Col. Lloyd Goodrow said during his tenure as spokesman for the Vermont National Guard, he has considered reporters and soldiers alike his colleagues.

''It's easier if you have a relationship with the media, and you understand where each other came from,'' Goodrow said. ''Have we always agreed? No. Have we agreed to disagree? Yes.''

Goodrow, 58, of Essex Junction retired at midnight Wednesday, ending a 33-year career with the Vermont National Guard. He said his next order of business is to find a new job.

''Today's bittersweet,'' he said earlier on Halloween. ''I walk out of here tonight at midnight. The joke is I'm turning into a pumpkin.''

The University of Vermont graduate worked much of his career with the Guard in public affairs. He typed his first news release in 1987, about a man who built a cheap device that could detect infrared light for the U.S. military. The story circulated nationally for two years, he said.

Goodrow has since spoken on behalf of soldiers who deployed to Iraq and Afghanistan and returned home to rebuild Vermont in the wake of Tropical Storm Irene.

''The hardest thing was dealing with the deaths of soldiers,'' he said. ''The first time I looked into the eyes of a gold star mother, it changed my life forever.''

That was the mother of Vermont Army Guard Spec. Scott McLaughlin, a 29-year-old husband and father of two from Hardwick who was shot and killed by a sniper in Iraq in 2005.

Goodrow said he helped the family gather photos of McLaughlin for the media and later convinced them to allow reporters in the church for the funeral services.

''The media is there to represent the community, and to help the community as well,'' he said. ''I reminded them that you help the community mourn.''

Goodrow said he leaves media relations in the good hands of Capt. Chris Gookin. Gookin stood to lead the Guard's public affairs office upon Goodrow's retirement.

''It's important that the public knows who we are, what we represent and what we can do for them,'' Goodrow said. ''Because we belong to the people. We belong to the public.''

Goodrow's retirement party is scheduled for noon Thursday at the American Legion in Colchester. His formal retirement ceremony is slated for 2 p.m. Sunday at the Green Mountain Armory at Camp Johnson.

''I really have been blessed,'' he said. ''I've been part of a group that's been second to none.''

RECOGNIZING ETHAN ALLEN FURNITURE

Mr. LEAHY. Mr. President, one of Vermont's premier businesses is celebrating its 80th anniversary this year. Ethan Allen Furniture has come to represent the very highest standards and quality that Vermont has to offer.

In 1932, two brothers-in-law from New York City established a wholesale company that sold small housewares. Four years later, they purchased a bankrupt furniture factory in Beecher Falls, VT, and began manufacturing early American furniture branded as the Ethan Allen line. They eventually renamed the company after Ethan Allen, a Revolutionary War hero who played an integral role in America's fight for independence and Vermont's admission to the Union as the 14th State.

Over the years, Ethan Allen Furniture has grown into one of the world's most prominent furniture makers and interior design specialists, with over 300 stores worldwide and manufacturing centers around the globe.

This world-renowned company has remained close to its Vermont roots and continues to employ many Vermonters because of their unique talent and experience in finely crafted furniture. It was great to see that the company's president, CEO, and chairman, Farooq Kathwari, recently visited with employees at the Orleans, VT, facility to celebrate the company's anniversary and its return to profitability.

I congratulate Ethan Allen Furniture on this monumental anniversary, and I wish them much success in the future.

I ask unanimous consent that the September 26, 2012, Caledonian Record article entitled ''Ethan Allen Celebrates 80 Years'' be printed in the RECORD.

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

[From the Caledonian Record, Sept. 26, 2012]

ETHAN ALLEN CELEBRATES 80 YEARS

(By Robin Smith)

Ethan Allen CEO, President and Chairman Farooq Kathwari praised his employees in Vermont Tuesday afternoon and announced performance raises as part of the company's 80th anniversary.

Ethan Allen plants in Orleans and Beecher Falls are profitable now for the first time since the Great Recession, Kathwari told employees who gathered in a plant storage facility at the Orleans facility to eat cake and celebrate.

The company wanted to begin the big anniversary celebration in Vermont where it began 80 years ago in Beecher Falls.

This morning, Kathwari and Ethan Allen officials will ring the bell to open the New York Stock Exchange. And in the next several weeks, the company will unveil a new line of American furniture and launch a marketing campaign, Kathwari said.

The company converted its operation in Orleans and elsewhere from mass production to custom-manufacturing over a year and a half, he said. The profitability and efficiency in Orleans is up 30 to 40 percent in the last two years, he added.

And now, instead of buying products from China, Kathwari said Ethan Allen is selling its furniture to China.

Ethan Allen received a fairly large order from China last year and has retail stores there.

''You folks will make orders for China. Think of that,'' he said.

''If someone had said . . . we would make lamps for China, we would have said 'That's crazy.' ''

Kathwari invited a select group of company retailers, marketers, designers, board members and initial investors, plus local legislators, to a tour of the Orleans plant before he spoke to employees. Kathwari recognized long-time employees at the plant, one of whom had been at the plant for 53 years and introduced company leaders who had longevity with the company.

That's how Ethan Allen has survived 80 years and grown, he said, because experience and longevity allows nimble adaptability. ''To be around for 80 years, you have to by plan or by accident reinvent it,'' he said.

Ethan Allen survived the Great Depression, he said, and now the Great Recession.

The company kept 70 percent of its manufacturing in the U.S., Kathwari said, ''which is remarkable.''

The company is committed to the Orleans plant, where 320 employees make tables, chairs and other furniture that has the name of the customer on the bar code label. Each piece being manufactured in Orleans is already sold ''and our people know it,'' Kathwari said.

The Orleans staff have tremendous experience and knowledge, the Orleans and Beecher

Falls plants have technological improvements from ongoing investments over the years and the area has the best sustainable hardwood resources in the world, he said.

Because of these things and the productivity and quality in Orleans, Kathwari announced the reintroduction of performance raises this year.

''Those who have done a good job will get an increase,'' he said.

He said the new plant in Honduras, like the Mexican plant, turns raw resources into materials for the upholstery manufacturing plant in North Carolina, he said.

Without that Mexican plant, Ethan Allen would not have been profitable during the recession, he said.

The company's vertical integration, from bringing in raw wood at Beecher Falls, to wood work in Orleans to the company's own stores and interior designers, means it was able to survive and change in reaction to globalization and mass market changes.

The company is public but is fortunate in being able to think long term, Kathwari said, noting that he has served as CEO for 40 years.

Challenges remain for the company in Vermont, including the high price of electricity, at two times that in North Carolina and three to four times that of overseas where the price is kept down by government, he said.

Also the increasing cost of health care is a concern, he said.

The founders bought the Beecher Falls wood plant and renamed it Ethan Allen, a mark of the colonial American furniture the company made.

Kathwari said the company will unveil five new American lifestyle lines of furniture, from modern to classic—reflecting the global style of America today. Sneak peeks were available from the classic-lined wood chairs and tables and headboards, in Fiesta Ware type colors, and other beautiful pieces in various stages of construction at the plant Tuesday.

He hopes to see sales continue to increase, as they have for the past two years, he said by about 15 percent each year.

TRIBUTE TO RITA MARKLEY

Mr. LEAHY. Mr. President, homelessness is not something found only in large urban areas or that is isolated to city limits; it is just as easily found in small towns and rural areas. Vermont, like the rest of the Nation, struggles each day with homelessness. It is estimated that in any given year, there are 4,000 homeless Vermonters, and on any given night, children, as well as adults, find refuge in a shelter.

The Committee on Temporary Shelter, known in Vermont as COTS, has been serving the homeless in Chittenden County since 1982. While COTS relies on the talents of more than 60 dedicated staff members, it is the tireless leadership of their executive director, Rita Markley, that is the heartbeat of this critically important organization.

I have been so proud of the work of Rita and COTS in their service to the people of Chittenden County. During her time with COTS, Rita has worked tirelessly to provide emergency shelter to those in need, while advocating for long-term solutions to end homelessness. Beyond providing emergency shelter for those in need, COTS' prevention program extends a crucial safety net for those on the brink of losing their homes.

Under Rita's leadership more than 100 families found shelter through COTS in 2011, including 115 parents and 122 children. Since 2008, COTS' prevention program has helped 1,264 people to stay in their apartments and has stopped 55 foreclosures.

Rita is known throughout Vermont for her overwhelming generosity, tireless determination, and sharp sense of humor. She truly embodies the Vermont spirit, dedicating herself to helping her neighbors and reminding us that we are all in this together. Vermont is truly lucky to call Rita Markley one of our own.

I ask unanimous consent that a copy of an article from September 20, 2012, entitled, ''Innovation, and passion, in the nonprofit world,'' from The Burlington Free Press, be printed in the RECORD.

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

[From the Burlington Free Press, Sept. 20, 2012]

INNOVATION, AND PASSION, IN THE NONPROFIT WORLD—RITA MARKLEY OF COTS TALKS ABOUT THE IMPORTANCE OF PARTNERSHIPS IN A WORLD OF GREAT NEED, LIMITED FUNDS

(By Lynn Monty)

Work is missed when children get sick. Gas for trips to the doctor's office is costly. Rent payments become late, and medical bills loom. Homelessness strikes after a long list of setbacks in a person's life . . . a family's life.

Unforeseen expenditures happen to everyone, but when they come about on a fixed income it can cause a domino effect of devastation. Financial insecurity has plagued households nationwide since the economic downturn, and Burlington is no exception.

Rita Markley, 53, of Burlington knows all too well what our community has had to endure. She is executive director of the Committee on Temporary Shelter, where she's tasked daily with providing distressed people with emergency shelter and services, but her ultimate goal is to find long-term solutions to end homelessness altogether.

More than a hundred families stayed in COTS shelters in 2011. This included 115 parents and 122 children. An average of 53 people a day used the COTS Daystation, the only drop-in center for homeless adults in Chittenden County, before a storm flooded the Daystation in July.

Among her myriad responsibilities, and scrambling to find a new home for the much needed community resource before snow flies, surprisingly, Markley finds time to laugh.

Humor is part of the fuel she needs to forge ahead, to build community partnerships, and to get through tough times. ''You might as well have fun while you are doing what you do,'' she said. ''Laughter is a way to connect, and you feel better when you laugh. It makes you feel alive.''

We spoke to Markley about these philosophies, her life and her innovations at the nonprofit in an interview at her North Avenue office on Sept. 5. A fuller version of this interview is available online at BurlingtonFreePress.com.

Burlington Free Press: What does an average day look like for you at COTS?

Markley: Very few days look the same. That's what I love about this job. Some days it's meetings with community partners, other days is brainstorming with staff, writing reports, looking at our numbers. I stay in touch with the people we serve. I advocate to fix problems that put ridiculous burdens on struggling families.

In the past five weeks, I've been running to every last corner of Burlington looking for a new Daystation.

Our whole approach isn't about how we help the homeless, that is the wrong premise, it's about how we can end homelessness. What can we do so that 20 years from now people don't need shelters in the first place?

BFP: What fuels your passion?

Markley: It's an underlying belief that everybody has infinite promise, and potential, and that they deserve a chance to try to reach that.

I spent the first five years of my life in an orphanage. I know I would be a very different person today without the volunteers who would come and rock the babies and read to us. They came three or four times a week to make us feel loved and special. I think I would have been one of those kids who could have otherwise fallen through the cracks, or given up, before I had even stepped out the door.

I was very lucky to be adopted by the Markleys. It was a privileged household, but I remember well what holidays are like when you don't have a home, like the home you read about in storybooks. Or when you feel embarrassed because of the fact you are an orphan.

When I think of the kids there, I still remember their names. I remember who we were and how much useful creativity, imagination and joy every single one of us had. We were encouraged when we could have been shut down. The volunteers and staff there really cared about what they were doing, and launched us into lives that became meaningful.

I know when you don't get the opportunities for college and travel and exposure that I was given by the Markleys, you can start out with that bright shining light, and it gets darker and darker as each year passes by, and you stop believing that there are better things that are possible for you. This underlies everything that I am.

I have never been a woe-is-me kind of person. I believe in joy, touching that joy, and touching what is most wonderful in humans who have the capacity to care about each other when we don't have to. There is no reason that most of the volunteers need to come to a place like COTS every day, but they do because they can't bear the idea that somebody is going to sleep in a car, or not have a chance without their support.

BFP: How would Burlington be different without COTS?

Markley: I believe in working toward a world where everybody gets a chance. A lot of the work and the way we do things at COTS is driven from the principles of finding that strength, that spark, to help people believe again that more is possible for them than simply a shelter bed and hoping they will have enough food day to day. To help them see that you cannot only survive, but have a rich life.

Without the work we do every day, Burlington would be a place with shelter upon shelter upon shelter with people never getting out in front of it. It takes so long to save for a security deposit, especially when you are only bringing in $400 a week or less. We help people with this.

In 2008, COTS launched an innovative new prevention program with $250,000 that we had been fundraising since 2005. We got tired of

seeing so many people miss paying rent because the alternator on their car went, or had to miss work because of a sick child. Homelessness is often the result of this unraveling.

The trajectory was so clear. Incomes were flat, or going down, and rents were going up. Utilities were skyrocketing, gasoline was going up, and it was a housing market where if you lose your place, there are 10 other people who want it. We saw this and started raising money.

Our goal in mind was to keep families whole, helping them keep in good financial standing and to regain their footing. We kept 293 families in their homes that first year.

Since 2008, COTS' prevention program has helped 1,264 people stay in their apartments and stopped 55 foreclosures. We break their fall.

Far more people than you see now would be sleeping in doorways without our services. There would be far more children without a fixed address. Even with this successful homeless prevention program in place, we still have people becoming homeless at a quicker rate than we can break their fall.

BFP: What sustains this organization?

Markley: The community sustains this organization. The people who come out to contribute time and money have such a profound impact on so many lives. The amazing thing about COTS is the people who come out to support it.

They are the ones who make sure no one in our community is without a safe, warm place to go during the worst of times. What sustains us is the belief that we are so much more together than we are alone.

It's because this community is far better informed about who the homeless really are. They know that the guy in the doorway might be a veteran, but we have more work to do as an origination. I think many Vermonters would be shocked to know that at the start of the school year last year there were 141 homeless children in our area, or that our waiting list is high right now.

That is the hardest part of this work, when you don't have enough to help everyone. Last year we had the least amount of money to give out for prevention, and all of the school systems felt it keenly because we were not able to keep the same amount of families stable because of state and federal funding cuts and donations were down.

BFP: In what other ways have you been innovative in your approach in leading COTS?

Markley: I have brought a lot of new constituencies to COTS. I look further up the stream. Where people are used to hearing nothing but no, I find a way to get to yes.

For people with really awful credit or behavior issues, every door is slammed. No landlord will take the risk. Instead of accepting that as a no, we figure out how to help people build relationships with landlords through a new risk guarantee program.

We ask landlords to take a chance on our clients who we know are a challenge. We put up all of the costs of an eviction as a guarantee, and hold it for a year and a half.

My goal is to make sure nobody loses the hope entirely that they will ever be back into housing. Once a person gives up, there is so little you can do. It's like a life lost prematurely. As long as we can hold out that carrot, you can work with people to change behaviors, to try a different approach, and to keep believing in themselves and in having a home.

BFP: If you could do anything you wanted to innovate at COTS, with no barriers, what would you do? The sky is the limit.

Markley: I would triple our prevention fund, and link it to our follow-up services two years out to make sure families are still doing OK. I would focus on employment initiatives and bring together more partnerships. I would integrate the use of technology and bring together the disparate programs right now that are hard to navigate.

PROTECTING ECONOMIC VITALITY

Mr. LEAHY. Mr. President, shortly after the Senate recessed in September, a compelling article was published in the Burlington Free Press which I would like to share with this Senate.

John Ewing is a true public servant in Vermont. His vision and ability to work with diverse groups to protect Vermont's environment has been an inspiration to many. His September 30, 2012, column entitled, ''I Believe'' reviews the important steps Vermont has taken to achieve smart growth to help our natural resources and the State's economy hand in hand. John also looks to the future and what we must continue to do in Vermont to ensure we are planning for our best future possible with vibrant communities, a working landscape, and the natural beauty of our open spaces. Vermonters have a history of approaching these issues in a collaborative and objective fashion and I know that if we continue to do that we will be able to move Vermont forward to a bright and sustainable future.

John's column is a roadmap to how States can protect their natural heritage while maintaining their economic vitality. I ask unanimous consent that the text of this column be printed in the RECORD.

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

[From the Burlington Free Press, Sept. 30, 2012]

I BELIEVE: ''ECONOMIC VITALITY AND PROTECTING NATURAL HERITAGE ARE NOT AT ALL INCOMPATIBLE''

(By John T. Ewing)

Vermont is defined by its natural beauty, its towns and villages and its working landscape. But the question always remains: Can Vermont encourage growth, provide jobs and at the same time retain these special qualities? Will we be able to avoid the negative impacts of unplanned growth and suburbanization?

When I first came to Vermont in the 1950s, the site of the Sheraton Hotel on Williston Road beyond the University of Vermont was a dairy farm. Burlington had three hardware stores, and its banks stayed open on Friday nights to accommodate the farmers who came to town.

So much has changed. And yet Vermont has worked hard to retain its traditional settlement patterns—its compact communities and a healthy working landscape.

State policy has long recognized the need to protect these special qualities. The principle of ''compact settlement and a working landscape'' has been imbedded as an official vision since the 1960s. Act 250, with its set of principles to guide growth, was enacted in 1972. The Vermont Housing and Conservation Trust Fund was enacted in 1987 to pay for the conservation of farms and natural areas, and to invest in affordable housing in our villages and downtowns.

Under Gov. Madeleine Kunin, several efforts were made to strengthen state and community planning, and under Gov. Howard Dean, the state provided substantial funding to conserve farms, forests and natural areas. Recently the Legislature enacted downtown legislation and growth centers to encourage growth in and around existing population centers and towns.

However, not all is rosy. As I traveled across the state as chairman of the Environmental Board in the late 1990s, the suburbanization of Vermont was all too clear in certain areas. So we founded the nonprofit Smart Growth Vermont (originally named the Vermont Forum on Sprawl) in 1998. Our aim was to work with the administration and the Legislature to better preserve our heritage, and to assist local communities in their planning and regulatory functions to more effectively guide their growth. This ''smart growth'' organization has now been merged into the Vermont Natural Resources Council, where its director, Brian Shupe, and his staff are well positioned to carry forward the initiatives and the tools we developed, and to work with individual towns.

The smart growth movement believes that the twin goals of economic vitality and the protection of our natural heritage are not at all incompatible. In fact, much of the success of Vermont is attributable to its beauty and special qualities, supporting all facets of economic activity: tourism, farming, businesses and jobs all integrated so that there is no need to sacrifice our basic values.

We are blessed in Vermont with so many organizations working together to achieve these goals. I doubt that any state is so well served by the quality of its leaders and its organizations. I have already mentioned the Vermont Natural Resources Council, which just celebrated its 50th anniversary; a sampling of other groups include:

Land trusts, such as the Vermont Land Trust and many of its local counterparts.

Conservation organizations: the Nature Conservancy and countless similar groups.

Vermont Businesses for Social Responsibility.

Preservation Trust of Vermont.

The Vermont Council on Rural Development and its initiative on the working landscape.

The housing nonprofits, exemplified by the Champlain Housing Trust.

The ''buy local'' food movement, which is so important in ensuring that our land resources are used productively.

There's also the important Vermont Housing and Conservation Board, which over the years has contributed to the development or protection of:

10,750 permanently affordable housing units.

144,000 acres of agricultural lands.

253,000 acres of natural areas and recreation.

57 downtown historic properties.

And most importantly, there are the local planning commissions, zoning boards and town councils that are on the front line in confronting the complex proposals in their communities.

There always will be apparent conflict between growth and preserving the Vermont that we cherish. A current example involves the proposals for industrial wind power, fields of solar collectors, and bio-mass. There is an obvious conflict with those who cherish our ridgelines, mountains, forests and fields.

I believe these tensions can be relieved if we correct the current lack of planning and develop a more impartial regulatory system. As we have done in the past on other issues, Vermont can integrate the need for renewable energy with the environment if we provide the planning, systems for approval and opportunity for citizen involvement.

Compact and vibrant communities, natural beauty and a working landscape: I believe we

should never allow these special qualities to be eroded and lost; they are what define Vermont. But we have a history of addressing these issues in an objective and collaborative manner—that also is what defines Vermont.

NOTICE OF OBJECTION

Mr. GRASSLEY. Mr. President, I, along with Senator MARK KIRK, intend to object to proceeding to the nomination of Richard Berner to head the Office of Financial Research within the Department of the Treasury.

We will object to proceeding to the nomination because the Department of the Treasury has refused to respond to a letter Senator KIRK and I sent on October 2, over 6 weeks ago, regarding the Treasury Secretary's actions when he became aware of the manipulation of the London Interbank Overnight Rate, or LIBOR. The Department has also refused to provide the documents we requested.

In addition, my staff has, on several occasions, attempted to schedule briefing times that are convenient for the Department. The Treasury Department has cancelled each of these briefings and failed to cooperate in rescheduling at a mutually agreeable time.

Because everything from home mortgages to credit cards was pegged to LIBOR, its manipulation affects almost every American. Given the widespread effects of this manipulation, it is disturbing to see that the Treasury Department has thus far refused to answer basic questions and provide essential documents.

It is critical for Congress to be able to ask questions and to have access to administration documents in order to conduct vigorous and independent oversight. It is unfortunate that this administration, which has pledged to be the most transparent in history, consistently falls short of that goal.

CONGRATULATING THE SAN FRANCISCO GIANTS

Mrs. BOXER. Mr. President, I ask my colleagues to join me in congratulating the 2012 World Series champion San Francisco Giants. This season the Giants earned their second World Series title in 3 years by sweeping the Detroit Tigers in 4 games.

All season, the Giants truly exemplified what it means to be a team. Even though this season saw historic accomplishments from individuals, including Matt Cain's perfect game and Pablo Sandoval's three home runs in game one of the World Series, no one player carried the Giants. Contributions from all players on an outstanding roster of perennial all-stars, reliable veterans and promising young players led the Giants to win the National League Western Division.

On their road to the World Series, the Giants showed true grit and determination. They won a record-tying six consecutive games when facing elimination, fighting their way to a historic championship. In the division series, the team made history by battling back from a two games to nothing deficit to beat the Cincinnati Reds—the first come-from-behind win of its kind in National League history.

When the Giants made it to the National League Championship Series against the defending World Series Champion St. Louis Cardinals, they once again found themselves on the brink of elimination. The team banded together and roared back, winning three hard-fought games in a row to capture their second National League pennant in 3 years. With a powerful combination of great pitching, excellent defense, and clutch hitting, this Giant team always found a way to win.

All 25 players on the playoff roster should be congratulated for their contributions to this true team effort: Jeremy Affeldt, Joaquin Arias, Brandon Belt, Gregor Blanco, Madison Bumgarner, Matt Cain, Santiago Casilla, Brandon Crawford, Aubrey Huff, George Kontos, Tim Lincecum, Javier Lopez, Jose Mijares, Guillermo Mota, Xavier Nady, Angel Pagan, Hunter Pence, Buster Posey, Sergio Romo, Hector Sanchez, Pablo Sandoval, Marco Scutaro, Ryan Theriot, Ryan Vogelsong, and Barry Zito.

In addition to the players, I also congratulate Chief Executive Officer Larry Baer, General Manager Brian Sabean, and Manager Bruce Bochy for the tremendous job they did in assembling and guiding this team to the 2012 World Series.

As Giants fans in the Bay Area and around the world celebrate, I congratulate their team on a remarkable season, a seventh World Series title, and a place in the history books.

INTELLIGENCE AUTHORIZATION

Mr. WYDEN. Mr. President, the Senate is being asked today to approve the intelligence authorization bill for 2013 by unanimous consent. I believe that significant changes need to be made to this bill before it is passed, so I object to this unanimous consent request.

When the Senate Intelligence Committee approved this bill in July, I was the only member of the committee to vote against it, and I would like to take a few minutes to explain my concerns, so that my colleagues who are not on that committee can get a better sense of what this debate is about.

This bill contains a number of worthwhile provisions, and I wish that I had been able to support it. Unfortunately, it also contains several provisions that I find very troubling, all of them located in Title V of the bill. These provisions are all intended to reduce unauthorized disclosures of classified information, but I am concerned that they will lead to less-informed public debate about national security issues, and also undermine the due process rights of intelligence agency employees, without actually enhancing national security.

I agree with my colleagues that unauthorized disclosures of national security information, which are also known as ''leaks,'' can be a serious problem. Unauthorized disclosures of sensitive information can jeopardize legitimate military and intelligence operations, and even put lives at risk. So I think it can be entirely appropriate for Congress to look for ways to help the executive branch protect information that intelligence agencies want to keep secret, as long as Congress is careful not to do more harm than good. I myself spent 4 years working on legislation to increase the criminal penalty for people who are convicted of deliberately exposing covert agents, and I am proud to say that with help from a number of my Republican and Democratic colleagues, this legislation was finally signed into law in 2010.

So I am all for Congress recognizing that leaks can be a serious problem, and for doing things to show the men and women of the U.S. intelligence community that we recognize the seriousness of this issue. The problem, though, is that Congress can't actually legislate this problem away, and attempts to do so can have serious negative consequences.

One of the best analyses I have seen of the problem of unauthorized disclosures was a report published last year by the National Intelligence University. The report observed that this problem has been around for several decades, and noted specifically that ''The relative consistency in the number of unauthorized disclosures over the past 30 years demonstrates their persistent nature, independent of which political party controls the White House or Congress.'' This report, like a number of previous reports on the subject, also suggested that because it is very difficult to identify government employees responsible for disclosing classified information to the media, unauthorized disclosures are not a problem that can be solved with legislation.

Again, this doesn't mean that Congress shouldn't try to find ways to help the executive branch when it can. But it does mean that Congress and the public should be generally skeptical of anti-leaks bills, and remember that not everything that is done in the name of stopping leaks is necessarily wise policy.

In particular, I think Congress should be extremely skeptical of any anti-leaks bills that threaten to encroach upon the freedom of the press, or that would reduce access to information that the public has a right to know.

As most of my colleagues are aware, my father was a journalist who reported on national security issues. Among other things, he wrote what many consider to be the definitive account of the Bay of Pigs invasion, as well as an authoritative account of how the U.S. came to build and use the first atomic bomb. Accounts like these

are vital to the public's understanding of national security issues. Without transparent and informed public debate on foreign policy and national security topics, American voters would be ill-equipped to elect the policymakers who make important decisions in these areas.

Congress, too, would be much less effective in its oversight if Members did not have access to informed press accounts on foreign policy and national security topics. And while many Members of Congress don't like to admit it, members often rely on the press to inform them about problems that congressional overseers have not discovered on their own. I have been on the Senate Intelligence Committee for 12 years now, and I can recall numerous specific instances where I found out about serious government wrongdoing—such as the NSA's warrantless wiretapping program, or the CIA's coercive interrogation program—only as a result of disclosures by the press.

With all of that in mind, I am particularly concerned about sections 505 and 506 of this bill, both of which would limit the flow of unclassified information to the press and to the public. Section 505 would prohibit any government employee with a Top Secret, compartmented security clearance from, and I quote, ''entering into any contract or other binding agreement'' with, quote, ''the media'' to provide ''analysis or commentary'' concerning intelligence activities for a full year after that employee leaves the government. This provision would clearly lead to less-informed public debate on national security issues. News organizations often rely on former government officials to help explain complex stories or events, and I think it is entirely appropriate for former officials to help educate the public in this way. I am also concerned that prohibiting individuals from providing commentary could be an unconstitutional encroachment on free speech. For example, if a retired CIA Director wishes to publish an op-ed commenting on a public policy debate, I see no reason to try to ban him from doing so, even if he has been retired less than a year.

I understand my colleagues' desire to prohibit unauthorized disclosures by retired officials, but these officials are already legally bound not to disclose classified information that they learned while in government service. And I would also note that this bill does not define who is and who isn't a member of the media, and that this ambiguity could present a variety of problems. When this bill was being considered in committee, I suggested that we get feedback from outside groups before we voted on it, so that we could address problems like this, and I hope that the committee will take that step in the future.

Section 506 would also lead to a less-informed debate on national security issues, by prohibiting nearly all intelligence agency employees from providing briefings to the press, unless those employees give their names and provide the briefing on the record. The bill makes an exception for agency directors and deputy directors, and their public affairs offices, but no one else. It seems to me that authorized, unclassified background briefings from intelligence agency analysts and experts are a useful way to help inform the press and the public about a wide variety of issues, and there will often be good reasons to withhold the full names of the experts giving these briefings. I haven't seen any evidence that prohibiting the intelligence agencies from providing these briefings would benefit national security in any way, so I see no reason to limit the flow of information in this manner.

The third provision that I am most concerned about is section 511, which would require the Director of National Intelligence to establish an administrative process under which he and the heads of the various intelligence agencies would have the authority to take away pension benefits from an intelligence agency employee, or a former employee, if the DNI or the agency head determines that the employee has knowingly violated his or her nondisclosure agreement and disclosed classified information.

I am concerned that the Director of National Intelligence himself has said that this provision would not be a significant deterrent to leaks, and that it would neither help protect sensitive national security information nor make it easier to identify and punish actual leakers. Beyond these concerns about the provision's effectiveness, I am also concerned that giving intelligence agency heads broad new authority to take away the pensions of individuals who haven't been formally convicted of any wrongdoing could pose serious problems for the due process rights of intelligence professionals, particularly when the agency heads themselves haven't told Congress how they would interpret and implement this authority. As many of my colleagues will guess, I'm especially concerned about the rights of whistleblowers who report waste, fraud and abuse to Congress or Inspectors General.

I outlined these due process concerns in more detail in the committee report that accompanied this bill, so I won't restate them all here. I will note, though, that I am particularly confused by the fact that section 511 creates a special avenue of punishment that only applies to accused leakers who have worked for an intelligence agency at some point in their careers. There are literally thousands of employees at the Departments of Defense, State and Justice, as well as the White House, who have access to sensitive national security information. I don't see a clear justification for singling out intelligence community employees with this provision, when there is no apparent evidence that these employees are responsible for a disproportionate number of leaks. And I am concerned that it will be harder to attract qualified individuals to work for intelligence agencies if Congress creates the perception that intelligence officers have fewer due process rights than other government employees.

While I have a number of smaller concerns regarding the language of these anti-leaks provisions, the issues that I have just laid out represent my central concerns, and I hope that my colleagues now have a better sense of why I oppose this bill. I would add that my view seems to be widely shared outside of Congress, and that when USA Today ran an editorial criticizing these anti-leaks provisions, they couldn't find a single senator who was willing to publicly defend them.

I know that the sponsors of this bill have worked hard on it, and I am still happy to sit down with them at any time to discuss my concerns in more detail, and help them make the major changes that I believe must be made before this authorization bill moves forward.

SPORTSMEN'S ACT OF 2012

Mr. BLUMENTHAL. Mr. President, I would like to make a brief statement regarding my vote to support the motion to proceed to S. 3525, the Sportsmen's Act of 2012. There are many worthy provisions in this bill that deserve our support. However, I remain concerned about the provision that would allow the importation of polar bear trophies taken in sport hunts in Canada before February 18, 1997. This provision would apply to trophies regardless of whether they were taken from an approved polar bear population. Prior to 1997, U.S. trophy hunters were only permitted to take bears and import trophies from approved populations; thus, only trophy hunters who killed polar bears from unapproved populations would benefit from this provision of the bill.

I find this very disturbing. This provision of the Sportsmen's Act undermines current wildlife protections, and further imperils an already threatened species by encouraging future killings for sport. For this reason, I am proud to cosponsor the amendment introduced by my two colleagues from Massachusetts to strike this provision. It would be my hope that the Senate would pass this important amendment.

HONORING CAPTAIN SHAWN G. HOGAN

Mrs. SHAHEEN. Mr. President, I wish to honor the service of a brave New Hampshire son, U.S. Army Special Forces CPT Shawn G. Hogan, who was killed in a tragic accident during a military training exercise on October 17 in Golden Pond, KY. Captain Hogan was commander of Company A, 4th Battalion, 5th Special Forces Group headquartered at Fort Campbell, KY.

He received his Green Beret earlier this year.

Shawn was born in Albany, NY and grew up in the Town of Salem, New Hampshire. An alumnus of Salem High School, Shawn attended the Virginia Military Institute where he was captain of both the cross-country team and the track and field team. He joined the U.S. Army upon graduation in 2006.

Shawn's military honors include the Bronze Star Medal, two Army Commendation Medals, two Army Achievement Medals, the Army Service Ribbon, the Global War on Terrorism Service Medal, the Iraq Campaign Medal with one Campaign Star, the National Defense Service Medal, the Army Service Ribbon, the Sapper Tab, the Ranger Tab, the Special Forces Tab, and the Parachutist Badge.

Shawn was an avid runner, hiker, rock climber, and skier and is remembered for his love of the great outdoors and for his impressive athletic ability. At the Virginia Military Institute, for instance, Shawn placed seventh out of 3,600 cadets in an Army ROTC competition. When he wasn't outperforming the competition on the playing field, Shawn was outperforming his peers in the classroom. Friends and teachers recall Shawn's intense intellectual curiosity and independent mind. He was a finalist in the prestigious Rhodes and Marshal Scholarship competitions, won an award for the best thesis in science and engineering, and was valedictorian of his class at the Institute.

Shawn is also remembered for the kindness he showed others and for his willingness to help anyone in need. He stood out as an athlete, a student, and a person, and his death is a huge loss for all who knew him, for New Hampshire, and for the country.

Shawn dedicated his talents and his life in the service of his community and his country. He answered the call of duty to defend our way of life, and for that, all Americans are forever grateful.

Sadly, Shawn is the fifth Salem High School graduate in recent years to die while serving our country. To honor Shawn and all others who have served before him, it is our duty to remain committed to the cause of freedom and to our returning veterans and their families.

Shawn is survived by his parents, Jean and Richard Hogan of Salem; and his sister, Nicole, also of Salem.

I ask my colleagues and all Americans to join me in honoring the bright life and service of CPT Shawn G. Hogan.

ADDITIONAL STATEMENTS

REMEMBERING DR. EMMA WALTON

● Mr. BEGICH. Mr. President, I wish to recognize the passing of one of Alaska's most accomplished, influential and respected educators, Dr. Emma Walton. Dr. Walton died recently at the age of 79 in Anchorage, AK. At the time of her death, she was a science education consultant for NASA's Aerospace Education Services Project at the space agency's Ames Research Center.

An accomplished teacher, Dr. Walton taught high school biology in Louisiana, Maryland, and Alaska. Her advanced degrees in science education from Bowie State College and Doctoral Degree in Education Administration Policy gave her opportunities to meet, interact with and work alongside students, teachers and administrators from all over the world. Dr. Walton served as the president of the National Science Teachers Association and held countless chair positions on committees, advisory boards, task forces, judging panels and university groups.

Dr. Walton, a beloved teacher and mentor, played a key role in the development of science education in Alaska and in the United States. Her efforts to promote innovative and sound science teaching practices influenced countless students and teachers. Her passion for science education was second to none, and we are all better for knowing her. Dr. Walton will be missed by many.●

RECOGNIZING THE D'ANTONI FAMILY

● Mr. MANCHIN. Mr. President, today I wish to speak about a great West Virginian, Lewis D'Antoni, and his extraordinary family. I do so because the D'Antoni family is being honored tonight for the countless lives they have influenced and the untold students they have inspired to reach for the stars. At its annual dinner in Charleston, the Education Alliance of West Virginia will celebrate the D'Antonis. And I wish to add my salute to this remarkable family and to thank its patriarch for all he has done for the people of West Virginia in a lifetime of almost 99 years—as a dedicated educator, as an innovative coach, as an inspiring man of integrity and industry.

Lewis D'Antoni had a long career as an educator but he is best known throughout West Virginia as the ''coach's coach.'' And for good reason! He was one of West Virginia's greatest high school basketball coaches, with 450 victories, including a State championship, while coaching at Mullens High School in Wyoming County. He believed in fast-forward basketball even before there was a shot clock. So it should not surprise anyone that two of his sons, Mike and Dan, have been advocates of the run-and-gun offense in their NBA coaching careers. And with Mike named just this week as the new coach of the Los Angeles Lakers—reunited with point guard Steve Nash—look for a lot of full-court play at The Forum this season.

All four of the children Lewis parented with his late wife, Betty Jo, are accomplished and respected throughout West Virginia. Their youngest son, Mark, was an Academic All-American basketball player at Coastal Carolina College and is a partner in a Charleston law firm. And their daughter, Kathy, is an assistant state superintendent of schools in West Virginia and the author of two books on adult education. The D'Antonis personify the power of families—working hard, supporting each other and standing together, no matter how tough times may get. These are the values of the D'Antoni family. These are the families of the West Virginia family.

Lewis D'Antoni's father, Andrea, came from Italy to West Virginia in 1910. He was so proud to be an American that he initiated what is probably a very unique tradition in any American household, especially these days. Every April 15, after paying his taxes, Andrea D'Antoni would open a bottle of wine and celebrate Tax Day with the entire family. Kathy D'Antoni remembers stories of how happy her grandfather was to pay his taxes because, as she explains, ''he loved America and he wanted to show his appreciation and to give something back to this great country.''

That has been the hallmark of the D'Antoni family ever since Andrea D'Antoni's Tax Day celebrations. That certainly has been the hallmark of Lewis D'Antoni's life work—through his many years as a coach, a teacher and school administrator. He taught discipline on the court and in the classroom. He emphasized that success depends on ''how well you prepare'' and ''how you react to the ebb and flow'' of the game. And never, ever give up. And that has also been the hallmark of the careers of his children, Mike, Dan, Mark and Kathy. All have given great service to their communities, their State and their country.

The Education Alliance is a non-profit organization that works to keep students in school and on track to graduate through various programs, including mentoring. And every year, at its annual dinner, the organization honors West Virginians who have had a positive impact on the lives of students, as role models for discipline and hard work. This year, the Education Alliance is honoring the D'Antoni family whose own lives bear witness to the fact that talent is unstoppable, that tenacity has rewards and that dreams can come true. They have lived lives that made Andrea D'Antoni's dream come true—that the D'Antoni family name would be honored in America and in West Virginia.●

RECOGNIZING THE JUNEAU EMPIRE CENTENNIAL

● Ms. MURKOWSKI. On November 2, 1912, the Alaska Daily Empire published its first edition in Juneau. Over the next one hundred years it would bear the names Daily Alaska Empire, the Juneau Alaska Empire, the Southeast Alaska Empire and today, The Juneau Empire. I wish to pay tribute to The Juneau Empire on the occasion of its centennial anniversary.

From the Gold Rush days and through much of the 20th Century, Juneau was quite a competitive newspaper town. The Empire was not Juneau's first newspaper. That distinction belongs to the Alaska Free Press, which was first published in 1887. But in rough and tumble Juneau, newspapers came and went. The Empire is the only one of perhaps 18 newspapers that survived.

In 1912, when the Empire was founded, there was but one daily newspaper in Juneau, the Daily Alaska Dispatch, which was Republican oriented and reflected the progressivism of Theodore Roosevelt's era.

Franklin Alexander Strong was a Democrat at a time when his party in Alaska was conservative and business oriented. A newspaper man who had already established The Nome Nugget, Alaska's oldest newspaper in 1900, Strong had already relocated to Seattle when he was wooed back to Alaska. There were plans to make Strong Alaska's second Territorial Governor at the time. Fortunately, Strong left a printing press in Iditarod, AK, another Gold Rush town, and moved it to Juneau upon his return to launch the Empire as well as his political career.

In spite of his political aspirations, Strong promised that the paper would be politically independent, ''reserving the right to comment or fairly criticize any political party that may be in control of the federal or territorial administrations.'' Strong had much to criticize.

Strong's initial editorial read in part:

Notwithstanding the many disabilities under which Alaska has labored for years past, partly due to ignorance, misinformation and misdirected zeal on the part of the national school of ultra-conservationists, the growth and development of this great commonwealth has been greatly retarded, if not absolutely prohibited in important sections. A change in policy by the federal administration we believe to be indispensible to the end that the people of Alaska may be permitted to enjoy the fruits of their labors, in developing its great latent natural resources.

This is a man who understood Alaska. Sadly, Strong was prescient about the challenges that Alaska would face dealing with the Federal Government in the coming years. His 1912 editorial could very easily appear in Alaska newspapers during this 21st century.

Strong would achieve his dream of becoming Alaska's second Territorial Governor in 1913, a role he would hold until April 1918 when it was discovered that Strong was not eligible to hold the job because he was a Canadian who had never obtained US citizenship. Another of the Empire's leaders, John Weir Troy, would serve as Alaska's Territorial Governor, serving as publisher after Strong from 1914 until he became Governor in 1933. From 1933 to 1955 the Empire's publisher was one of the first women to run a newspaper in Alaska, Helen Troy Bender Monsen. She was followed by William Prescott Allen from 1955 to just after Statehood in 1960 and then by Donald W. Reynolds until 1969.

The Empire's modern period began in 1969 when the Morris newspaper chain of Augusta, Georgia acquired and brought stability to the publication. This would be a godsend to Juneau in its fight to forestall repeated efforts to move Alaska's capital out of the Southeast city. The Empire would be a vehement opponent of the move.

The Empire was unusual at its founding in that it was a non-partisan newspaper, not supposedly favoring either national political party. It made that point in its first edition when it said:

It may well be here to emphasize that the Empire is not in politics. Politics is a mere incidental to a legitimate business industry. As a matter of fact, Alaska has been suffering, and is still suffering from a glut of politics. More work and less talk of partisan politics may accomplish something tangible.

The newspaper was unusual in other ways. While crime news was a fixture—the paper's first crime stories were focused on Robert Stroud, who became famous as the Birdman of Alcatraz after he shot and killed a bartender in Juneau to start his criminal record—became one of the first papers in the Nation to run an obituary of a dog on its front page. On March 31, 1942, the paper ran the obituary of Patsy Ann, a pit bull, who met every steamship to dock in downtown Juneau for more than a decade, often posing for pictures with visitors ''with an aloof . . . dignity that befitted her official position,'' as the town's official mascot, the dog being the only animal that the City Council itself paid for her dog license.

The Empire over the years made its living covering ''hard'' news—from the town's first industry, gold mining, to fisheries and government affairs, highlighted by World War I, World War II and the Cold War with Russia. But the paper also found time to cover visiting dignitaries to Alaska's Capital City, from President Warren Harding who arrived on July 10, 1923 to movie stars John Barrymore, Ingrid Bergman and Gary Grant and from comedians Bob Hope and Edgar Bergen, to a four-legged movie star—Lassie.

Over the years the Empire has been home to a number of writers who would go on to play significant roles in Alaska public policy issues. Larry Persily, who once served as the Empire's Managing Editor, today serves as Federal Coordinator for Alaska Natural Gas Transportation Projects. Kim Elton, who served as editor from March 1976 until June 1978 would go on to represent Juneau in the Alaska Legislature and currently serves as Director of Alaska Affairs at the US Department of the Interior under Secretary Ken Salazar.

On behalf of my Senate colleagues, I congratulate the staff of the Juneau Empire on the occasion of the newspaper's 100th birthday and wish the Juneau Empire many more years of service to the people of Alaska.●

REMEMBERING RUBY RIDDLE

● Ms. MURKOWSKI. Mr. President, they call Fairbanks in my home State of Alaska the ''Golden Heart City.'' Ruby Riddle, who moved to Fairbanks from North Carolina in 1963 called it ''heaven.'' Ruby would know this. She was designated Official Hostess of the City of Fairbanks in 2001 and of the Fairbanks North Star Borough in 2006. With the Mayors of the City of Fairbanks and the Fairbanks North Star Borough at her bedside, ''Miss Ruby'' passed away on November 1, 2012. I rise today to speak in memory of a lovely lady who epitomized all that is special about Interior Alaska.

Ruby Lenore Riddle was reportedly eighty something when she died. A true Southern woman never admits her age. She was born on St. Patrick's Day, March 17, in Lenoir, NC. An independent spirit, Ruby came north with her husband in 1963. He passed away in 1989 and she decided to stay in Alaska. Fairbanks was Miss Ruby's home from the day she arrived. She worked for the Northern Commercial Company which later became Nordstrom. When Nordstrom closed, Miss Ruby went to work for Lamont's until her retirement. Retirement, said Miss Ruby, is when life begins.

Miss Ruby lived her life with gusto. She was an impeccable dresser—always. If something was going on in Fairbanks, Miss Ruby was there with a camera. She shot thousands of photographs with visitors and locals at events and functions. After the function she would have the film processed and send it with a handwritten note card. Those notes were signed, ''Southern Ms. Ruby.'' Miss Ruby was involved in the Fairbanks community like none other. She attended the local assembly meetings, city council meetings, chamber meetings, townhalls and military functions. She had a reserved seat in the Fairbanks North Star Borough Assembly Chamber and rarely if ever missed a meeting.

Following Miss Ruby's passing that reserved seat was adorned with a simple lavender vase holding pink and white flowers ringed by pieces of candy that Miss Ruby would often hand out.

Ruby Riddle was not an Alaskan by birth but she was surely a Fairbanks original, and we miss her greatly.●

RECOGNIZING PAT'S PIZZA OLD PORT

● Ms. SNOWE. Mr. President, each year on the November 11, as a nation, we celebrate the service of all U.S. military veterans. Veterans Day is a chance to honor those who protect our freedom while they give others the opportunity to pursue the American dream. It is our veteran entrepreneurs who know the sacrifices and struggles both of military service and of pursuing that dream first hand. Today I rise to recognize and commend two such veteran entrepreneurs, Chris and

Jen Tyll, who own and operate Pat's Pizza Old Port located in Portland, ME.

Chris and Jen Tyll are graduates of the U.S. Naval Academy. Chris is a former Navy SEAL and platoon leader, and served four tours in Iraq. Chris and Jen have 23 years of military experience between them and have completed six deployments in support of Operation Iraqi Freedom and Operation Enduring Freedom.

Chris first visited Maine at the age of 18 while visiting with his Naval Academy roommate. He fell in love with the State and believed Maine would be a great place to raise a family. After moving around the country and living in eight States, the Tylls decided to establish roots in Maine. As Chris transitioned out of the military, he knew he wanted to own a business. Subsequently, he opened a Pat's Pizza in the heart of Portland's Historic Old Port in 2009.

The original Pat's Pizza, located in Orono, is an undeniable favorite of University of Maine students. It has been said that an education at the University of Maine at Orono is not complete without sampling a pizza from Pat's. Pat's Pizza is known for its sauce, developed by the founder, which gives its pizza a distinct home-grown flavor. The dough is made fresh daily, delivering customers the same authentic taste in every location. Pat's Pizza Old Port offers the same great Pat's taste and all of the amenities Mainers and their families have come to enjoy.

While Pat's Pizza Old Port provides Chris the opportunity to be a successful business owner, he has not forgotten his former comrades and finds time to reach out to veterans. Chris understands the challenges that await current veterans as they transition from the military into civilian life. He is the chairman of the new Portland Veterans Network, a Portland Regional Chamber of Commerce program. The network offers free career assistance to veterans of Operation Iraqi Freedom and Operation Enduring Freedom, including mentoring, wellness services, resume writing and interview skills training, and chamber membership. At its heart, the program consists of pairing 50 Portland-area veterans with business leaders who will act as mentors, introducing the veterans at networking events and guiding them in their job search.

I applaud Chris and Jen Tyll for demonstrating the leadership and can-do attitude that are truly a reflection of the talent and entrepreneurial spirit found in my home State of Maine. As we pay tribute to our servicemembers on Veterans Day, I offer my gratitude and congratulations to our Nation's veteran-owned small businesses and extend my best wishes to Chris, Jen, and Pat's Pizza Old Port for their continued growth and success.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, 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 2:33 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1956. An act to prohibit operators of civil aircraft of the United States from participating in the European Union's emissions trading scheme, and for other purposes.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 6371. An act to amend title 40, United States Code, to transfer certain functions from the General Accountability Office to the Department of Labor relating to the processing of claims for the payment of workers who were not paid appropriate wages under certain provisions of such title.

H.R. 6586. An act to extend the application of certain space launch liability provisions through 2014.

The message also announced that pursuant to section 1238(b)(3) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (22 U.S.C. 7002), as amended by division P of the Consolidated Appropriations Resolution, 2003 (22 U.S.C. 6901), the Minority Leader re-appoints the following member on the part of the House of Representatives to the United States-China Economic and Security Review Commission: Mr. Michael Wessel of Falls Church, Virginia.

At 4:30 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the bill (H.R. 2606) to authorize the Secretary of the Interior to allow the construction and operation of natural gas pipeline facilities in the Gateway National Recreation Area, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 6371. An act to amend title 40, United States Code, to transfer certain functions from the General Accountability Office to the Department of Labor relating to the processing of claims for the payment of workers who were not paid appropriate wages under certain provisions of such title; to the Committee on Homeland Security and Governmental Affairs.

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–7921. A communication from the Secretary of the Senate, transmitting, pursuant to law, the report of the receipts and expenditures of the Senate for the period from April 1, 2012 through September 30, 2012, received in the Office of the President of the Senate on November 13, 2012; ordered to lie on the table.

EC–7922. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Trifloxystrobin; Pesticide Tolerances'' (FRL No. 9360–9) received during adjournment of Senate in the Office of the President of the Senate on October 31, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7923. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Residues of Fatty Acids, Tall-Oil, Ethoxylated Propoxylated; Tolerance Exemption'' (FRL No. 9365–4) received during adjournment of Senate in the Office of the President of the Senate on October 31, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7924. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Calcium Gluconate; Exemption from the Requirement of a Tolerance'' (FRL No. 9362–4) received during adjournment of Senate in the Office of the President of the Senate on October 31, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7925. A communication from the Director of the Policy Issuances Division, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Additional Changes to the Schedule of Operations Regulations'' (RIN0583–AD48) received during adjournment of the Senate in the Office of the President of the Senate on October 24, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7926. A communication from the Assistant Secretary of Defense (Reserve Affairs), transmitting, pursuant to law, a report relative to a proposed change by the Air Force Reserve to the Fiscal Year 2011 National Guard and Reserve Equipment Appropriation (NGREA) procurement; to the Committee on Armed Services.

EC–7927. A communication from the Attorney, Legal Division, Bureau of Consumer Financial Protection, transmitting, pursuant to law, the report of a rule entitled ''Electronic Fund Transfers (Regulation E); Final Rule'' ((RIN3170–AA15) (Docket No. CFPB–2011–0009)) received during adjournment of the Senate in the Office of the President of the Senate on Oct 31, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC–7928. A communication from the Attorney, Legal Division, Bureau of Consumer Financial Protection, transmitting, pursuant to law, the report of a rule entitled ''Electronic Fund Transfers (Regulation E)''

((RIN3170–AA15) (Docket No. CFPB–2011–0009)) received during adjournment of the Senate in the Office of the President of the Senate on Oct 31, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC–7929. A communication from the Attorney, Legal Division, Bureau of Consumer Financial Protection, transmitting, pursuant to law, the report of a rule entitled ''Defining Larger Participants of the Consumer Debt Collection Market'' ((RIN3170–AA30) (Docket No. CFPB–2012–0040)) received during adjournment of the Senate in the Office of the President of the Senate on Oct 31, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC–7930. A communication from the Director of Legislative Affairs, Legal Office, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled ''Assessments, Large Bank Pricing'' (RIN3064–AD92) received during adjournment of the Senate in the Office of the President of the Senate on October 26, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC–7931. A communication from the Director of Legislative Affairs, Legal Office, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled ''Annual Stress Test'' (RIN3064–AD91) received during adjournment of the Senate in the Office of the President of the Senate on October 26, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC–7932. A communication from the Director of Legislative Affairs, Legal Office, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled ''Enforcement of Subsidiary and Affiliate Contracts by the FDIC as Receiver of a Covered Financial Company'' (RIN3064–AD94) received during adjournment of the Senate in the Office of the President of the Senate on October 26, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC–7933. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' ((44 CFR Part 67) (Docket No. FEMA–2012–0003)) received during adjournment of the Senate in the Office of the President of the Senate on November 7, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC–7934. A communication from the Regulatory Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Rules of Practice and Procedure; Rules of Practice and Procedure in Adjudicatory Proceedings; Civil Money Penalty Inflation Adjustments'' (RIN1557–AD61) received during adjournment of the Senate in the Office of the President of the Senate on November 7, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC–7935. A communication from the Associate Director, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Iranian Financial Sanctions Regulations; Final Rule'' (31 CFR Part 561) received during adjournment of the Senate in the Office of the President of the Senate on November 8, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC–7936. A communication from the Associate Director, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Iranian Transactions Regulations; Final Rule'' (31 CFR Part 560) received during adjournment of the Senate in the Office of the President of the Senate on November 8, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC–7937. A communication from the Chairman of the Board of Governors, Federal Reserve System, transmitting, pursuant to law, a report relative to credit availability for small business; to the Committee on Banking, Housing, and Urban Affairs.

EC–7938. A communication from the President of the United States, transmitting, pursuant to law, a report on the continuation of the national emergency with respect to the proliferation of weapons of mass destruction that was declared in Executive Order 12938; to the Committee on Banking, Housing, and Urban Affairs.

EC–7939. A communication from the President of the United States, transmitting, pursuant to law, a report on the continuation of the national emergency with respect to Sudan that was declared in Executive Order 13067; to the Committee on Banking, Housing, and Urban Affairs.

EC–7940. A communication from the President of the United States, transmitting, pursuant to law, a report on the continuation of the national emergency with respect to narcotics traffickers centered in Colombia that was declared in Executive Order 12978; to the Committee on Banking, Housing, and Urban Affairs.

EC–7941. A communication from the President of the United States, transmitting, pursuant to law, a report on the continuation of the national emergency declared in Executive Order 13413 with respect to blocking the property of persons contributing to the conflict taking place in the Democratic Republic of the Congo; to the Committee on Banking, Housing, and Urban Affairs.

EC–7942. A communication from the Deputy Secretary of the Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Clearing Agency Standards'' (RIN3235–AL13) received during adjournment of the Senate in the Office of the President of the Senate on October 23, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC–7943. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Energy Conservation Program: Test Procedures for Residential Dishwashers, Dehumidifiers, and Conventional Cooking Products'' (RIN1904–AC01) received during adjournment of the Senate in the Office of the President of the Senate on October 31, 2012; to the Committee on Energy and Natural Resources.

EC–7944. A communication from the Administrator of the U.S. Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report entitled ''The Availability and Price of Petroleum and Petroleum Products Produced in Countries Other Than Iran''; to the Committee on Energy and Natural Resources.

EC–7945. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District'' (FRL No. 9736–9) received during adjournment of the Senate in the Office of the President of the Senate on October 31, 2012; to the Committee on Environment and Public Works.

EC–7946. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; New Hampshire; Reasonably Available Control Technology for the 1997 8-Hour Ozone Standard'' (FRL No. 9748–2) received during adjournment of the Senate in the Office of the President of the Senate on October 31, 2012; to the Committee on Environment and Public Works.

EC–7947. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Michigan; Determination of Attainment of the 1997 Annual Fine Particle Standard for the Detroit-Ann Arbor Nonattainment Area'' (FRL No. 9748–8) received during adjournment of the Senate in the Office of the President of the Senate on October 31, 2012; to the Committee on Environment and Public Works.

EC–7948. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Michigan; Detroit-Ann Arbor Nonattainment Area; Fine Particulate Matter 2005 Base Year Emissions Inventory'' (FRL No. 9748–9) received during adjournment of the Senate in the Office of the President of the Senate on October 31, 2012; to the Committee on Environment and Public Works.

EC–7949. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Significant New Use Rules on Certain Chemical Substances'' (FRL No. 9366–7) received during adjournment of the Senate in the Office of the President of the Senate on October 31, 2012; to the Committee on Environment and Public Works.

EC–7950. A communication from the Principal Deputy Assistant Secretary for Fish and Wildlife and Parks, U.S. Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Importation, Exportation, and Transportation of Wildlife; User Fee Exemption Program for Low-Risk Importations and Exportations'' (RIN1018–AZ18) received during adjournment of the Senate in the Office of the President of the Senate on November 5, 2012; to the Committee on Environment and Public Works.

EC–7951. A communication from the Acting Administrator of the General Services Administration, transmitting, pursuant to law, an alterations in leased space prospectus for the Southern Maryland U.S. Courthouse in Greenbelt, Maryland; to the Committee on Environment and Public Works.

EC–7952. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Final Interim Staff Guidance Augmenting NUREG–1537, 'Guidelines for Preparing and Reviewing Applications for the Licensing of Non-Power Reactors,' Parts 1 and 2, for Licensing Radioisotope Production and Aqueoous Homogenous Reactors'' (NUREG–1537) received during adjournment of the Senate in the Office of the President of the Senate on November 5, 2012; to the Committee on Environment and Public Works.

EC–7953. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the Savannah Harbor Expansion Project (SHEP), Georgia and South Carolina; to the Committee on Environment and Public Works.

EC–7954. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Fringe Benefits Aircraft Valuation Formula'' (Rev. Rev. Rul.

2012–27) received during adjournment of the Senate in the Office of the President of the Senate on October 16, 2012; to the Committee on Finance.

EC–7955. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Update of Weighted Average Interest Rates, Yield Curves, and Segment Rates'' (Notice 2012–64) received during adjournment of the Senate in the Office of the President of the Senate on October 16, 2012; to the Committee on Finance.

EC–7956. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''2012 National Pool'' (Revenue Procedure 2012–42) received during adjournment of the Senate in the Office of the President of the Senate on October 24, 2012; to the Committee on Finance.

EC–7957. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''2013 Cost-of-Living Adjustments to Certain Tax Items'' (Rev. Proc. 2012–41) received during adjournment of the Senate in the Office of the President of the Senate on October 24, 2012; to the Committee on Finance.

EC–7958. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''2012–2013 Special Per Diem Rates'' (Notice 2012–63) received during adjournment of the Senate in the Office of the President of the Senate on October 23, 2012; to the Committee on Finance.

EC–7959. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Joanne Wandry v. Commissioner'' (AOD 2012–05) received during adjournment of the Senate in the Office of the President of the Senate on November 2, 2012; to the Committee on Finance.

EC–7960. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Cost Segregation Audit Techniques Guide—Chapter 8—Electrical Distribution System'' (LBandI–4–1012–012) received during adjournment of the Senate in the Office of the President of the Senate on November 2, 2012; to the Committee on Finance.

EC–7961. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Applicable Federal Rates—November 2012'' (Rev. Rul. 2012–30) received during adjournment of the Senate in the Office of the President of the Senate on October 17, 2012; to the Committee on Finance.

EC–7962. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; End-Stage Renal Disease Prospective Payment System, Quality Incentive Program, and Bad Debt Reductions for all Medicare Providers'' (RIN0938–AR13) received during adjournment of the Senate in the Office of the President of the Senate on November 5, 2012; to the Committee on Finance.

EC–7963. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Home Health Prospective Payment System Rate Update for Calendar Year 2013, Hospice Quality Reporting Requirements, and Survey and Enforcement Requirements for Home Health Agencies'' (RIN0938–AR18) received during adjournment of the Senate in the Office of the President of the Senate on November 5, 2012; to the Committee on Finance.

EC–7964. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Unpaid Losses Discount Factors and Payment Patterns for 2012'' (Rev. Proc. 2012–44) received during adjournment of the Senate in the Office of the President of the Senate on November 13, 2012; to the Committee on Finance.

EC–7965. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Cyazofamid; Pesticide Tolerances'' (FRL No. 9361–8) received in the Office of the President of the Senate on September 20, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7966. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Flumioxazin; Pesticide Tolerance'' (FRL No. 9358–3) received in the Office of the President of the Senate on September 20, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7967. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Fluridone; Pesticide Tolerances for Emergency Exemptions'' (FRL No. 9366–8) received during adjournment of the Senate in the Office of the President of the Senate on November 5, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7968. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Fluazinam; Pesticide Tolerances'' (FRL No. 9366–6) received during adjournment of the Senate in the Office of the President of the Senate on November 5, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7969. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Metconazole; Pesticide Tolerances'' (FRL No. 9364–8) received during adjournment of the Senate in the Office of the President of the Senate on November 5, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7970. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Fluoxastrobin; Pesticide Tolerances'' (FRL No. 9365–7) received during adjournment of the Senate in the Office of the President of the Senate on October 23, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7971. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''a-(p-Nonylphenyl)poly(oxypropylene) block polymer with poly(oxyethylene); Tolerance Exemption'' (FRL No. 9365–3) received during adjournment of the Senate in the Office of the President of the Senate on October 25, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7972. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Xylenesulfonic Acid, Sodium Salt; Exemption from the Requirement of a Tolerance'' (FRL No. 9361–3) received during adjournment of the Senate in the Office of the President of the Senate on November 8, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7973. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Dinotefuran; Pesticide Tolerances for Emergency Exemptions'' (FRL No. 9366–3) received during adjournment of the Senate in the Office of the President of the Senate on November 8, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7974. A communication from the Director of Program Development and Regulatory Analysis, Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Expansion of 911 Access Loans and Loan Guarantees'' (RIN0572–AC24) received during adjournment of the Senate in the Office of the President of the Senate on November 2, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7975. A communication from the Director of the Policy Issuances Division, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Requirements for Official Establishments to Notify FSIS of Adulterated or Misbranded Product, Prepare and Maintain Written Recall Procedures, and Document Certain Hazard Analysis and Critical Control Point System Plan Reassessments'' (RIN0583–AC34) received during adjournment of the Senate in the Office of the President of the Senate on November 1, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7976. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to the retirement of Lieutenant General William E. Ward, United States Army; to the Committee on Armed Services.

EC–7977. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a quarterly report entitled, ''Acceptance of Contributions for Defense Programs, Projects, and Activities; Defense Cooperation Account''; to the Committee on Armed Services.

EC–7978. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility'' ((44 CFR Part 64) (Docket No. FEMA–2012–0003)) received during adjournment of the Senate in the Office of the President of the Senate on November 8, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC–7979. A communication from the President of the United States, transmitting, pursuant to law, a report on the continuation of the national emergency with respect to Iran that was declared in Executive Order 12170 on November 14, 1979; to the Committee on Banking, Housing, and Urban Affairs.

EC–7980. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Syria that was declared in Executive Order 13338 of May 11, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–7981. A communication from the Secretary of Commerce, transmitting, pursuant

to law, a report relative to the continuation of a national emergency declared in Executive Order 13222 with respect to the lapse of the Export Administration Act of 1979; to the Committee on Banking, Housing, and Urban Affairs.

EC–7982. A communication from the Assistant Director for Legislative Affairs, Consumer Financial Protection Bureau, transmitting, pursuant to law, the Annual Report of the Consumer Financial Protection Bureau Student Loan Ombudsman; to the Committee on Banking, Housing, and Urban Affairs.

EC–7983. A communication from the Assistant Secretary, Office of Electricity Delivery and Energy Reliability, Department of Energy, transmitting, pursuant to law, a report entitled ''2011/2012 Economic Dispatch and Technological Change''; to the Committee on Energy and Natural Resources.

EC–7984. A communication from the Director of the Sustainability Performance Office, Department of Energy, transmitting, pursuant to law, the Uniform Resource Locator (URL) for the Department's Fleet Alternative Fuel Vehicle Acquisition Report for fiscal year 2008; to the Committee on Energy and Natural Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 1307. A bill to authorize the Secretary of Commerce to convey real property, including improvements, of the National Oceanic and Atmospheric Administration in Ketchikan, Alaska, and for other purposes (Rept. No. 112–239).

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 183. A bill to clarify the applicability of certain maritime laws with respect to the blowout and explosion of the mobile offshore drilling unit Deepwater Horizon.

S. 692. A bill to improve hurricane preparedness by establishing the National Hurricane Research Initiative, and for other purposes.

S. 911. A bill to establish the sense of Congress that Congress should enact, and the President should sign, bipartisan legislation to strengthen public safety and to enhance wireless communications.

S. 1449. A bill to authorize the appropriation of funds for highway safety programs and for other purposes.

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 1980. A bill to prevent, deter, and eliminate illegal, unreported, and unregulated fishing through port State measures.

S. 2279. A bill to amend the R.M.S. Titanic Maritime Memorial Act of 1986 to provide additional protection for the R.M.S. Titanic and its wreck site, and for other purposes.

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 2388. A bill to reauthorize and amend the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KERRY:

S. 3627. A bill to amend the Foreign Assistance Act of 1961 to reauthorize the Overseas Private Investment Corporation, and for other purposes; to the Committee on Foreign Relations.

By Mr. BLUNT (for himself, Mr. BROWN of Ohio, and Mr. VITTER):

S. 3628. A bill to amend the Public Health Service Act to raise awareness of, and to educate breast cancer patients anticipating surgery regarding, the availability and coverage of breast reconstruction, prostheses, and other options; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BEGICH:

S. 3629. A bill to amend the Alaska Natural Gas Pipeline Act to promote the availability of affordable, clean-burning natural gas to North American markets, and for other purposes; to the Committee on Finance.

By Mr. JOHNSON of Wisconsin (for himself and Mr. KOHL):

S. 3630. A bill to designate the facility of the United States Postal Service located at 218 North Milwaukee Street in Waterford, Wisconsin, as the ''Captain Rhett W. Schiller Post Office''; to the Committee on Homeland Security and Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. WARNER (for himself and Mr. CORNYN):

S. Res. 592. A resolution recognizing the religious and historical significance of the festival of Diwali; to the Committee on the Judiciary.

By Mr. TOOMEY:

S. Res. 593. A resolution expressing the sense of the Senate that the United States should leave no member of the Armed Forces unaccounted for in the withdrawal of forces from Afghanistan; to the Committee on Armed Services.

By Mr. MCCAIN (for himself, Mr. GRAHAM, and Ms. AYOTTE):

S. Res. 594. A resolution establishing a select committee of the Senate to make a thorough and complete investigation of the facts and circumstances surrounding, and the response of the United States Government to, the September 11, 2012, terrorist attacks against the United States consulate and personnel in Benghazi, Libya, and to make recommendations to prevent similar attacks in the future; to the Committee on Rules and Administration.

By Ms. LANDRIEU (for herself and Mr. INHOFE):

S. Res. 595. A resolution expressing support for the goals of National Adoption Day and National Adoption Month by promoting national awareness of adoption and the children awaiting families, celebrating children and families involved in adoption, and encouraging the people of the United States to secure safety, permanency, and well-being for all children; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LAUTENBERG (for himself, Mr. RUBIO, Ms. LANDRIEU, Mr. COONS, Mr. CARPER, Mr. MENENDEZ, Mrs. GILLIBRAND, Mr. BROWN of Ohio, Mr. DURBIN, Mr. LIEBERMAN, Mr. NELSON of Florida, Mr. REED, Mr. WARNER, Mr. WYDEN, Mr. LEAHY, and Mr. ENZI):

S. Res. 596. A resolution permitting the solicitation of donations in Senate buildings for the relief of victims of Superstorm Sandy; considered and agreed to.

ADDITIONAL COSPONSORS

S. 1131

At the request of Mrs. HAGAN, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1131, a bill to authorize the Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, to establish and implement a birth defects prevention, risk reduction, and public awareness program.

S. 1832

At the request of Mr. ENZI, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1832, a bill to restore States' sovereign rights to enforce State and local sales and use tax laws, and for other purposes.

S. 1872

At the request of Mr. CASEY, the names of the Senator from Vermont (Mr. SANDERS) and the Senator from Virginia (Mr. WEBB) were added as cosponsors of S. 1872, a bill to amend the Internal Revenue Code of 1986 to provide for the tax treatment of ABLE accounts established under State programs for the care of family members with disabilities, and for other purposes.

S. 1894

At the request of Mr. SCHUMER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1894, a bill to deter terrorism, provide justice for victims, and for other purposes.

S. 2074

At the request of Mr. CARDIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2074, a bill to amend the Internal Revenue Code of 1986 to expand the rehabilitation credit, and for other purposes.

S. 2247

At the request of Mr. LEE, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 2247, a bill to amend the Federal Reserve Act to improve the functioning and transparency of the Board of Governors of the Federal Reserve System and the Federal Open Market Committee, and for other purposes.

S. 3061

At the request of Mr. WYDEN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 3061, a bill to suspend temporarily the duty on women's sports bras of stretch fabric with textile or polymer-based electrodes knit into or attached to the fabric and that incorporate connectors designed to secure an electronic transmitter that transmits physiological information from the electrodes to a compatible monitor.

S. 3062

At the request of Mr. WYDEN, the name of the Senator from Oregon (Mr.

MERKLEY) was added as a cosponsor of S. 3062, a bill to suspend temporarily the duty on knit tank tops of stretch fabric with textile or polymer-based electrodes knit into or attached to the fabric and that incorporate connectors designed to secure an electronic transmitter that transmits physiological information from the electrodes to a compatible monitor.

S. 3063

At the request of Mr. WYDEN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 3063, a bill to suspend temporarily the duty on knit garments of stretch fabric with textile or polymer-based electrodes knit into or attached to the fabric and that incorporate connectors designed to secure an electronic transmitter that transmits physiological information from the electrodes to a compatible monitor.

S. 3227

At the request of Mr. NELSON of Florida, the names of the Senator from North Carolina (Mr. BURR) and the Senator from Missouri (Mrs. MCCASKILL) were added as cosponsors of S. 3227, a bill to enable concrete masonry products manufacturers and importers to establish, finance, and carry out a coordinated program of research, education, and promotion to improve, maintain, and develop markets for concrete masonry products.

S. 3526

At the request of Mr. WICKER, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 3526, a bill to amend title 10, United States Code, to protect the rights of conscience of members of the Armed Forces and chaplains of members of the Armed Forces, and for other purposes.

S. 3562

At the request of Mr. SANDERS, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 3562, a bill to reauthorize and improve the Older Americans Act of 1965, and for other purposes.

S. 3565

At the request of Mr. CASEY, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 3565, a bill to eliminate discrimination and promote women's health and economic security by ensuring reasonable workplace accommodations for workers whose ability to perform the functions of a job are limited by pregnancy, childbirth, or a related medical condition.

S. 3584

At the request of Mr. PRYOR, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 3584, a bill to reauthorize the National Integrated Drought Information System, and for other purposes.

S. 3598

At the request of Mr. BLUMENTHAL, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 3598, a bill to protect elder adults from exploitation and financial crime, to prevent elder adult abuse and financial exploitation, and to promote safety for elder adults.

S. 3608

At the request of Mrs. GILLIBRAND, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 3608, a bill to modernize voter registration, promote access to voting for individuals with disabilities, protect the ability of individuals to exercise the right to vote in elections for Federal office, and for other purposes.

S.J. RES. 45

At the request of Mrs. HUTCHISON, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S.J. Res. 45, a joint resolution amending title 36, United States Code, to designate June 19 as ''Juneteenth Independence Day.''

AMENDMENT NO. 2874

At the request of Mr. KERRY, the names of the Senator from Vermont (Mr. SANDERS), the Senator from Oregon (Mr. MERKLEY) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of amendment No. 2874 intended to be proposed to S. 3525, a bill to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 592—RECOGNIZING THE RELIGIOUS AND HISTORICAL SIGNIFICANCE OF THE FESTIVAL OF DIWALI

Mr. WARNER (for himself and Mr. CORNYN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 592

Whereas Diwali, a festival of great significance to Indian Americans and South Asian Americans, is celebrated annually by Hindus, Sikhs, and Jains throughout India, the United States, and the world;

Whereas Diwali is a festival of lights that marks the beginning of the Hindu new year, during which celebrants light small oil lamps, place the lamps around the home, and pray for health, knowledge, peace, wealth, and prosperity in the new year;

Whereas the lights symbolize the light of knowledge within the individual that overwhelms the darkness of ignorance, empowering each celebrant to do good deeds and show compassion to others;

Whereas Diwali falls on the last day of the last month in the lunar calendar and is celebrated as a day of thanksgiving for the homecoming of the Lord Rama and worship of Lord Ganesha, the remover of obstacles and bestower of blessings, at the beginning of the new year for many Hindus;

Whereas, for Sikhs, Diwali is celebrated as Bandhi Chhor Diwas (The Celebration of Freedom), in honor of the release from prison of the sixth guru, Guru Hargobind; and

Whereas, for Jains, Diwali marks the anniversary of the attainment of moksha, or liberation, by Mahavira, the last of the Tirthankaras (the great teachers of Jain dharma), at the end of his life in 527 B.C.: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the religious and historical significance of the festival of Diwali; and

(2) in observance of Diwali, the festival of lights, expresses its deepest respect for Indian Americans and South Asian Americans, as well as fellow countrymen and diaspora throughout the world on this significant occasion.

SENATE RESOLUTION 593—EXPRESSING THE SENSE OF THE SENATE THAT THE UNITED STATES SHOULD LEAVE NO MEMBER OF THE ARMED FORCES UNACCOUNTED FOR IN THE WITHDRAWAL OF FORCES FROM AFGHANISTAN

Mr. TOOMEY submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 593

Whereas the United States is a Nation of great honor and integrity;

Whereas the United States has made a sacred promise to members of the Armed Forces who are deployed overseas in defense of this country that their sacrifice and service will never be forgotten; and

Whereas the United States can never thank the proud members of the Armed Forces enough for what they do for this country on a daily basis: Now, therefore, be it

Resolved, That the Senate—

(1) believes that abandoning the search efforts for members of the Armed Forces who are missing or captured in the line of duty now or in the future is unacceptable;

(2) believes that the United States has a responsibility to keep the promises made to members of the Armed Forces who risk their lives on a daily basis on behalf of their fellow Americans;

(3) supports the United States Soldier's Creed and the Warrior Ethos, which state that ''I will never leave a fallen comrade''; and

(4) believes that, while the United States is beginning the strategic withdrawal of forces from Afghanistan, the United States must continue to fulfill these important promises to any member of the Armed Forces who is in a missing status or captured as a result of service in Afghanistan now or in the future.

SENATE RESOLUTION 594—ESTABLISHING A SELECT COMMITTEE OF THE SENATE TO MAKE THOROUGH AND COMPLETE INVESTIGATION OF THE FACTS AND CIRCUMSTANCES SURROUNDING, AND THE RESPONSE OF THE UNITED STATES GOVERNMENT TO, THE SEPTEMBER 11, 2012, TERRORIST ATTACKS AGAINST THE UNITED STATES CONSULATE AND PERSONNEL IN BENGHAZI, LIBYA, AND TO MAKE RECOMMENDATIONS TO PREVENT SIMILAR ATTACKS IN THE FUTURE

Mr. MCCAIN (for himself, Mr. GRAHAM, and Ms. AYOTTE) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 594

Whereas, on September 11, 2012, Glen A. Doherty, Tyrone S. Woods, Sean P. Smith, and Ambassador J. Christopher Stevens were murdered during a sophisticated assault on the United States Consulate in Benghazi, Libya, conducted by a group of militants affiliated with al-Qaeda;

Whereas this tragedy has raised many important questions that affect the national security of the United States and the safety of Americans who serve our country abroad;

Whereas Congress has an unique and essential responsibility under the Constitution to conduct oversight of the Executive Branch;

Whereas more than two months have passed since the tragic deaths of these four Americans in Benghazi, and many essential questions remain unanswered;

Whereas Members of Congress have sent numerous letters to senior Executive Branch officials requesting information on the events of September 11, 2012, most of which have not been answered;

Whereas the Executive Branch has not been forthcoming in providing answers to the many questions that have emerged regarding those events;

Whereas the failures that led to the deaths of four Americans traverse multiple Executive Branch agencies and come under the jurisdiction of a number of Senate committees, including the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, and the Select Committee on Intelligence;

Whereas several different committees of jurisdiction in both the Senate and the House of Representatives are currently holding briefings and hearings to analyze narrow aspects of the overall failure in Benghazi before, during, and after the attacks;

Whereas the death of four Americans in Benghazi was the result of a whole-of-government failure, and any solution to prevent such events from happening again will need to be holistic and comprehensive, cutting across agency jurisdictions and jurisdictions of committees of Congress;

Whereas a full and independent accounting of the failures in Benghazi and the development of a comprehensive solution to prevent such tragedies in the future require the establishment of a temporary Select Committee in the Senate;

Whereas many other important investigations have been conducted in the past through the creation of a select committee of the Senate for a specific purpose and a set time; and

Whereas the American people deserve straight answers to the many questions that have been raised about the terrorist attacks in Benghazi and what actions should be taken to prevent similar attacks in the future: Now, therefore, be it

Resolved, That

SECTION 1. SELECT COMMITTEE ON INVESTIGATION OF THE SEPTEMBER 11, 2012, TERRORIST ATTACKS IN BENGHAZI, LIBYA.

There is established a select committee of the Senate to be known as the Select Committee on Investigation of the September 11, 2012, Terrorist Attacks in Benghazi, Libya (in this resolution referred to as the ''Select Committee'').

SEC. 2. PURPOSE AND DUTIES.

(a) PURPOSE.—The purpose of the Select Committee is to—

(1) investigate the facts and circumstances surrounding the September 11, 2012, terrorist attacks on the United States consulate and personnel in Benghazi, Libya;

(2) investigate the response of the United States Government to those attacks; and

(3) make recommendations to guide executive and legislative changes to policy in light of such investigations.

(b) DUTIES.—The Select Committee is authorized and directed to do everything necessary or appropriate to conduct the investigations specified in subsection (a). Without restricting in any way the authority conferred on the Select Committee by the preceding sentence, the Senate further expressly authorizes and directs the Select Committee to investigate the facts and circumstances surrounding the September 11, 2012, terrorist attacks on the United States consulate and personnel in Benghazi, Libya, and report on such investigation, regarding the following matters, including, where applicable, the adequacy of such matters:

(1) The intelligence assessments and other threat reporting that preceded the attacks.

(2) The security measures and manpower decisions taken to protect United States personnel in Benghazi before the attacks.

(3) The United States military force posture in the region at the time of the attacks and the resulting ability of the United States Armed Forces to respond in the event of such attacks.

(4) United States intelligence assets available in the region at the time of the attacks and their ability to respond or assist the United States consulate and personnel in the event of such attacks.

(5) The response of United States Government officials once the attacks began.

(6) The public characterization by the Executive Branch of the attacks in the days and weeks that followed the attacks.

(7) United States intelligence and intelligence-sharing during the attacks.

(8) Lessons learned from the attacks.

(9) Actions to prevent a recurrence of such attacks.

SEC. 3. COMPOSITION OF SELECT COMMITTEE.

(a) MEMBERSHIP.—

(1) IN GENERAL.—The Select Committee shall consist of eight members of the Senate of whom—

(A) four members shall be appointed by the majority leader of the Senate; and

(B) four members shall be appointed by the minority leader of the Senate.

(2) DATE.—The appointments of the members of the Select Committee shall be made not later than 30 days after the date of the adoption of this resolution.

(b) VACANCIES.—Any vacancy in the Select Committee shall not affect its powers, but shall be filled in the same manner as the original appointment.

(c) SERVICE.—Service of a Senator as a member, Chair, or Vice Chair of the Select Committee shall not be taken into account for the purposes of paragraph (4) of rule XXV of the Standing Rules of the Senate.

(d) CHAIR AND VICE CHAIR.—The Chair of the Select Committee shall be designated by the majority leader of the Senate, and the Vice Chair of the Select Committee shall be designated by the minority leader of the Senate.

(e) QUORUM.—

(1) REPORTS AND RECOMMENDATIONS.—A majority of the members of the Select Committee shall constitute a quorum for the purpose of reporting a matter or recommendation to the Senate.

(2) TESTIMONY.—One member of the Select Committee shall constitute a quorum for the purpose of taking testimony.

(3) OTHER BUSINESS.—A majority of the members of the Select Committee, or 1/3 of the members of the Select Committee if at least one member of the minority party is present, shall constitute a quorum for the purpose of conducting any other business of the Select Committee.

SEC. 4. RULES AND PROCEDURES.

(a) GOVERNANCE UNDER STANDING RULES OF SENATE.—Except as otherwise specifically provided in this resolution, the investigation and hearings conducted by the Select Committee shall be governed by the Standing Rules of the Senate.

(b) ADDITIONAL RULES AND PROCEDURES.—The Select Committee may adopt additional rules or procedures if the Chair and the Vice Chair of the Select Committee agree, or if the Select Committee by majority vote so decides, that such additional rules or procedures are necessary or advisable to enable the Select Committee to conduct the investigation and hearings authorized by this resolution. Any such additional rules and procedures—

(1) shall not be inconsistent with this resolution or the Standing Rules of the Senate; and

(2) shall become effective upon publication in the Congressional Record.

SEC. 5. AUTHORITY OF SELECT COMMITTEE.

(a) IN GENERAL.—The Select Committee may exercise all of the powers and responsibilities of a committee under rule XXVI of the Standing Rules of the Senate.

(b) POWERS.—The Select Committee or, at its direction, any subcommittee or member of the Select Committee, may, for the purpose of carrying out this resolution—

(1) hold hearings;

(2) administer oaths;

(3) sit and act at any time or place during the sessions, recess, and adjournment periods of the Senate;

(4) authorize and require, by issuance of subpoena or otherwise, the attendance and testimony of witnesses and the preservation and production of books, records, correspondence, memoranda, papers, documents, tapes, and any other materials in whatever form the Select Committee considers advisable;

(5) take testimony, orally, by sworn statement, by sworn written interrogatory, or by deposition, and authorize staff members to do the same; and

(6) issue letters rogatory and requests, through appropriate channels, for any other means of international assistance.

(c) AUTHORIZATION, ISSUANCE, AND ENFORCEMENT OF SUBPOENAS.—

(1) AUTHORIZATION AND ISSUANCE.—Subpoenas authorized and issued under this section—

(A) may be done—

(i) with the joint concurrence of the Chair and the Vice Chair of the Select Committee; or

(ii) by a majority vote of the Committee;

(B) shall bear the signature of the Chair or the Vice Chair or the designee of the Chair or the Vice Chair; and

(C) shall be served by any person or class of persons designated by the Chair or the Vice Chair for that purpose anywhere within or without the borders of the United States to the full extent provided by law.

(2) ENFORCEMENT.—The Select Committee may make to the Senate by report or resolution any recommendation, including a recommendation for criminal or civil enforcement, that the Select Committee considers appropriate with respect to—

(A) the failure or refusal of any person to appear at a hearing or deposition or to produce or preserve documents or materials described in subsection (b)(4) in obedience to a subpoena or order of the Select Committee;

(B) the failure or refusal of any person to answer questions truthfully and completely during the person's appearance as a witness at a hearing or deposition of the Select Committee; or

(C) the failure or refusal of any person to comply with any subpoena or order issued under the authority of subsection (b).

(d) AVOIDANCE OF DUPLICATION.—

(1) IN GENERAL.—To expedite the investigation, avoid duplication, and promote efficiency under this resolution, the Select Committee shall seek to—

(A) confer with other investigations into the matters set forth in section 2(a); and

(B) access all information and materials acquired or developed in such other investigations.

(2) ACCESS TO INFORMATION AND MATERIALS.—The Select Committee shall have, to the fullest extent permitted by law, access to any such information or materials obtained by any other governmental department, agency, or body investigating the matters set forth in section 2(a).

SEC. 6. REPORTS.

(a) INITIAL REPORT.—The Select Committee shall submit to the Senate a report on the investigation conducted pursuant to section 2 not later than five months after the appointment of all of the members of the Select Committee.

(b) FINAL REPORT.—The Select Committee shall submit to the Senate a final report on such investigation not later than 10 months after the appointment of all of the members of the Select Committee.

(c) ADDITIONAL REPORTS.—The Select Committee may submit to the Senate any additional report or reports that the Select Committee considers appropriate.

(d) FINDINGS AND RECOMMENDATIONS.—The reports under this section shall include findings and recommendations of the Select Committee regarding the matters considered under section 2.

(e) DISPOSITION OF REPORTS.—All reports made by the Select Committee shall be submitted to the Secretary of the Senate. All reports made by the Select Committee shall be referred to the committee or committees that have jurisdiction over the subject matter of the report.

SEC. 7. ADMINISTRATIVE PROVISIONS.

(a) STAFF.—

(1) IN GENERAL.—The Select Committee may employ in accordance with paragraph (2) a staff composed of such clerical, investigatory, legal, technical, and other personnel as the Select Committee, or the Chair and the Vice Chair of the Select Committee, considers necessary or appropriate.

(2) APPOINTMENT OF STAFF.—The staff of the Select Committee shall consist of such personnel as the Chair and the Vice Chair shall jointly appoint. Such staff may be removed jointly by the Chair and the Vice Chair, and shall work under the joint general supervision and direction of the Chair and the Vice Chair.

(b) COMPENSATION.—The Chair and the Vice Chair of the Select Committee shall jointly fix the compensation of all personnel of the staff of the Select Committee.

(c) REIMBURSEMENT OF EXPENSES.—The Select Committee may reimburse the members of its staff for travel, subsistence, and other necessary expenses incurred by such staff members in the performance of their functions for the Select Committee.

(d) SERVICES OF SENATE STAFF.—The Select Committee may use, with the prior consent of the chair of any other committee of the Senate or the chair of any subcommittee of any committee of the Senate, the facilities of any other committee of the Senate, or the services of any members of the staff of such committee or subcommittee, whenever the Select Committee or the Chair or the Vice Chair of the Select Committee considers that such action is necessary or appropriate to enable the Select Committee to carry out its responsibilities, duties, or functions under this resolution.

(e) DETAIL OF EMPLOYEES.—The Select Committee may use on a reimbursable basis, with the prior consent of the head of the department or agency of Government concerned and the approval of the Committee on Rules and Administration of the Senate, the services of personnel of such department or agency.

(f) TEMPORARY AND INTERMITTENT SERVICES.—The Select Committee may procure the temporary or intermittent services of individual consultants, or organizations thereof.

(g) PAYMENT OF EXPENSES.—There shall be paid out of the applicable accounts of the Senate such sums as may be necessary for the expenses of the Select Committee. Such payments shall be made on vouchers signed by the Chair of the Select Committee and approved in the manner directed by the Committee on Rules and Administration of the Senate. Amounts made available under this subsection shall be expended in accordance with regulations prescribed by the Committee on Rules and Administration of the Senate.

SEC. 8. EFFECTIVE DATE; TERMINATION.

(a) EFFECTIVE DATE.—This resolution shall take effect on the date of the adoption of this resolution.

(b) TERMINATION.—The Select Committee shall terminate two months after the submittal of the report required by section 6(b).

Mr. MCCAIN. I thank the Presiding Officer.

This resolution calls for the establishment of a select committee of the Senate to make a thorough and complete investigation of the facts and circumstances surrounding the response of the United States Government to the September 11, 2012, terrorist attacks against the United States consulate and personnel in Benghazi, Libya, and to make recommendations to prevent similar attacks in the future. I send the resolution to the desk in behalf of myself, Senator GRAHAM of South Carolina, and Senator AYOTTE of New Hampshire.

Before I go into the need for this select committee—and there clearly is a need because there is a huge credibility gap amongst the American people because of the now going on 8 weeks of contradictory reports, contradictory statements, beginning with the President of the United States. The President of the United States, on the day of September 12, went to the Rose Garden and stated that he opposed terrorist attacks. Then, that evening, as we found out after the election via an interview with ''60 Minutes,'' the President stated—and I will provide the quotes for the record: ''We don't know who was responsible for these attacks.'' So he went from condemning terrorist attacks to saying to Mr. Croft of ''60 Minutes'' that he didn't know who was responsible, and then in the days following, in various venues, whether they be late night talk shows or the United Nations, the President went on to allege that this was a hideous video that triggered a spontaneous demonstration. Not true. Not true. The President of the United States did not tell the American people the truth about the attacks that took the lives of four brave Americans and that went on for 7 hours, for which we were totally unprepared.

Four brave Americans died. It has now been 8 weeks. The American people have received nothing but contradictory statements from all levels of our government.

One of the more salient events occurred 5 days after, when clearly it had been identified as an al-Qaida-affiliated terrorist attack. The United Nations Ambassador, at the direction of the White House, went on all the Sunday talk shows to allege that this was a spontaneous demonstration triggered by a hateful video, as did our Secretary of State, as did, most regrettably, the President of the United States.

The American people deserve the facts. The American people need to know why the security at the consulate was so inadequate despite two previous attacks on that facility, including an assassination attempt on the British Ambassador. What did the President know, when did he know it, and what did he do about it? Did the President's national security staff make him aware of these attacks and, if they did, why did he not take the lead? What actions, if any, were taken to respond to a classified cable that was sent from our Embassy in Libya to the State Department on August 16, weeks before the September 11 attack, stating there were numerous armed groups in Benghazi that posed a threat to American interests, and that the consulate in Benghazi could not survive a sustained attack such as the one that eventually occurred a month later at the hands of one of these militia groups which was al-Qaida-affiliated? What actions, if any, did the Secretary of State take in response to these repeated warnings?

I saw Christopher Stevens in Tripoli on July 7. He told me of his security concerns then. The Senator from South Carolina and others wrote an article in the Wall Street Journal talking about the need for security, the problems that the nascent Libyan Government was having. Obviously, those were ignored.

Why were repeated requests for greater security in Libya turned down by officials at the State Department? On the anniversary of the worst terrorist attack in American history and after multiple attacks this year on our consulate in Benghazi and other western interests there, why were U.S. Armed Forces in the region not ready—not ready—and positioned to respond to what was clearly a foreseeable emergency?

The fight went on for 7 hours. Why did senior administration officials seek to blame a spontaneous demonstration when there was no spontaneous demonstration, which they were seeing in real-time, which the surveillance cameras within and without our consulate clearly indicated? Why is it that anyone, including our Ambassador to the

United Nations, would believe that spontaneous demonstrations are composed of people with mortars, with rocket-propelled grenades and heavy weapons? No one believes that. Why did President Obama insist that he labeled events in Benghazi an act of terrorism on September 12 when we know now—I repeat, we know now—that in an interview with ''60 Minutes'' on the same day he explicitly refused to characterize the attack in this way and he then spent nearly 2 weeks putting the emphasis on a spontaneous protest to a hateful video, including in his address to the United Nations on September 25?

We need a select committee. Americans deserve to know. The families of those slain and murdered Americans need to know. And why in the world the administration or our friends on the other side of the aisle or anyone would resist the appointment of a select committee I do not know. We have to have a select committee. The people of the United States deserve it and the families of those murdered deserve it. They deserve answers. For 8 weeks now, they have not gotten the answers. The only credible way of getting those answers is with a select committee.

Today I understand that the President of the United States took some umbrage at statements Senator AYOTTE, Senator GRAHAM, and I have made concerning this issue. We believe whoever it is must be held responsible, I say to the President of the United States. Most importantly, the President of the United States, who is Commander in Chief, who so far, in my view, has not exercised those responsibilities and has not informed the American people of the facts—this President and this administration have either been guilty of colossal incompetence or engaged in a coverup, neither of which is acceptable to the American people.

If it appears that I feel strongly about this issue, I speak with the families, I believe, of those who were murdered. I speak as a friend of Christopher Stevens. I speak as a person who knows something about warfare. I speak with some authority that this attack clearly could have been prevented if the facts on the ground had been taken into consideration, including the ample warnings—including the warnings that were sent on August 16—stating that the consulate could not successfully resist a concentrated attack by al-Qaida-affiliated groups. That alone convinces me, and I believe most Americans when they find out, that the actions to prevent these murders were clearly insufficient, if not totally incompetent.

I see the Senator from South Carolina is here to join me as well as the Senator from New Hampshire. I ask unanimous consent to engage in a colloquy with both the Senator from South Carolina and the Senator from New Hampshire.

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

Mr. GRAHAM. Mr. President, I am very grateful to engage. Here is the request of the body: Benghazi needs to be investigated. We need to find out what happened so it never happens again. We have four Americans killed, the first Ambassador killed in the line of duty in 33 years. That is worthy of our time. DIANNE FEINSTEIN is doing a very good job with SAXBY CHAMBLISS on the intel side. General Petraeus must testify. I think Secretary Clinton must testify.

Here is the problem that I have with the approach we are taking. Armed services need to ask DOD: How could you not come to the aid of the consulate for almost 8 hours on September 11, of all days? The State Department needs to be asked: Why did you deny additional security requests that had been made for months, and could you not see this coming? And the CIA needs to be asked a lot of questions also.

A select committee where we have members of intel, foreign relations, and armed services listening to all three agencies explain themselves I think is essential to get to the truth. I will not know what General Petraeus says in the intel committee, and I want to get to ask him questions. There will be people on the intel committee who will not be able to ask Secretary Panetta, General Hammond, and others about the DOD piece. This is a failure on many fronts and I think the best thing for the Senate to do is have a bipartisan select committee where we combine the resources of all three of the committees that have jurisdiction over different pieces, and create a professional approach to solving the problem. It will be run by our Democratic colleagues because they are in charge of the body, and should be.

There have been times in the past—Iran Contra and other examples—of where committees combined their resources to make sure they fully understood what was being said. If we stovepipe this and one committee goes one way and the other committee goes another way, we are not going to get the complete picture of what happened in Benghazi. That is what we are asking, that the minority leader and majority leader create a select committee of the three committees that have primary jurisdiction over each moving part so we can get to the bottom of this.

Here is why it is important: There are a lot of conspiracy theories going around on the Internet, and I wish to be able to say that is just not so because here is what we found. There are a lot of accusations being made against people I know and like. I wish to be able to say this accusation is unfounded. If unfortunately there is some accountability to be had by somebody I like, I can say here is why we had to do it. It would help us all to go to the public and say we did this together and in a professional and logical way and here are the results of our work product, so we can get Benghazi behind us and move forward. Until we do that, I think we are failing the American people.

I think the process we are engaging in today is going to lead to uncoordinated fact-finding and pieces of the puzzle will never be put together because we are not talking and working together. I think we are going to let families down. The process we are engaging in today will not get to the truth.

Mr. MCCAIN. Will the Senator yield for a question?

Mr. GRAHAM. Yes.

Mr. MCCAIN. One of the most salient points of this whole scenario was 5 days after the attack when the Ambassador of the United Nations went on all the Sunday talk shows to allege that this was a spontaneous demonstration triggered by a hateful video. Those talking points the Ambassador used didn't come from the CIA, it is my understanding; they came from the White House. Who in the White House—was it the President of the United States, was it one of his people—who was it that gave her talking points that clearly indicated something for which there was no basis in fact, certainly not after 5 days? Did the President ask about this situation? Did the President of the United States say, Wait a minute, is she going out there, when right after, on the program I was on, ''Face The Nation,'' the President and the Libya national assembly came on right after and said this is an al-Qaida attack, this is a terrorist attack, and then for days afterwards, the President of the United States goes out—including the United Nations—saying that this was a hateful video that triggered a flash mob. None of this has a shred of credibility.

So when we talk about the need for a select committee, when the White House is responsible for these talking points, if they were, then that covers all of the different oversight committees that we have in the U.S. Senate.

Mr. GRAHAM. I will turn this over to the Senator from New Hampshire, but my response would be as follows: There is a news article coming from somewhere within the State Department suggesting the CIA was responsible for consulate security because this mostly was a CIA operation. But there is an article coming out of the CIA corners basically saying: We responded very quickly and efficiently to the attack.

Here is my problem. If you do not have a select committee listening to all the stories, it is pretty hard to put the puzzle together. My response would be, why did the people in the State Department assigned to Benghazi ask for support from the State Department if this was, in fact, a CIA responsibility? I want to hear the State Department explain that. In a news article, you are trying to create the impression that ''we are a secondary player.'' That would be news to every State Department official in Libya because they were asking the State Department for security.

I wish to challenge the CIA's narrative of what they did and how they did it. But I want to hear the complete story.

The Senator from New Hampshire has been an attorney general prosecuting cases, and I wish to get her input into how efficient she thinks it would be for three committees to do their own investigations, never talk to each other in a coordinated fashion, have a stovepipe investigation versus a coordinated, one-body-listening-to-everybody approach?

Ms. AYOTTE. I would answer the Senator from South Carolina by saying if we do not establish a select committee and bring everyone together, what you can envision is an incomplete story from each.

First of all, we know that CIA sources put out a timeline for the CIA. You have the State Department talking about prior security requests and their view on it and e-mails that they sent on it. And then you have the Department of Defense talking about putting out another timeline. Where you are left is: No investigation would be conducted in that way, from your most basic incident to this, which is, of course, where four brave Americans were murdered during what appears to be a terrorist attack.

So how are we then going to follow up to make sure we get the complete picture for the American people to make sure it does not happen again, so we can understand what went wrong, and so we can understand what lessons we need to learn from this?

But if each committee—the Senate Foreign Relations Committee deals with the State Department piece and the Senate Armed Services Committee deals with the Armed Services piece—meaning, why was the greatest military in the world not in a position to respond when the attack occurred over 7 hours?—that is an important question that has to be answered in the military context—and then also thinking about the intelligence piece, the intelligence beforehand about the prior attacks—what was happening at the annex? What response, what information was provided?—also to the President, in terms of the prior attacks, so that he could be informed to make sure that the consulate was protected, and why was the consulate not protected?

If we conduct this separately we will not have a full picture for the American people in order to make sure that we take the lessons learned so that this does not happen again. We saw that. That is why we had a post 9/11 Commission, because many agencies were involved in wanting to get to the bottom of it. This is so important with four brave Americans who have been killed. So many more questions are raised than there are answers right now.

Most of all, we need to make sure that the complete picture of facts comes forward. As the Senator from South Carolina said, many people have very different impressions about this, and there are a lot of conspiracy theories. So a full bipartisan committee that has full jurisdiction over every area of this to come up with a complete picture and recommendations makes sense, and it is a way for us to answer these important questions for the American people and, of course, the families of those who lost their loved ones in Benghazi.

Finally, I would say, with respect to my colleague from Arizona, Senator MCCAIN, today the President did say that with respect to Ambassador Susan Rice on the Sunday shows, that she did that on behalf of the White House. Well, one of the questions that needs to be answered is, within hours there were e-mails sent to the White House from the State Department that explained that a terrorist group, Ansar al-Sharia, was taking responsibility for this attack. So I think a question that needs to be answered is, why then would the Ambassador to the U.N. on behalf of the White House, 5 days after the attack—even though this e-mail went to the White House within hours stating that a terrorist group is taking responsibility—go on every major news station and say this was a spontaneous reaction to a video? She expressly said: This was not a preplanned or premeditated attack. Why was that done?

I think those are important questions that need to be addressed by this committee as well because, clearly, this was not what happened. It was a misstatement of what occurred, and we need to understand why that was done. The American people deserve answers when you have four brave Americans who were murdered in a terrorist attack.

Mr. MCCAIN. I only have one additional comment, and that is, I understand at the President's press conference today, he said not to, quote, pick on his Ambassador to the United Nations, to, quote, pick on him. That statement is really remarkable in that if the President thinks that we are picking on people, he does not have any idea of how serious this issue is. I am a U.S. Senator. The Senator from New Hampshire is. We have our obligations. We have our duties representing the people who sent us here, and we are not picking on anybody. I doubt if the families of these brave Americans who were murdered would believe we are, quote, picking on anyone, that when we are trying to find out the facts, the American people deserve to know the facts.

We cannot ever let this happen again. We cannot let a security situation evolve that our lives are in danger. We cannot ignore recommendations. We cannot not have sufficient military available on a September 11, where we know that tensions are incredibly high. The American people are owed an explanation, and it is our duty to try to get that explanation for them. And if someone carried a message to the American people that was totally and utterly false with no basis in fact, then that person also has to be held accountable as well.

But first and foremost, the President of the United States, the Commander in Chief, is the most responsible. I hope the President has no illusions about our view of his responsibility, which I believe is that of the American people as well.

So we need this select committee. There is no credibility left because of all the conflicting stories that have come out and the different rumors and different statements and contradictory statements and finger pointing. The American people deserve answers, not only because of those who were murdered, but to make sure that a tragedy like this never happens again.

I repeat, everybody has their responsibilities. We have ours. The President has his. And we intend to pursue this until the American people have the answers they deserve and they have confidence that these kinds of mistakes will never be repeated. We take that very seriously, and we have some disagreement when it is called ''picking on someone.''

SENATE RESOLUTION 595—EXPRESSING SUPPORT FOR THE GOALS OF NATIONAL ADOPTION DAY AND NATIONAL ADOPTION MONTH BY PROMOTING NATIONAL AWARENESS OF ADOPTION AND THE CHILDREN AWAITING FAMILIES, CELEBRATING CHILDREN AND FAMILIES INVOLVED IN ADOPTION, AND ENCOURAGING THE PEOPLE OF THE UNITED STATES TO SECURE SAFETY, PERMANENCY, AND WELL-BEING FOR ALL CHILDREN

Ms. LANDRIEU (for herself and Mr. INHOFE) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 595

Whereas there are millions of unparented children in the world, including 400,540 children in the foster care system in the United States, approximately 104,000 of whom are waiting for families to adopt them;

Whereas 59 percent of the children in foster care in the United States are age 10 or younger;

Whereas the average length of time a child spends in foster care is approximately 2 years;

Whereas for many foster children, the wait for a loving family in which they are nurtured, comforted, and protected seems endless;

Whereas in 2011, nearly 26,000 youth ''aged out'' of foster care by reaching adulthood without being placed in a permanent home;

Whereas every day, loving and nurturing families are strengthened and expanded when committed and dedicated individuals make an important difference in the life of a child through adoption;

Whereas a 2007 survey conducted by the Dave Thomas Foundation for Adoption demonstrated that though ''Americans overwhelmingly support the concept of adoption, and in particular foster care adoption . . . foster care adoptions have not increased significantly over the past five years'';

Whereas while 4 in 10 Americans have considered adoption, a majority of Americans have misperceptions about the process of

adopting children from foster care and the children who are eligible for adoption;

Whereas 71 percent of those who have considered adoption consider adopting children from foster care above other forms of adoption;

Whereas 45 percent of Americans believe that children enter the foster care system because of juvenile delinquency, when in reality the vast majority of children who have entered the foster care system were victims of neglect, abandonment, or abuse;

Whereas 46 percent of Americans believe that foster care adoption is expensive, when in reality there is no substantial cost for adopting from foster care and financial support is available to adoptive parents after the adoption is finalized;

Whereas family reunification, kinship care, and domestic and inter-county adoption promote permanency and stability to a far greater degree than long-term institutionalization and long-term, often disrupted foster care;

Whereas both National Adoption Day and National Adoption Month occur in the month of November;

Whereas National Adoption Day is a collective national effort to find permanent, loving families for children in the foster care system;

Whereas since the first National Adoption Day in 2000, nearly 40,000 children have joined forever families during National Adoption Day;

Whereas in 2011, a total of 365 events were held in 47 States and the District of Columbia, finalizing the adoptions of 4,187 children from foster care and celebrating an additional 1,030 adoptions finalized during November or earlier in the year; and

Whereas the President traditionally issues an annual proclamation to declare the month of November as National Adoption Month, and National Adoption Day is on November 17, 2012: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of National Adoption Day and National Adoption Month;

(2) recognizes that every child should have a permanent and loving family; and

(3) encourages the people of the United States to consider adoption during the month of November and all throughout the year.

SENATE RESOLUTION 596—PERMITTING THE SOLICITATION OF DONATIONS IN SENATE BUILDINGS FOR THE RELIEF OF VICTIMS OF SUPERSTORM SANDY

Mr. LAUTENBERG (for himself, Mr. RUBIO, Ms. LANDRIEU, Mr. COONS, Mr. CARPER, Mr. MENENDEZ, Mrs. GILLIBRAND, Mr. BROWN of Ohio, Mr. DURBIN, Mr. LIEBERMAN, Mr. NELSON of Florida, Mr. REED, Mr. WARNER, Mr. WYDEN, Mr. LEAHY, and Mr. ENZI) submitted the following resolution; which was considered and agreed to:

Resolved,

SECTION 1. SOLICITATION FOR SUPERSTORM SANDY RELIEF.

Notwithstanding any other provision of the rules or regulations of the Senate—

(1) a Senator, officer of the Senate, or employee of the Senate may solicit another Senator, officer of the Senate, or employee of the Senate within Senate buildings for nonmonetary donations for the relief of victims of Superstorm Sandy during the 30-day period beginning on the date on which the Senate agrees to this resolution; and

(2) a Senator, officer of the Senate, or employee of the Senate may work with a nonprofit organization with respect to the delivery of donations described in paragraph (1).

AMENDMENTS SUBMITTED AND PROPOSED

SA 2890. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table.

SA 2891. Mr. BENNET submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2892. Mr. LEE submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2893. Mr. LEE (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2894. Mr. LEE submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2895. Mr. LEE submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2896. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2897. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2898. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2899. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2900. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2901. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2902. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2903. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2904. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2905. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2906. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2907. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2908. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2909. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2910. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2911. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2912. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2913. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2914. Mr. COBURN (for himself, Mr. WEBB, Mr. WICKER, Mr. INHOFE, Mr. ROBERTS, Mr. BLUNT, Mr. ENZI, Mr. BOOZMAN, Mr. BURR, Mr. CRAPO, Mr. HATCH, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2915. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2916. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2917. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2918. Mr. COBURN (for himself and Mr. BOOZMAN) submitted an amendment intended to be proposed by him to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2919. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2920. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2921. Mr. PRYOR (for himself and Mr. BOOZMAN) submitted an amendment intended to be proposed by him to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2922. Mr. PRYOR (for himself and Mr. BOOZMAN) submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2890. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill S. 3525, to

protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE III—NATIONAL HERITAGE AREA REAUTHORIZATION

SEC. 301. REAUTHORIZATION OF HUDSON RIVER VALLEY NATIONAL HERITAGE AREA.

Section 910 of the Hudson River Valley National Heritage Area Act of 1996 (16 U.S.C. 461 note; Public Law 104–333) is amended by striking ''2012'' and inserting ''2022''.

SA 2891. Mr. BENNET submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 103 and insert the following:

SEC. 103. TRANSPORTING BOWS THROUGH NATIONAL PARKS.

(a) FINDINGS.—Congress finds that—

(1) bowhunters are known worldwide as among the most skilled, ethical, and conservation-minded of all hunters;

(2) bowhunting organizations at the Federal, State, and local level contribute significant financial and human resources to wildlife conservation and youth education programs throughout the United States; and

(3) bowhunting contributes $38,000,000,000 each year to the economy of the United States.

(b) POSSESSION OF BOWS IN UNITS OF NATIONAL PARK SYSTEM.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary of the Interior shall issue a permit to individuals carrying bows and crossbows to traverse National Park System land if—

(A) the traverse is—

(i) for the sole purpose of hunting on adjacent public or private land during a legally established hunting season; and

(ii) the most direct means of access to the adjacent land; and

(B) the individual possesses a valid hunting permit for adjacent public or private land.

(2) USE.—Nothing in this section authorizes the use of the bows or crossbows that are being carried while on National Park System land.

SA 2892. Mr. LEE submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE III—FEDERAL LAND DESIGNATIONS

SEC. 301. STATE APPROVAL REQUIRED FOR FEDERAL LAND DESIGNATIONS.

(a) DEFINITION OF COVERED UNIT.—In this section, the term ''covered unit'' means—

(1) a unit of the National Forest System, National Park System, National Wildlife Refuge System, National Wild and Scenic Rivers System, National Trails System, National Wilderness Preservation System, or any other system established by Federal law;

(2) a national monument; or

(3) any national conservation or national recreation area.

(b) PROHIBITION.—A covered unit shall not be established unless the legislature of the State in which the proposed covered unit is located has approved the establishment of the covered unit.

SA 2893. Mr. LEE (for himself and Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE III—FEDERAL LAND DESIGNATIONS

SEC. 301. SALE OF CERTAIN FEDERAL LAND PREVIOUSLY IDENTIFIED AS SUITABLE FOR DISPOSAL.

(a) DEFINITIONS.—In this section:

(1) IDENTIFIED FEDERAL LANDS.—The term ''identified Federal lands'' means the parcels of Federal land under the administrative jurisdiction of the Secretary that were identified as suitable for disposal in the report submitted to Congress by the Secretary on May 27, 1997, pursuant to section 390(g) of the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104–127; 110 Stat. 1024), except the following:

(A) Lands not identified for disposal in the applicable land use plan.

(B) Lands subject to a Recreation and Public Purpose conveyance application.

(C) Lands identified for State selection.

(D) Lands identified for Indian tribe allotments.

(E) Lands identified for local government use.

(F) Lands that the Secretary chooses to dispose under the Federal Land Transaction Facilitation Act (43 U.S.C. 2301 et seq.).

(G) Lands that are segregated for exchange or under agreements for exchange.

(H) Lands subject to exchange as authorized or directed by Congress.

(I) Lands that the Secretary determines contain significant impediments for disposal including—

(i) high disposal costs;

(ii) the presence of significant natural or cultural resources;

(iii) land survey problems or title conflicts;

(iv) habitat for threatened or endangered species; and

(v) mineral leases and mining claims.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(b) COMPETITIVE SALE OF LANDS.—The Secretary shall offer the identified Federal lands for disposal by competitive sale for not less than fair market value as determined by an independent appraiser.

(c) EXISTING RIGHTS.—The sale of identified Federal lands under this section shall be subject to valid existing rights.

(d) PROCEEDS OF SALE OF LANDS.—All net proceeds from the sale of identified Federal lands under this section shall be deposited directly into the Treasury for reduction of the public debt.

(e) REPORT.—Not later than 4 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate—

(1) a list of any identified Federal lands that have not been sold under subsection (b) and the reasons such lands were not sold; and

(2) an update of the report submitted to Congress by the Secretary on May 27, 1997, pursuant to section 390(g) of the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104–127; 110 Stat. 1024), including a current inventory of the Federal lands under the administrative jurisdiction of the Secretary that are suitable for disposal.

SA 2894. Mr. LEE submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 246.

SA 2895. Mr. LEE submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 245.

SA 2896. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE III—NATIONAL HISTORICAL PARKS

SEC. 301. HARRIET TUBMAN UNDERGROUND RAILROAD NATIONAL HISTORICAL PARK, MARYLAND.

(a) DEFINITIONS.—In this section:

(1) HISTORICAL PARK.—The term ''historical park'' means the Harriet Tubman Underground Railroad National Historical Park established by subsection (b)(1)(A).

(2) MAP.—The term ''map'' means the map entitled ''Authorized Acquisition Area for the Proposed Harriet Tubman Underground Railroad National Historical Park'', numbered T20/80,001, and dated July 2010.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(4) STATE.—The term ''State'' means the State of Maryland.

(b) HARRIET TUBMAN UNDERGROUND RAILROAD NATIONAL HISTORICAL PARK.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—Subject to subparagraph (B), there is established the Harriet Tubman Underground Railroad National Historical Park in Caroline, Dorchester, and Talbot Counties, Maryland, as a unit of the National Park System.

(B) DETERMINATION BY SECRETARY.—The historical park shall not be established until the date on which the Secretary determines that a sufficient quantity of land, or interests in land, has been acquired to constitute a manageable park unit.

(C) NOTICE.—Not later than 30 days after the date on which the Secretary makes a determination under subparagraph (B), the Secretary shall publish in the Federal Register notice of the establishment of the historical park, including an official boundary map for the historical park.

(D) AVAILABILITY OF MAP.—The official boundary map published under subparagraph (C) shall be on file and available for public inspection in appropriate offices of the National Park Service.

(2) PURPOSE.—The purpose of the historical park is to preserve and interpret for the benefit of present and future generations the

historical, cultural, and natural resources associated with the life of Harriet Tubman and the Underground Railroad.

(3) LAND ACQUISITION.—

(A) IN GENERAL.—The Secretary may acquire land and interests in land within the areas depicted on the map as ''Authorized Acquisition Areas'' by purchase from willing sellers, donation, or exchange.

(B) BOUNDARY ADJUSTMENT.—On acquisition of land or an interest in land under subparagraph (A), the boundary of the historical park shall be adjusted to reflect the acquisition.

(c) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary shall administer the historical park in accordance with this section and the laws generally applicable to units of the National Park System, including—

(A) the National Park System Organic Act (16 U.S.C. 1 et seq.); and

(B) the Act of August 21, 1935 (16 U.S.C. 461 et seq.).

(2) INTERAGENCY AGREEMENT.—Not later than 1 year after the date on which the historical park is established, the Director of the National Park Service and the Director of the United States Fish and Wildlife Service shall enter into an agreement to allow the National Park Service to provide for public interpretation of historic resources located within the boundary of the Blackwater National Wildlife Refuge that are associated with the life of Harriet Tubman, consistent with the management requirements of the Refuge.

(3) INTERPRETIVE TOURS.—The Secretary may provide interpretive tours to sites and resources located outside the boundary of the historical park in Caroline, Dorchester, and Talbot Counties, Maryland, relating to the life of Harriet Tubman and the Underground Railroad.

(4) COOPERATIVE AGREEMENTS.—

(A) IN GENERAL.—The Secretary may enter into a cooperative agreement with the State, political subdivisions of the State, colleges and universities, non-profit organizations, and individuals—

(i) to mark, interpret, and restore nationally significant historic or cultural resources relating to the life of Harriet Tubman or the Underground Railroad within the boundaries of the historical park, if the agreement provides for reasonable public access; or

(ii) to conduct research relating to the life of Harriet Tubman and the Underground Railroad.

(B) VISITOR CENTER.—The Secretary may enter into a cooperative agreement with the State to design, construct, operate, and maintain a joint visitor center on land owned by the State—

(i) to provide for National Park Service visitor and interpretive facilities for the historical park; and

(ii) to provide to the Secretary, at no additional cost, sufficient office space to administer the historical park.

(C) COST-SHARING REQUIREMENT.—

(i) FEDERAL SHARE.—The Federal share of the total cost of any activity carried out under this paragraph shall not exceed 50 percent.

(ii) FORM OF NON-FEDERAL SHARE.—The non-Federal share of the cost of carrying out an activity under this paragraph may be in the form of in-kind contributions or goods or services fairly valued.

(d) GENERAL MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall prepare a general management plan for the historical park in accordance with section 12(b) of the National Park Service General Authorities Act (16 U.S.C. 1a–7(b)).

(2) CONSULTATION.—The general management plan shall be prepared in consultation with the State (including political subdivisions of the State).

(3) COORDINATION.—The Secretary shall coordinate the preparation and implementation of the management plan with—

(A) the Blackwater National Wildlife Refuge;

(B) the Harriet Tubman National Historical Park established by section 302(b)(1)(A); and

(C) the National Underground Railroad Network to Freedom.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 302. HARRIET TUBMAN NATIONAL HISTORICAL PARK, AUBURN, NEW YORK.

(a) DEFINITIONS.—In this section:

(1) HISTORICAL PARK.—The term ''historical park'' means the Harriet Tubman National Historical Park established by subsection (b)(1)(A).

(2) HOME.—The term ''Home'' means The Harriet Tubman Home, Inc., located in Auburn, New York.

(3) MAP.—The term ''map'' means the map entitled ''Harriet Tubman National Historical Park'', numbered T18/80,000, and dated March 2009.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(5) STATE.—The term ''State'' means the State of New York.

(b) HARRIET TUBMAN NATIONAL HISTORICAL PARK.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—Subject to subparagraph (B), there is established the Harriet Tubman National Historical Park in Auburn, New York, as a unit of the National Park System.

(B) DETERMINATION BY SECRETARY.—The historical park shall not be established until the date on which the Secretary determines that a sufficient quantity of land, or interests in land, has been acquired to constitute a manageable park unit.

(C) NOTICE.—Not later than 30 days after the date on which the Secretary makes a determination under subparagraph (B), the Secretary shall publish in the Federal Register notice of the establishment of the historical park.

(D) MAP.—The map shall be on file and available for public inspection in appropriate offices of the National Park Service.

(2) BOUNDARY.—The historical park shall include the Harriet Tubman Home, the Tubman Home for the Aged, the Thompson Memorial AME Zion Church and Rectory, and associated land, as identified in the area entitled ''National Historical Park Proposed Boundary'' on the map.

(3) PURPOSE.—The purpose of the historical park is to preserve and interpret for the benefit of present and future generations the historical, cultural, and natural resources associated with the life of Harriet Tubman.

(4) LAND ACQUISITION.—The Secretary may acquire land and interests in land within the areas depicted on the map by purchase from a willing seller, donation, or exchange.

(c) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary shall administer the historical park in accordance with this section and the laws generally applicable to units of the National Park System, including—

(A) the National Park System Organic Act (16 U.S.C. 1 et seq.); and

(B) the Act of August 21, 1935 (16 U.S.C. 461 et seq.).

(2) INTERPRETIVE TOURS.—The Secretary may provide interpretive tours to sites and resources located outside the boundary of the historical park in Auburn, New York, relating to the life of Harriet Tubman.

(3) COOPERATIVE AGREEMENTS.—

(A) IN GENERAL.—The Secretary may enter into a cooperative agreement with the owner of any land within the historical park to mark, interpret, or restore nationally significant historic or cultural resources relating to the life of Harriet Tubman, if the agreement provides that—

(i) the Secretary shall have the right of access to any public portions of the land covered by the agreement to allow for—

(I) access at reasonable times by historical park visitors to the land; and

(II) interpretation of the land for the public; and

(ii) no changes or alterations shall be made to the land except by mutual agreement of the Secretary and the owner of the land.

(B) RESEARCH.—The Secretary may enter into a cooperative agreement with the State, political subdivisions of the State, institutions of higher education, the Home and other nonprofit organizations, and individuals to conduct research relating to the life of Harriet Tubman.

(C) COST-SHARING REQUIREMENT.—

(i) FEDERAL SHARE.—The Federal share of the total cost of any activity carried out under this paragraph shall not exceed 50 percent.

(ii) FORM OF NON-FEDERAL SHARE.—The non-Federal share may be in the form of in-kind contributions or goods or services fairly valued.

(D) ATTORNEY GENERAL.—

(i) IN GENERAL.—The Secretary shall submit to the Attorney General for review any cooperative agreement under this paragraph involving religious property or property owned by a religious institution.

(ii) FINDING.—No cooperative agreement subject to review under this subparagraph shall take effect until the date on which the Attorney General issues a finding that the proposed agreement does not violate the Establishment Clause of the first amendment to the Constitution.

(d) GENERAL MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall prepare a general management plan for the historical park in accordance with section 12(b) of the National Park Service General Authorities Act (16 U.S.C. 1a–7(b)).

(2) COORDINATION.—The Secretary shall coordinate the preparation and implementation of the management plan with—

(A) the Harriet Tubman Underground Railroad National Historical Park established by section 301(b)(1); and

(B) the National Underground Railroad Network to Freedom.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section, except that not more than $7,500,000 shall be available to provide financial assistance under subsection (c)(3).

SA 2897. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title II, add the following:

SEC. 2___. CHESAPEAKE AND OHIO CANAL NATIONAL HISTORICAL PARK COMMISSION.

Section 6(g) of the Chesapeake and Ohio Canal Development Act (16 U.S.C. 410y–4(g)) is amended by striking ''40'' and inserting ''50''.

SA 2898. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title II, add the following:

SEC. 2___. CHESAPEAKE BAY GATEWAYS AND WATERTRAILS NETWORK.

Section 502(c) of the Chesapeake Bay Initiative Act of 1998 (16 U.S.C. 461 note; Public Law 105–312) is amended by striking ''fiscal years'' and all that follows through the period at the end and inserting ''fiscal years 2013 through 2017.''.

SA 2899. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. _____. WATER RESOURCES RESEARCH ACT AMENDMENTS.

(a) CONGRESSIONAL FINDINGS AND DECLARATIONS.—Section 102 of the Water Resources Research Act of 1984 (42 U.S.C. 10301) is amended—

(1) by redesignating paragraphs (7) through (9) as paragraphs (8) through (10), respectively;

(2) in paragraph (8) (as so redesignated), by striking ''and'' at the end; and

(3) by inserting after paragraph (6) the following:

''(7) additional research is required into increasing the effectiveness and efficiency of new and existing treatment works through alternative approaches, including—

''(A) nonstructural alternatives;

''(B) decentralized approaches;

''(C) water use efficiency; and

''(D) actions to reduce energy consumption or extract energy from wastewater;''.

(b) CLARIFICATION OF RESEARCH ACTIVITIES.—Section 104(b)(1) of the Water Resources Research Act of 1984 (42 U.S.C. 10303(b)(1)) is amended—

(1) in subparagraph (B)(ii), by striking ''water-related phenomena'' and inserting ''water resources''; and

(2) in subparagraph (D), by striking the period at the end and inserting ''; and''.

(c) COMPLIANCE REPORT.—Section 104(c) of the Water Resources Research Act of 1984 (42 U.S.C. 10303(c)) is amended—

(1) by striking ''From the'' and inserting ''(1) IN GENERAL.—From the''; and

(2) by adding at the end the following:

''(2) REPORT.—Not later than December 31 of each fiscal year, the Secretary shall submit to the Committee on Environment and Public Works of the Senate, the Committee on the Budget of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on the Budget of the House of Representatives a report regarding the compliance of each funding recipient with this subsection for the immediately preceding fiscal year.''.

(d) EVALUATION OF WATER RESOURCES RESEARCH PROGRAM.—Section 104 of the Water Resources Research Act of 1984 (42 U.S.C. 10303) is amended by striking subsection (e) and inserting the following:

''(e) EVALUATION OF WATER RESOURCES RESEARCH PROGRAM.—

''(1) IN GENERAL.—The Secretary shall conduct a careful and detailed evaluation of each institute at least once every 5 years to determine—

''(A) the quality and relevance of the water resources research of the institute;

''(B) the effectiveness of the institute at producing measured results and applied water supply research; and

''(C) whether the effectiveness of the institute as an institution for planning, conducting, and arranging for research warrants continued support under this section.

''(2) PROHIBITION ON FURTHER SUPPORT.—If, as a result of an evaluation under paragraph (1), the Secretary determines that an institute does not qualify for further support under this section, no further grants to the institute may be provided until the qualifications of the institute are reestablished to the satisfaction of the Secretary.''.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 104(f)(1) of the Water Resources Research Act of 1984 (42 U.S.C. 10303(f)(1)) is amended by striking ''$12,000,000 for each of fiscal years 2007 through 2011'' and inserting ''$7,500,000 for each of fiscal years 2012 through 2017''.

(f) ADDITIONAL APPROPRIATIONS WHERE RESEARCH FOCUSED ON WATER PROBLEMS OF INTERSTATE NATURE.—Section 104(g)(1) of the Water Resources Research Act of 1984 (42 U.S.C. 10303(g)(1)) is amended by striking ''$6,000,000 for each of fiscal years 2007 through 2011'' and inserting ''$1,500,000 for each of fiscal years 2012 through 2017''.

SA 2900. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE III—WATER INFRASTRUCTURE

SEC. 301. DEFINITIONS.

In this title:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) HYDROLOGIC CONDITION.—The term ''hydrologic condition'' means the quality, quantity, or reliability of the water resources of a region of the United States.

(3) OWNER OR OPERATOR OF A WATER SYSTEM.—

(A) IN GENERAL.—The term ''owner or operator of a water system'' means an entity (including a regional, State, tribal, local, municipal, or private entity) that owns or operates a water system.

(B) INCLUSIONS.—The term ''owner or operator of a water system'' includes—

(i) a non-Federal entity that has operational responsibilities for a federally-, tribally-, or State-owned water system; and

(ii) an entity established by an agreement between—

(I) an entity that owns or operates a water system; and

(II) at least 1 other entity.

(4) WATER SYSTEM.—The term ''water system'' means—

(A) a community water system (as defined in section 1401 of the Safe Drinking Water Act (42 U.S.C. 300f));

(B) a treatment works (as defined in section 212 of the Federal Water Pollution Control Act (33 U.S.C. 1292)), including a municipal separate storm sewer system (as such term is used in that Act (33 U.S.C. 1251 et seq.));

(C) a decentralized wastewater treatment system for domestic sewage;

(D) a groundwater storage and replenishment system;

(E) a system for transport and delivery of water for irrigation or conservation; or

(F) a natural or engineered system that manages floodwater.

SEC. 302. WATER INFRASTRUCTURE RESILIENCY AND SUSTAINABILITY.

(a) PROGRAM.—The Administrator shall establish and implement a program, to be known as the ''Water Infrastructure Resiliency and Sustainability Program'', under which the Administrator shall award grants for each of fiscal years 2013 through 2017 to owners or operators of water systems for the purpose of increasing the resiliency or adaptability of the water systems to any ongoing or forecasted changes (based on the best available research and data) to the hydrologic conditions of a region of the United States.

(b) USE OF FUNDS.—As a condition on receipt of a grant under this title, an owner or operator of a water system shall agree to use the grant funds exclusively to assist in the planning, design, construction, implementation, operation, or maintenance of a program or project that meets the purpose described in subsection (a) by—

(1) conserving water or enhancing water use efficiency, including through the use of water metering and electronic sensing and control systems to measure the effectiveness of a water efficiency program;

(2) modifying or relocating existing water system infrastructure made or projected to be significantly impaired by changing hydrologic conditions;

(3) preserving or improving water quality, including through measures to manage, reduce, treat, or reuse municipal stormwater, wastewater, or drinking water;

(4) investigating, designing, or constructing groundwater remediation, recycled water, or desalination facilities or systems to serve existing communities;

(5) enhancing water management by increasing watershed preservation and protection, such as through the use of natural or engineered green infrastructure in the management, conveyance, or treatment of water, wastewater, or stormwater;

(6) enhancing energy efficiency or the use and generation of renewable energy in the management, conveyance, or treatment of water, wastewater, or stormwater;

(7) supporting the adoption and use of advanced water treatment, water supply management (such as reservoir reoperation and water banking), or water demand management technologies, projects, or processes (such as water reuse and recycling, adaptive conservation pricing, and groundwater banking) that maintain or increase water supply or improve water quality;

(8) modifying or replacing existing systems or constructing new systems for existing communities or land that is being used for agricultural production to improve water supply, reliability, storage, or conveyance in a manner that—

(A) promotes conservation or improves the efficiency of use of available water supplies; and

(B) does not further exacerbate stresses on ecosystems or cause redirected impacts by degrading water quality or increasing net greenhouse gas emissions;

(9) supporting practices and projects, such as improved irrigation systems, water banking and other forms of water transactions, groundwater recharge, stormwater capture, groundwater conjunctive use, and reuse or recycling of drainage water, to improve water quality or promote more efficient water use on land that is being used for agricultural production;

(10) reducing flood damage, risk, and vulnerability by—

(A) restoring floodplains, wetland, and upland integral to flood management, protection, prevention, and response;

(B) modifying levees, floodwalls, and other structures through setbacks, notches, gates, removal, or similar means to facilitate reconnection of rivers to floodplains, reduce flood stage height, and reduce damage to properties and populations;

(C) providing for acquisition and easement of flood-prone land and properties in order to reduce damage to property and risk to populations; or

(D) promoting land use planning that prevents future floodplain development;

(11) conducting and completing studies or assessments to project how changing hydrologic conditions may impact the future operations and sustainability of water systems; or

(12) developing and implementing measures to increase the resilience of water systems and regional and hydrological basins, including the Colorado River Basin, to rapid hydrologic change or a natural disaster (such as tsunami, earthquake, flood, or volcanic eruption).

(c) APPLICATION.—To seek a grant under this title, the owner or operator of a water system shall submit to the Administrator an application that—

(1) includes a proposal for the program, strategy, or infrastructure improvement to be planned, designed, constructed, implemented, or maintained by the water system;

(2) provides the best available research or data that demonstrate—

(A) the risk to the water resources or infrastructure of the water system as a result of ongoing or forecasted changes to the hydrological system of a region, including rising sea levels and changes in precipitation patterns; and

(B) the manner in which the proposed program, strategy, or infrastructure improvement would perform under the anticipated hydrologic conditions;

(3) describes the manner in which the proposed program, strategy, or infrastructure improvement is expected—

(A) to enhance the resiliency of the water system, including source water protection for community water systems, to the anticipated hydrologic conditions; or

(B) to increase efficiency in the use of energy or water of the water system; and

(4) describes the manner in which the proposed program, strategy, or infrastructure improvement is consistent with an applicable State, tribal, or local climate adaptation plan, if any.

(d) PRIORITY.—

(1) WATER SYSTEMS AT GREATEST AND MOST IMMEDIATE RISK.—In selecting grantees under this title, subject to section 303(b), the Administrator shall give priority to owners or operators of water systems that are, based on the best available research and data, at the greatest and most immediate risk of facing significant negative impacts due to changing hydrologic conditions.

(2) GOALS.—In selecting among applicants described in paragraph (1), the Administrator shall ensure that, to the maximum extent practicable, the final list of applications funded for each year includes a substantial number that propose to use innovative approaches to meet 1 or more of the following goals:

(A) Promoting more efficient water use, water conservation, water reuse, or recycling.

(B) Using decentralized, low-impact development technologies and nonstructural approaches, including practices that use, enhance, or mimic the natural hydrological cycle or protect natural flows.

(C) Reducing stormwater runoff or flooding by protecting or enhancing natural ecosystem functions.

(D) Modifying, upgrading, enhancing, or replacing existing water system infrastructure in response to changing hydrologic conditions.

(E) Improving water quality or quantity for agricultural and municipal uses, including through salinity reduction.

(F) Providing multiple benefits, including to water supply enhancement or demand reduction, water quality protection or improvement, increased flood protection, and ecosystem protection or improvement.

(e) COST-SHARING REQUIREMENT.—

(1) FEDERAL SHARE.—The share of the cost of any program, strategy, or infrastructure improvement that is the subject of a grant awarded by the Administrator to the owner or operator of a water system under subsection (a) paid through funds distributed under this title shall not exceed 50 percent of the cost of the program, strategy, or infrastructure improvement.

(2) CALCULATION OF NON-FEDERAL SHARE.—In calculating the non-Federal share of the cost of a program, strategy, or infrastructure improvement proposed by a water system in an application submitted under subsection (c), the Administrator shall—

(A) include the value of any in-kind services that are integral to the completion of the program, strategy, or infrastructure improvement, including reasonable administrative and overhead costs; and

(B) not include any other amount that the water system involved receives from the Federal Government.

(f) REPORT TO CONGRESS.—Not later than 3 years after the date of enactment of this Act, and every 3 years thereafter, the Administrator shall submit to Congress a report that—

(1) describes the progress in implementing this title; and

(2) includes information on project applications received and funded annually under this title.

SEC. 303. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this title $50,000,000 for each of fiscal years 2013 through 2017.

(b) REDUCTION OF FLOOD DAMAGE, RISK, AND VULNERABILITY.—Of the amount made available to carry out this title for a fiscal year, not more than 20 percent may be made available to grantees for activities described in section 302(b)(10).

SA 2901. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 121.

SA 2902. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 121 and insert the following:

SEC. 121. NO REGULATION OF AMMUNITION OR FISHING TACKLE PENDING STUDY OF HEALTH AND ENVIRONMENTAL EFFECTS.

(a) NO REGULATION OF AMMUNITION OR FISHING TACKLE.—The Administrator of the Environmental Protection Agency shall not issue any proposed or final rule or guidance to regulate any chemical substance or mixture in ammunition or fishing tackle under the Toxic Substances Control Act (15 U.S.C. 2601 et seq.) during the period beginning on the date of enactment of this Act and ending on the date of the publication of the study required by subsection (b).

(b) STUDY OF POTENTIAL HUMAN HEALTH AND ENVIRONMENTAL EFFECTS.—

(1) IN GENERAL.—Not later than December 31, 2014, the Secretary of Health and Human Services, the Commissioner of Food and Drugs, the Administrator of the Environmental Protection Agency, and the Secretary of the Interior shall jointly prepare and publish a study that describes the potential threats to human health (including to pregnant women, children, and other vulnerable populations) and to the environment from the use of—

(A) lead and toxic substances in ammunition and fishing tackle; and

(B) commercially available and less toxic alternatives to lead and toxic substances in ammunition and fishing tackle.

(2) USE.—The Administrator of the Environmental Protection Agency shall use, as appropriate, the findings of the report required by paragraph (1) when considering any potential future decision related to a chemical substance or mixture when the substance or mixture is used in ammunition or fishing tackle.

SA 2903. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title I, add the following:

SEC. 1___. HUNTING IN KISATCHIE NATIONAL FOREST.

(a) IN GENERAL.—Consistent with the eleventh undesignated paragraph under the heading ''SURVEYING THE PUBLIC LANDS'' of the Act of June 4, 1897 (16 U.S.C. 551), the Secretary of Agriculture (referred to in this section as the ''Secretary'') may not impose restrictions on the use of dogs in deer hunting activities in Kisatchie National Forest, unless the restrictions—

(1) apply to the smallest practicable portions of the unit; and

(2) are necessary to reduce or control trespass onto land adjacent to the unit.

(b) PRIOR RESTRICTIONS VOID.—Any restrictions regarding the use of dogs in deer hunting activities in Kisatchie National Forest in force on the date of enactment of this Act shall be void and have no force or effect.

(c) ADJACENT LANDOWNERS.—

(1) IN GENERAL.—The owner of land that is adjacent to a unit of the Kisatchie National Forest may submit to the Secretary a petition to restrict the use of dogs in deer hunting activities that take place on the unit that is adjacent to the land.

(2) RESTRICTIONS.—If the Secretary receives a petition from an adjacent landowner

under paragraph (2), the Secretary, after notice and opportunity for a hearing, may impose restrictions on the use of dogs in deer hunting that are—

(A) limited to units of the Kisatchie National Forest within 300 yards of the boundary of the land of the petitioning landowner; and

(B) consistent with subsection (a).

SA 2904. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE III—ENDANGERED OR THREATENED SPECIES

SEC. 301. REMOVAL OF GRAY WOLF IN THE STATE OF UTAH FROM THE LIST OF ENDANGERED OR THREATENED SPECIES.

(a) DEFINITIONS.—In this section:

(1) GRAY WOLF.—The term ''gray wolf'' means any taxonomic group traditionally associated with the gray wolf, including Canus lupus baileyi, regardless of specific taxonomy of any particular gray wolf variety as a species, subspecies, or other designation.

(2) SECRETARY.—The term ''Secretary'' has the meaning given the term in section 3 of the Endangered Species Act of 1973 (16 U.S.C. 1532).

(b) REMOVAL OF GRAY WOLF IN THE STATE OF UTAH FROM THE LIST OF ENDANGERED OR THREATENED SPECIES.—Notwithstanding any other provision of law, not later than 60 days after the date of enactment of this section, the Secretary shall promulgate regulations removing from the list of endangered or threatened species under section 4(c) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)) the gray wolf within the borders of the State of Utah.

SA 2905. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE III—LAND CONVEYANCE

SEC. 301. DEFINITIONS.

In this title:

(1) FEDERAL LAND.—The term ''Federal land'' means any land (including mineral rights) under the jurisdiction of the Secretary in the State, including any public land in the State (as defined in section 103 of the Federal Land Policy And Management Act of 1976 (43 U.S.C. 1702)).

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(3) STATE.—The term ''State'' means the state of Utah.

SEC. 302. CONVEYANCE OF FEDERAL LAND TO THE STATE OF UTAH.

(a) IN GENERAL.—Not later than December 31, 2014, the Secretary shall convey to the State all right, title, and interest of the United States in and to the Federal land.

(b) RECONVEYANCE.—If the State reconveys any Federal land conveyed to the State under subsection (a), the State shall, as soon as practicable after the date of the reconveyance, pay to the Secretary concerned an amount equal to 95 percent of the amount received by the State in consideration for the Federal land reconveyed.

SA 2906. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE III—LAND CONVEYANCE

SEC. 301. DEFINITIONS.

In this title:

(1) CITY.—The term ''City'' means the city of Fruit Heights, Utah.

(2) MAP.—The term ''map'' means the map entitled ''Proposed Fruit Heights City Conveyance'' and dated 2012.

(3) NATIONAL FOREST SYSTEM LAND.—The term ''National Forest System land'' means the approximately 100 acres of National Forest System land, as depicted on the map.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

SEC. 302. CONVEYANCE OF CERTAIN LAND TO THE CITY OF FRUIT HEIGHTS, UTAH.

(a) IN GENERAL.—The Secretary shall convey to the City, without consideration, all right, title, and interest of the United States in and to the National Forest System land.

(b) SURVEY.—

(1) IN GENERAL.—If determined by the Secretary to be necessary, the exact acreage and legal description of the National Forest System land shall be determined by a survey approved by the Secretary.

(2) COSTS.—The City shall pay the reasonable survey and other administrative costs associated with a survey conducted under paragraph (1).

(c) USE OF NATIONAL FOREST SYSTEM LAND.—As a condition of the conveyance under subsection (a), the City shall use the National Forest System land only for public purposes.

(d) REVERSIONARY INTEREST.—In the quitclaim deed to the City for the National Forest System land, the Secretary shall provide that the National Forest System land shall revert to the Secretary, at the election of the Secretary, if the National Forest System land is used for other than a public purpose.

SA 2907. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE III—CLARIFICATION OF AUTHORITY, UINTAH AND OURAY INDIAN RESERVATION

SEC. 301. CLARIFICATION OF AUTHORITY.

The Act entitled ''An Act to define the exterior boundary of the Uintah and Ouray Indian Reservation in the State of Utah, and for other purposes'', approved March 11, 1948 (62 Stat. 72), as amended by the Act entitled ''An Act to amend the Act extending the exterior boundary of the Uintah and Ouray Indian Reservation in the State of Utah so as to authorize such State to exchange certain mineral lands for other lands mineral in character'' approved August 9, 1955, (69 Stat. 544), is further amended by adding at the end the following:

''SEC. 5. In order to further clarify authorizations under this Act, the State of Utah is hereby authorized to relinquish to the United States, for the benefit of the Ute Indian Tribe of the Uintah and Ouray Reservation, State school trust or other State-owned subsurface mineral lands located beneath the surface estate delineated in Public Law 440 (approved March 11, 1948) and south of the border between Grand County, Utah, and Uintah County, Utah, and select in lieu of such relinquished lands, on an acre-for-acre basis, any subsurface mineral lands of the United States located beneath the surface estate delineated in Public Law 440 (approved March 11, 1948) and north of the border between Grand County, Utah, and Uintah County, Utah, subject to the following conditions:

''(1) RESERVATION BY UNITED STATES.—The Secretary of the Interior shall reserve an overriding interest in that portion of the mineral estate comprised of minerals subject to leasing under the Mineral Leasing Act (30 U.S.C. 171 et seq) in any mineral lands conveyed to the State.

''(2) EXTENT OF OVERRIDING INTEREST.—The overriding interest reserved by the United States under paragraph (1) shall consist of—

''(A) 50 percent of any bonus bid or other payment received by the State as consideration for securing any lease or authorization to develop such mineral resources;

''(B) 50 percent of any rental or other payments received by the State as consideration for the lease or authorization to develop such mineral resources;

''(C) a 6.25 percent overriding royalty on the gross proceeds of oil and gas production under any lease or authorization to develop such oil and gas resources; and

''(D) an overriding royalty on the gross proceeds of production of such minerals other than oil and gas, equal to 50 percent of the royalty rate established by the Secretary of the Interior by regulation as of October 1, 2011.

''(3) RESERVATION BY STATE OF UTAH.—The State of Utah shall reserve, for the benefit of its State school trust, an overriding interest in that portion of the mineral estate comprised of minerals subject to leasing under the Mineral Leasing Act (30 U.S.C. 181 et seq) in any mineral lands relinquished by the State to the United States.

''(4) EXTENT OF OVERRIDING INTEREST.—The overriding interest reserved by the State under paragraph (3) shall consist of—

''(A) 50 percent of any bonus bid or other payment received by the United States as consideration for securing any lease or authorization to develop such mineral resources on the relinquished lands;

''(B) 50 percent of any rental or other payments received by the United States as consideration for the lease or authorization to develop such mineral resources;

''(C) a 6.25 percent overriding royalty on the gross proceeds of oil and gas production under any lease or authorization to develop such oil and gas resources; and

''(D) an overriding royalty on the gross proceeds of production of such minerals other than oil and gas, equal to 50 percent of the royalty rate established by the Secretary of the Interior by regulation as of October 1, 2011.

''(5) NO OBLIGATION TO LEASE.—Neither the United States nor the State shall be obligated to lease or otherwise develop oil and gas resources in which the other party retains an overriding interest under this section.

''(6) COOPERATIVE AGREEMENTS.—The Secretary of the Interior is authorized to enter into cooperative agreements with the State and the Ute Indian Tribe of the Uintah and

Ouray Reservation to facilitate the relinquishment and selection of lands to be conveyed under this section, and the administration of the overriding interests reserved hereunder.

''(7) TERMINATION.—The overriding interest reserved by the Secretary of the Interior under paragraph (1), and the overriding interest reserved by the State under paragraph (3), shall automatically terminate 30 years after the date of enactment of this section.''.

SA 2908. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE III—NATIONAL MONUMENTS IN UTAH

SEC. 301. LIMITATION ON FURTHER EXTENSION OR ESTABLISHMENT OF NATIONAL MONUMENTS IN UTAH.

This proviso of the last sentence of the first section of the Act of September 14, 1950 (64 Stat. 849, chapter 950; 16 U.S.C. 431a), is amended by inserting ''or Utah'' after ''Wyoming''.

SA 2909. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE III—LAND CONVEYANCE

SEC. 301. LAND CONVEYANCE, UINTA-WASATCH-CACHE NATIONAL FOREST, UTAH.

(a) CONVEYANCE REQUIRED.—On the request of Brigham Young University submitted to the Secretary of Agriculture not later than one year after the date of the enactment of this Act, the Secretary shall convey, not later than one year after receiving the request, to Brigham Young University all right, title, and interest of the United States in and to an approximately 80-acre parcel of National Forest System land in the Uinta-Wasatch-Cache National Forest in the State of Utah consisting of the SE¼SE¼ of section 32, T. 6 S., R. 3 E., and the NE¼NE¼ of section 5, T. 7 S., R. 3 E., Salt Lake Base & Meridian. The conveyance shall be subject to valid existing rights and shall be made by quitclaim deed.

(b) CONSIDERATION.—

(1) CONSIDERATION REQUIRED.—As consideration for the land conveyed under subsection (a), Brigham Young University shall pay to the Secretary an amount equal to the fair market value of the land, as determined by an appraisal approved by the Secretary and conducted in conformity with the Uniform Appraisal Standards for Federal Land Acquisitions and section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(2) DEPOSIT.—The consideration received by the Secretary under paragraph (1) shall be deposited in the general fund of the Treasury to reduce the Federal deficit.

(c) GUARANTEED PUBLIC ACCESS TO Y MOUNTAIN TRAIL.—After the conveyance under subsection (a), Brigham Young University represents that it will—

(1) continue to allow the same reasonable public access to the trailhead and portion of the Y Mountain Trail already owned by Brigham Young University as of the date of the enactment of this Act that Brigham Young University has historically allowed; and

(2) allow that same reasonable public access to the portion of the Y Mountain Trail and the ''Y'' symbol located on the land described in subsection (a).

(d) SURVEY AND ADMINISTRATIVE COSTS.—The exact acreage and legal description of the land to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. Brigham Young University shall pay the reasonable costs of survey, appraisal, and any administrative analyses required by law.

SA 2910. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE III—TIMBER SALE CONTRACTS

SEC. 301. EXTENDING NATIONAL FOREST SYSTEM TIMBER SALE CONTRACTS.

(a) DEFINITIONS.—In this section:

(1) QUALIFYING CONTRACT.—The term ''qualifying contract'' means a contract (including an integrated resource timber contract) for the sale of timber on National Forest System land—

(A) that was awarded before January 1, 2010;

(B) for which the original contract term was for 2 or more years;

(C) for which there is unharvested volume of timber remaining;

(D) for which, not later than 90 days after the date of enactment of this Act, the contract awardee makes a written request to the Secretary for an extension of time;

(E) for which the Secretary determines there is not an urgent need to harvest due to deteriorating timber conditions;

(F) for which the Secretary determines there is not an urgent need to harvest to accomplish fuel reduction objectives in wildland-urban interface areas; and

(G) that is not in breach or default.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture, acting through the Chief of the Forest Service.

(3) WILDLAND-URBAN INTERFACE.—The term ''wildland-urban interface'' has the meaning given the term in section 101 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511).

(b) EXTENSION OF TIME.—

(1) IN GENERAL.—Notwithstanding any other provision of law and subject to the conditions described in paragraph (2), the Secretary may extend the term of a qualifying contract for not more than 2 years after the applicable contract termination date.

(2) CONDITIONS.—An extension of a qualifying contract under paragraph (1) shall be subject to the following conditions:

(A) The total contract term shall not exceed 10 years, including the extension granted under this section.

(B) A qualifying contract that receives a 1-year substantial overriding public interest extension authorized by the Chief of the Forest Service in 2012 may only receive an extension of 1 year under this section.

(C) Periodic payment dates that have not been reached as of the date of a request by a contract awardee under this section shall be adjusted in accordance with applicable law and policies.

(c) EFFECT.—

(1) NO SURRENDER OF CLAIMS.—Nothing in this section shall result in the surrendering of any claim by the United States against any contract awardee that arose under a qualifying contract before the date on which the Secretary extends the qualifying contract term under this section.

(2) RELEASE OF LIABILITY.—Before receiving an extension of a contract term under this section, the contract awardee shall release the United States from all liability, including further consideration or compensation, resulting from—

(A) the extension of the qualifying contract term; or

(B) a determination by the Secretary under this section to not extend the contract term.

(3) FUTURE ADMINISTRATIVE ACTIONS.—Nothing in this section precludes the Secretary from modifying a qualifying contract extended under this section to grant administrative relief consistent with applicable law (including regulations) and policy.

SA 2911. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE III—PUTTING THE GULF OF MEXICO BACK TO WORK

SEC. 301. SHORT TITLE.

This title may be cited as the ''Putting the Gulf of Mexico Back to Work Act''.

SEC. 302. DEFINITIONS.

In this title:

(1) COVERED CIVIL ACTION.—The term ''covered civil action'' means a civil action containing a claim under section 702 of title 5, United States Code, regarding agency action (as defined for the purposes of that section) affecting a covered energy project in the Gulf of Mexico.

(2) COVERED ENERGY PROJECT.—

(A) IN GENERAL.—The term ''covered energy project'' means the leasing of Federal land of the outer Continental Shelf for the exploration, development, production, processing, or transmission of oil, natural gas, wind, or any other source of energy in the Gulf of Mexico, and any action under a lease.

(B) EXCLUSION.—The term ''covered energy project'' does not include any dispute between the parties to a lease regarding the obligations under the lease, including any alleged breach of the lease.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

Subtitle A—Outer Continental Shelf Land

SEC. 311. DRILLING PERMITS.

Section 11 of the Outer Continental Shelf Lands Act (43 U.S.C. 1340) is amended by striking subsection (d) and inserting the following:

''(d) DRILLING PERMITS.—

''(1) IN GENERAL.—The Secretary shall by regulation require that any lessee operating under an approved exploration plan—

''(A) obtain a permit before drilling any well in accordance with the plan; and

''(B) obtain a new permit before drilling any well of a design that is significantly different than the design for which the existing permit was issued.

''(2) SAFETY REVIEW REQUIRED.—The Secretary shall not issue a permit under paragraph (1) without ensuring that the proposed drilling operations meet all—

''(A) critical safety system requirements, including blowout prevention; and

''(B) oil spill response and containment requirements.

''(3) TIMELINE.—

''(A) IN GENERAL.—The Secretary shall determine whether to issue a permit under paragraph (1) not later than 30 days after the date on which the Secretary receives the application for a permit.

''(B) EXTENSION OF TIME.—

''(i) IN GENERAL.—The Secretary may extend the period in which to consider an application for a permit for up to 2 periods of 15 days each if the Secretary has given written notice of the delay to the applicant.

''(ii) NOTICE.—The notice described in clause (i) shall—

''(I) be in the form of a letter from the Secretary or a designee of the Secretary; and

''(II) include—

''(aa) the name and title of each individual processing the application;

''(bb) the reason for the delay; and

''(cc) the date on which the Secretary expects to make a final decision on the application.

''(4) DENIAL OF APPLICATION.—If the Secretary denies the application, the Secretary shall provide the applicant—

''(A) a written statement that provides clear and comprehensive reasons why the application was not accepted and detailed information concerning any deficiency; and

''(B) an opportunity to remedy any deficiencies.

''(5) FAILURE TO MAKE DECISION WITHIN 60 DAYS.—If the Secretary does not make a decision on the application by the date that is 60 days from the date on which the Secretary receives the application, the application shall be considered approved.''.

Subtitle B—Judicial Review of Agency Actions Relating to Outer Continental Shelf Activities in Gulf of Mexico

SEC. 322. EXCLUSIVE VENUE FOR CERTAIN CIVIL ACTIONS RELATING TO COVERED ENERGY PROJECTS IN GULF OF MEXICO.

A covered civil action shall be brought only in a judicial district in the Fifth Circuit unless there is no district in that circuit in which the action may be brought.

SEC. 323. TIME LIMITATION ON FILING.

A covered civil action is barred unless the action is filed not later than the date that is 60 days after the date of the final Federal agency action.

SEC. 324. EXPEDITION IN HEARING AND DETERMINING ACTION.

A court shall endeavor to hear and determine any covered civil action as expeditiously as practicable.

SEC. 325. STANDARD OF REVIEW.

(a) IN GENERAL.—In any judicial review of a covered civil action, administrative findings and conclusions relating to the challenged Federal action or decision shall be presumed to be correct.

(b) STANDARD.—The presumption described in subsection (a) may be rebutted only by a preponderance of the evidence contained in the administrative record.

SEC. 326. LIMITATION ON PROSPECTIVE RELIEF.

In a covered civil action, a court shall not grant or approve any prospective relief unless the court finds that the relief is narrowly drawn, extends no further than necessary to correct the violation of a legal requirement, and is the least intrusive means necessary to correct that violation.

SEC. 327. LIMITATION ON ATTORNEYS' FEES.

(a) IN GENERAL.—Sections 504 of title 5 and 2412 of title 28, United States Code, do not apply to a covered civil action.

(b) PAYMENT FROM FEDERAL GOVERNMENT.—No party to a covered civil action shall receive from the Federal Government payment for attorneys' fees, expenses, and other court costs.

TITLE IV—RESTARTING AMERICAN OFFSHORE LEASING NOW

SEC. 401. SHORT TITLE.

This title may be cited as the ''Restarting American Offshore Leasing Now Act''.

SEC. 402. DEFINITIONS.

In this title:

(1) ENVIRONMENTAL IMPACT STATEMENT FOR THE 2007-2012 5-YEAR OCS PLAN.—The term ''environmental impact statement for the 2007–2012 5-Year OCS plan'' means the final environmental impact statement prepared by the Secretary entitled ''Outer Continental Shelf Oil and Gas Leasing Program: 2007–2012'', and dated April 2007.

(2) MULTISALE ENVIRONMENTAL IMPACT STATEMENT.—The term ''multisale environmental impact statement'' means the environmental impact statement prepared by the Secretary relating to proposed Western Gulf of Mexico OCS Oil and Gas Lease Sales 204, 207, 210, 215, and 218, and proposed Central Gulf of Mexico OCS Oil and Gas Lease Sales 205, 206, 208, 213, 216, and 222, and dated September 2008.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 403. REQUIREMENT TO CONDUCT PROPOSED OIL AND GAS LEASE SALE 216 IN CENTRAL GULF OF MEXICO.

(a) IN GENERAL.—As soon as practicable, but not later than 60 days after the date of enactment of this Act, the Secretary shall conduct offshore oil and gas Lease Sale 216 under section 8 of the Outer Continental Shelf Lands Act (33 U.S.C. 1337) .

(b) ENVIRONMENTAL REVIEW.—For the purposes of the lease sale described in subsection (a), the environmental impact statement for the 2007–2012 5-Year OCS plan and the multisale environmental impact statement shall be considered to satisfy the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

SEC. 404. REQUIREMENT TO CONDUCT PROPOSED OIL AND GAS LEASE SALE 220 ON OUTER CONTINENTAL SHELF OFFSHORE VIRGINIA.

(a) IN GENERAL.—As soon as practicable, but not later than 1 year after the date of enactment of this Act, the Secretary shall conduct offshore oil and gas Lease Sale 220 under section 8 of the Outer Continental Shelf Lands Act (33 U.S.C. 1337).

(b) ENVIRONMENTAL REVIEW.—For the purposes of the lease sale described in subsection (a), the environmental impact statement for the 2007–2012 5-Year OCS plan and the multisale environmental impact statement shall be considered to satisfy the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

SEC. 405. REQUIREMENT TO CONDUCT PROPOSED OIL AND GAS LEASE SALE 222 IN CENTRAL GULF OF MEXICO.

(a) IN GENERAL.—As soon as practicable, but not later than 60 days after the date of enactment of this Act, the Secretary shall conduct offshore oil and gas Lease Sale 222 under section 8 of the Outer Continental Shelf Lands Act (33 U.S.C. 1337).

(b) ENVIRONMENTAL REVIEW.—For the purposes of the lease sale described in subsection (a), the environmental impact statement for the 2007–2012 5-Year OCS plan and the multisale environmental impact statement shall be considered to satisfy the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

TITLE V—REVERSING PRESIDENT OBAMA'S OFFSHORE MORATORIUM

SEC. 501. SHORT TITLE.

This title may be cited as the ''Reversing President Obama's Offshore Moratorium Act''.

SEC. 502. OUTER CONTINENTAL SHELF LEASING PROGRAM.

Section 18(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1344(a)) is amended by adding at the end the following:

''(5)(A) In each oil and gas leasing program under this section, the Secretary shall make available for leasing and conduct lease sales that include—

''(i) at least 50 percent of the available unleased acreage within each outer Continental Shelf planning area considered to have the largest undiscovered, technically recoverable oil and gas resources (on a total btu basis) based upon the most recent national geological assessment of the outer Continental Shelf, with an emphasis on offering the most geologically prospective parts of the planning area; and

''(ii) any State subdivision of an outer Continental Shelf planning area that the Governor of the State that represents that subdivision requests be made available for leasing.

''(B) In this paragraph, the term 'available unleased acreage' means that portion of the outer Continental Shelf that is not under lease at the time of a proposed lease sale, and that has not otherwise been made unavailable for leasing by law.

''(6)(A) For the 2012–2017 5-year oil and gas leasing program, the Secretary shall make available for leasing any outer Continental Shelf planning areas that are estimated to contain more than—

''(i) 2,500,000,000 barrels of oil; or

''(ii) 7,500,000,000,000 cubic feet of natural gas.

''(B) To determine the planning areas described in subparagraph (A), the Secretary shall use the document entitled 'Minerals Management Service Assessment of Undiscovered Technically Recoverable Oil and Gas Resources of the Nation's Outer Continental Shelf, 2006'.''.

SEC. 503. DOMESTIC OIL AND NATURAL GAS PRODUCTION GOAL.

Section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) is amended by striking subsection (b) and inserting the following:

''(b) DOMESTIC OIL AND NATURAL GAS PRODUCTION GOAL.—

''(1) IN GENERAL.—In developing a 5-year oil and gas leasing program, subject to paragraph (2), the Secretary shall determine a domestic strategic production goal for the development of oil and natural gas as a result of that program, which goal shall be—

''(A) the best estimate of the practicable increase in domestic production of oil and natural gas from the outer Continental Shelf;

''(B) focused on meeting domestic demand for oil and natural gas and reducing the dependence of the United States on foreign energy; and

''(C) focused on the production increases achieved by the leasing program at the end of the 15-year period beginning on the effective date of the program.

''(2) 2012–2017 PROGRAM GOAL.—For purposes of the 2012–2017 5-year oil and gas leasing program, the production goal referred to in paragraph (1) shall be an increase by 2027 of not less than—

''(A) 3,000,000 barrels in the quantity of oil produced per day; and

''(B) 10,000,000,000 cubic feet in the quantity of natural gas produced per day.

''(3) REPORTING.—Beginning at the end of the 5-year period for which the program applies and annually thereafter, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the

progress of the program in meeting the production goal that includes an identification of projections for production and any problems with leasing, permitting, or production that will prevent meeting the goal.''.

TITLE VI—JOBS AND ENERGY PERMITTING

SEC. 601. SHORT TITLE.

This title may be cited as the ''Jobs and Energy Permitting Act of 2012''.

SEC. 602. AIR QUALITY MEASUREMENT.

Section 328(a)(1) of the Clean Air Act (42 U.S.C. 7627(a)(1)) is amended in the second sentence by inserting before the period at the end the following: '', except that any air quality impact of any OCS source shall be measured or modeled, as appropriate, and determined solely with respect to the impacts in the corresponding onshore area''.

SEC. 603. OCS SOURCE.

Section 328(a)(4)(C) of the Clean Air Act (42 U.S.C. 7627(a)(4)(C)) is amended in the second sentence of the matter following clause (iii) by striking ''shall be considered direct emissions from the OCS source'' and inserting ''shall be considered direct emissions from the OCS source but shall not be subject to any emission control requirement applicable to the source under subpart 1 of part C of title I of this Act. For platform or drill ship exploration, an OCS source is established at the point in time when drilling commences at a location and ceases to exist when drilling activity ends at the location or is temporarily interrupted because the platform or drill ship relocates for weather or other reasons''.

SEC. 604. PERMITS.

(a) PERMITS.—Section 328 of the Clean Air Act (42 U.S.C. 7627) is amended by adding at the end the following:

''(d) PERMIT APPLICATION.—In the case of a completed application for a permit under this Act for platform or drill ship exploration for an OCS source—

''(1) final agency action (including any reconsideration of the issuance or denial of such a permit) shall be taken not later than 180 days after the date on which the completed application is filed;

''(2) the Environmental Appeals Board of the Environmental Protection Agency shall have no authority to consider any matter regarding the consideration, issuance, or denial of the permit;

''(3) no administrative stay of the effectiveness of the permit may extend beyond the date that is 180 days after the date on which the completed application is filed;

''(4) that final agency action shall be considered to be nationally applicable under section 307(b); and

''(5) judicial review of that final agency action shall be available only in accordance with section 307(b) without additional administrative review or adjudication.''.

(b) CONFORMING AMENDMENT.—Section 328(a)(4) of the Clean Air Act (42 U.S.C. 7627(a)(4)) is amended by striking ''For purposes of subsections (a) and (b) of this section—'' and inserting ''For purposes of subsections (a), (b), and (d):''.

TITLE VII—SACRAMENTO-SAN JOAQUIN VALLEY WATER RELIABILITY

SEC. 701. SHORT TITLE.

This title may be cited as the ''Sacramento-San Joaquin Valley Water Reliability Act''.

Subtitle A—Central Valley Project Water Reliability

SEC. 711. AMENDMENT TO PURPOSES.

Section 3402 of the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4706) is amended—

(1) in subsection (f), by striking the period at the end; and

(2) by adding at the end the following:

''(g) to ensure that water dedicated to fish and wildlife purposes by this title is replaced and provided to Central Valley Project water contractors not later than December 31, 2016, at the lowest cost reasonably achievable; and

''(h) to facilitate and expedite water transfers in accordance with this title.''.

SEC. 712. AMENDMENT TO DEFINITION.

Section 3403 of the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4707) is amended—

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

''(a) the term 'anadromous fish' means those native stocks of salmon (including steelhead) and sturgeon that—

''(1) as of October 30, 1992, were present in the Sacramento and San Joaquin Rivers and the tributaries of the Sacramento and San Joaquin Rivers; and

''(2) ascend those rivers and tributaries to reproduce after maturing in San Francisco Bay or the Pacific Ocean;'';

(2) by redesignating subsections (i) through (m) as subsections (j) through (n), respectively; and

(3) by inserting after subsection (h) the following:

''(i) the term 'reasonable flows' means water flows capable of being maintained taking into account competing consumptive uses of water and economic, environmental, and social factors.''.

SEC. 713. CONTRACTS.

Section 3404 of the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4708) is amended to read as follows:

''SEC. 3404. CONTRACTS.

''(a) RENEWAL OF EXISTING LONG-TERM CONTRACTS.—On request of the contractor, the Secretary shall renew any existing long-term repayment or water service contract that provides for the delivery of water from the Central Valley Project for a period of 40 years.

''(b) ADMINISTRATION OF CONTRACTS.—Except as expressly provided by this title, any existing long-term repayment or water service contract for the delivery of water from the Central Valley Project shall be administered pursuant to the Act of July 2, 1956 (chapter 492; 70 Stat. 483).

''(c) DELIVERY CHARGE.—Beginning on the date of enactment of this Act, a contract entered into or renewed pursuant to this section shall include a provision that requires the Secretary to charge any other party to the contract only for water actually delivered by the Secretary.''.

SEC. 714. WATER TRANSFERS, IMPROVED WATER MANAGEMENT, AND CONSERVATION.

Section 3405 of the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4709) is amended—

(1) in subsection (a)—

(A) in the second sentence, by striking ''Except as provided herein'' and inserting ''The Secretary shall take all actions necessary to facilitate and expedite transfers of Central Valley Project water in accordance with this title or any other provision of Federal reclamation law and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). Except as provided in this subsection,'';

(B) in paragraph (1)(A), by striking ''to combination'' and inserting ''or combination'';

(C) in paragraph (2), by adding at the end the following:

''(E) WRITTEN TRANSFER PROPOSALS.—

''(i) IN GENERAL.—The contracting district from which the water is supplied, the agency, or the Secretary, as applicable, shall determine whether a written transfer proposal is complete not later than 45 days after the date on which the proposal is submitted.

''(ii) DETERMINATION.—If the contracting district, the agency, or the Secretary determines that the proposal described in clause (i) is incomplete, the contracting district, agency, or Secretary shall state, in writing and with specificity, the conditions under which the proposal would be considered complete.

''(F) NO MITIGATION REQUIREMENTS.—

''(i) IN GENERAL.—Except as provided in this section, the Secretary shall not impose mitigation or other requirements on a proposed transfer.

''(ii) APPLICABILITY.—This section shall have no effect on the authority of the contracting district from which the water is supplied or the agency under State law to approve or condition a proposed transfer.''; and

(D) by adding at the end the following:

''(4) APPLICABILITY.—Notwithstanding any other provision of Federal reclamation law—

''(A) the authority to transfer, exchange, bank, or make recharging arrangements using Central Valley Project water that could have been carried out before October 30, 1992, is valid, and those transfers, exchanges, or arrangements shall not be subject to, limited, or conditioned by this title; and

''(B) this title does not supersede or revoke the authority to transfer, exchange, bank, or recharge Central Valley Project water in effect before October 30, 1992.'';

(2) in subsection (b)—

(A) in the heading, by striking ''METERING'' and inserting ''MEASUREMENT'';

(B) in the first sentence, by striking ''All Central Valley'' and inserting the following:

''(1) IN GENERAL.—All Central Valley'';

(C) in the second sentence, by striking ''The contracting district'' and inserting the following:

''(3) ANNUAL REPORT.—The contracting district''; and

(D) by inserting after paragraph (1) (as designated by subparagraph (B)) the following:

''(2) MEASUREMENT REQUIREMENTS.—The contracting district or agency, not including contracting districts serving multiple agencies with separate governing boards, shall ensure that all contractor-owned water delivery systems within the boundaries of the contracting district or agency measure surface water at the facilities of the contracting district or agency up to the point at which the surface water is commingled with other water supplies.'';

(3) by striking subsection (d);

(4) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively; and

(5) by striking subsection (e) (as redesignated by paragraph (4)) and inserting the following:

''(e) INCREASED REVENUES.—All revenues received by the Secretary that exceed the cost-of-service rates applicable to the delivery of water transferred from irrigation use to municipal and industrial use under subsection (a) shall be covered to the Restoration Fund.''.

SEC. 715. FISH, WILDLIFE, AND HABITAT RESTORATION.

Section 3406 of the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4714) is amended—

(1) in subsection (b)—

(A) by striking paragraph (1)(B) and inserting the following:

''(B) ADMINISTRATION.—

''(i) IN GENERAL.—As needed to carry out the goals of the Central Valley Project, the Secretary may modify Central Valley Project operations to provide reasonable flows of suitable quality, quantity, and timing to protect all life stages of anadromous fish.

''(ii) REQUIREMENTS.—The flows under clause (i) shall be provided from the quantity of water dedicated to fish, wildlife, and habitat restoration purposes under paragraph (2) from the water supplies acquired pursuant to paragraph (3) and from other sources which do not conflict with fulfillment of the remaining contractual obligations of the Secretary to provide Central Valley Project water for other authorized purposes.

''(iii) DETERMINATION OF NEEDS.—The Secretary shall determine the instream reasonable flow needs for all Central Valley Project controlled streams and rivers based on recommendations of the United States Fish and Wildlife Service and the National Marine Fisheries Service after consultation with the United States Geological Survey.''; and

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A)—

(I) in the first sentence, by striking ''primary purpose'' and inserting ''purposes'';

(II) by striking ''but not limited to additional obligations under the Federal Endangered Species Act'' and inserting ''additional obligations under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.)''; and

(III) by adding at the end the following: ''All Central Valley Project water used for the purposes specified in this paragraph shall be credited to the quantity of Central Valley Project yield dedicated and managed under this paragraph by determining how the dedication and management of that water would affect the delivery capability of the Central Valley Project yield. To the maximum extent practicable and in accordance with section 3411, Central Valley Project water dedicated and managed pursuant to this paragraph shall be reused to fulfill the remaining contractual obligations of the Secretary to provide Central Valley Project water for agricultural or municipal and industrial purposes.''; and

(ii) by striking subparagraph (C) and inserting the following:

''(C) MANDATORY REDUCTION.—If on March 15 of a given year, the quantity of Central Valley Project water forecasted to be made available to water service or repayment contractors in the Delta Division of the Central Valley Project is less than 75 percent of the total quantity of water to be made available under those contracts, the quantity of Central Valley Project yield dedicated and managed for that year under this paragraph shall be reduced by 25 percent.''; and

(2) by adding at the end the following:

''(i) SATISFACTION OF PURPOSES.—In carrying out this section, the Secretary shall be considered to have met the mitigation, protection, restoration, and enhancement purposes of this title.''.

SEC. 716. RESTORATION FUND.

(a) IN GENERAL.—Section 3407(a) of the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4726) is amended—

(1) by striking ''There is hereby'' and inserting the following:

''(1) ESTABLISHMENT.—

''(A) IN GENERAL.—There is'';

(2) in paragraph (1)(A) (as designated by paragraph (1)), by striking ''Not less than 67 percent'' and all that follows through ''Monies'' and inserting the following:

''(B) USE OF DONATED AMOUNTS.—Amounts''; and

(3) by adding at the end the following:

''(2) RESTRICTIONS.—The Secretary may not directly or indirectly require a donation or other payment (including environmental restoration or mitigation fees not otherwise provided by law) to the Restoration Fund—

''(A) as a condition of—

''(i) providing for the storage or conveyance of non-Central Valley Project water pursuant to Federal reclamation laws; or

''(ii) the delivery of water pursuant to section 215 of the Reclamation Reform Act of 1982 (Public Law 97–293; 96 Stat. 1270); or

''(B) for any water that is delivered with the sole intent of groundwater recharge.''.

(b) CERTAIN PAYMENTS.—Section 3407(c)(1) of the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4726) is amended—

(1) by striking ''mitigation and restoration payments, in addition to charges provided for or'' and inserting ''payments, in addition to charges''; and

(2) by striking ''of fish, wildlife'' and all that follows through the period and inserting ''of carrying out this title.''.

(c) ADJUSTMENT AND ASSESSMENT OF MITIGATION AND RESTORATION PAYMENTS.—Section 3407(d) of the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4727) is amended—

(1) in paragraph (2)(A)—

(A) by striking '', and $12 per acre-foot (October 1992 price levels) for municipal and industrial water sold and delivered by the Central Valley Project'' and inserting ''$12 per acre-foot (October 1992 price levels) for municipal and industrial water sold and delivered by the Central Valley Project, and after October 1, 2013, $4 per megawatt-hour for Central Valley Project power sold to power contractors (October 2013 price levels)''; and

(B) by inserting '' but not later than December 31, 2020,'' after ''That upon the completion of the fish, wildlife, and habitat mitigation and restoration actions mandated under section 3406 of this title,''; and

(2) by adding at the end the following:

''(g) REPORT ON EXPENDITURE OF FUNDS.—

''(1) IN GENERAL.—For each fiscal year, the Secretary, in consultation with the Advisory Board, shall submit to Congress a plan for the expenditure of all of the funds deposited in the Restoration Fund during the preceding fiscal year.

''(2) CONTENTS.—The plan shall include an analysis of the cost-effectiveness of each expenditure.

''(h) ADVISORY BOARD.—

''(1) ESTABLISHMENT.—There is established the Restoration Fund Advisory Board (referred to in this section as the 'Advisory Board'), which shall be composed of 12 members appointed by the Secretary.

''(2) MEMBERSHIP.—

''(A) IN GENERAL.—The Secretary shall appoint members to the Advisory Board that represent the various Central Valley Project stakeholders, of whom—

''(i) 4 members shall be agricultural users of the Central Valley Project;

''(ii) 3 members shall be municipal and industrial users of the Central Valley Project;

''(iii) 3 members shall be power contractors of the Central Valley Project; and

''(iv) 2 members shall be appointed at the discretion of the Secretary.

''(B) OBSERVERS.—The Secretary and the Secretary of Commerce may each designate a representative to act as an observer of the Advisory Board.

''(C) CHAIRMAN.—The Secretary shall appoint 1 of the members described in subparagraph (A) to serve as Chairman of the Advisory Board.

''(3) TERMS.—The term of each member of the Advisory Board shall be for a period of 4 years.

''(4) DUTIES.—The duties of the Advisory Board are—

''(A) to meet not less frequently than semiannually to develop and make recommendations to the Secretary regarding priorities and spending levels on projects and programs carried out under this title;

''(B) to ensure that any advice given or recommendation made by the Advisory Board reflects the independent judgment of the Advisory Board;

''(C) not later than December 31, 2013, and annually thereafter, to submit to the Secretary and Congress the recommendations under subparagraph (A); and

''(D) not later than December 31, 2013, and biennially thereafter, to submit to Congress a report that details the progress made in achieving the actions required under section 3406.

''(5) ADMINISTRATION.—With the consent of the appropriate agency head, the Advisory Board may use the facilities and services of any Federal agency.''.

SEC. 717. ADDITIONAL AUTHORITIES.

(a) AUTHORITY FOR CERTAIN ACTIVITIES.—Section 3408 of the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4728) is amended by striking subsection (c) and inserting the following:

''(c) CONTRACTS FOR ADDITIONAL STORAGE AND DELIVERY OF WATER.—

''(1) IN GENERAL.—The Secretary may enter into contracts under the reclamation laws and this title with any Federal agency, California water user or water agency, State agency, or private organization for the exchange, impoundment, storage, carriage, and delivery of nonproject water for domestic, municipal, industrial, fish and wildlife, and any other beneficial purpose.

''(2) LIMITATION.—Nothing in this subsection supersedes section 2(d) of the Act of August 26, 1937 (chapter 832; 50 Stat. 850; 100 Stat. 3051).

''(3) AUTHORITY FOR CERTAIN ACTIVITIES.—The Secretary shall use the authority granted by this subsection in connection with requests to exchange, impound, store, carry, or deliver nonproject water using Central Valley Project facilities for any beneficial purpose.

''(4) RATES.—

''(A) IN GENERAL.—The Secretary shall develop rates not to exceed the amount required to recover the reasonable costs incurred by the Secretary in connection with a beneficial purpose under this subsection.

''(B) ADMINISTRATION.—The rates shall be charged to a party using Central Valley Project facilities for a beneficial purpose, but the costs described in subparagraph (A) shall not include any donation or other payment to the Restoration Fund.

''(5) CONSTRUCTION.—This subsection shall be construed and implemented to facilitate and encourage the use of Central Valley Project facilities to exchange, impound, store, carry, or deliver nonproject water for any beneficial purpose.''.

(b) REPORTING REQUIREMENTS.—Section 3408(f) of the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4729) is amended—

(1) in the first sentence, by striking ''Interior and Insular Affairs and the Committee on Merchant Marine and Fisheries'' and inserting ''Natural Resources'';

(2) in the second sentence, by inserting '', including progress on the plan under subsection (j)'' before the period at the end; and

(3) by adding at the end the following: ''The filing and adequacy of the report shall be personally certified to the Committees by the Regional Director of the Mid-Pacific Region of the Bureau of Reclamation.''.

(c) PROJECT YIELD INCREASE.—Section 3408(j) of the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4730) is amended—

(1) by redesignating paragraphs (1) through (7) as subparagraphs (A) through (G), respectively, and indenting appropriately;

(2) by striking ''In order to minimize adverse effects, if any, upon'' and inserting the following:

''(1) IN GENERAL.—In order to minimize adverse effects upon'';

(3) in the second sentence, by striking ''The plan'' and all that follows through ''options:'' and inserting the following:

''(2) CONTENTS.—The plan shall include recommendations on appropriate cost-sharing arrangements and authorizing legislation or other measures needed to implement the intent, purposes, and provisions of this subsection, as well as a description of how the Secretary intends to use—'';

(4) in paragraph (1) (as designated by paragraph (2))—

(A) by striking ''needs, the Secretary, shall'' and all that follows through ''to the Congress,'' and inserting ''needs, the Secretary, on a priority basis and not later than September 30, 2013, shall submit to Congress''; and

(B) by striking ''increase,'' and all that follows through ''under this title'' and inserting ''increase, as soon as practicable, but not later than September 30, 2016 (except that the construction of new facilities shall not be limited by that deadline), the water of the Central Valley Project by the quantity dedicated and managed for fish and wildlife purposes under this title and otherwise required to meet the purposes of the Central Valley Project, including satisfying contractual obligations'';

(5) in paragraph (2)(A) (as designated by paragraph (1)), by inserting ''and construction of new water storage facilities'' before the semicolon;

(6) in paragraph (2)(F) (as designated by paragraph (1)), by striking ''and'' at the end;

(7) in paragraph (2)(G) (as designated by paragraph (1)), by striking the period and all that follows through the end of the subsection and inserting ''; and''; and

(8) by adding after paragraph (2)(G) the following:

''(H) water banking and recharge.

''(3) IMPLEMENTATION OF PLAN.—

''(A) IN GENERAL.—The Secretary shall implement the plan under paragraph (1) beginning on October 1, 2013.

''(B) COORDINATION.—In carrying out this subsection, the Secretary shall coordinate with the State of California in implementing measures for the long-term resolution of problems in the San Francisco Bay/Sacramento-San Joaquin Delta Estuary.

''(4) FAILURE OF PLAN.—Notwithstanding any other provision of the reclamation laws, if by September 30, 2016, the plan under paragraph (1) fails to increase the annual delivery capability of the Central Valley Project by 800,000 acre-feet, implementation of any nonmandatory action under section 3406(b)(2) shall be suspended until the date on which the plan achieves an increase in the annual delivery capability of the Central Valley Project of 800,000 acre-feet.''.

(d) TECHNICAL CORRECTIONS.—Section 3408(h) of the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4729) is amended—

(1) in paragraph (1), by striking ''paragraph (h)(2)'' and inserting ''paragraph (2)''; and

(2) in paragraph (2), by striking ''paragraph (h)(i)'' and inserting ''paragraph (1)''.

(e) WATER STORAGE PROJECT CONSTRUCTION.—

(1) IN GENERAL.—The Secretary of the Interior, acting through the Commissioner of Reclamation, may partner or enter into an agreement relating to the water storage projects described in section 103(d)(1) of the Water Supply, Reliability, and Environmental Improvement Act (Public Law 108–361; 118 Stat. 1684) with local joint powers authorities formed under State law by irrigation districts and other local governments or water districts within the applicable hydrological region to advance those water storage projects.

(2) NO ADDITIONAL FEDERAL AMOUNTS.—

(A) IN GENERAL.—Subject to subparagraph (B), no additional Federal amounts are authorized to be appropriated to carry out the activities described in clauses (i) through (iii) of sections 103(d)(1)(A) of the Water Supply, Reliability, and Environmental Improvement Act (Public Law 108–361; 118 Stat. 1684) Public Law 108–361.

(B) EXCEPTION.—Additional Federal amounts may be appropriated for construction of a project described in subparagraph (A) if non-Federal amounts are used to finance and construct the project.

SEC. 718. BAY-DELTA ACCORD.

(a) CONGRESSIONAL DIRECTION REGARDING CENTRAL VALLEY PROJECT AND CALIFORNIA STATE WATER PROJECT OPERATIONS.—

(1) IN GENERAL.—The Central Valley Project and the California State Water Project shall be operated strictly in accordance with the water quality standards and operational constraints described in the ''Principles for Agreement on the Bay-Delta Standards Between the State of California and the Federal Government'' dated December 15, 1994.

(2) APPLICABILITY OF OTHER LAW.—The Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) and other applicable law shall not apply to operations described in paragraph (1).

(3) IMPLEMENTATION.—Implementation of the ''Principles for Agreement on the Bay-Delta Standards Between the State of California and the Federal Government'' dated December 15, 1994, shall be in strict compliance with the water rights priority system and statutory protections for areas of origin.

(b) APPLICATION OF LAWS TO OTHERS.—

(1) IN GENERAL.—As a condition of the receipt of Federal amounts for the Central Valley Project and the California State Water Project, the State of California (including any agency or board of the State of California), on any water right obtained pursuant to State law, including a pre-1914 appropriative right, shall not—

(A) impose any condition that restricts the exercise of that water right that is affected by operations of the Central Valley Project or California State Water Project;

(B) restrict under the Public Trust Doctrine any public trust value imposed in order to conserve, enhance, recover, or otherwise protect any species.

(2) FEDERAL AGENCIES.—The prohibition under paragraph (1)(A) shall apply to Federal agencies.

(c) COSTS.—No cost associated with the implementation of this section shall be imposed directly or indirectly on any Central Valley Project contractor, or any other person or entity, unless those costs are incurred on a voluntary basis.

(d) NATIVE SPECIES PROTECTION.—This section preempts any law of the State California law restricting the quantity or size of a nonnative fish that is taken or harvested that preys on 1 or more native fish species that occupy the Sacramento and San Joaquin Rivers and the tributaries of those rivers or the Sacramento-San Joaquin Rivers Delta.

SEC. 719. NATURAL AND ARTIFICIALLY SPAWNED SPECIES.

After the date of enactment of this Act, and regardless of the date of listing, the Secretaries of the Interior and Commerce shall not distinguish between natural-spawned and hatchery-spawned (or otherwise artificially propagated strains of a species) in making any determination under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) that relates to an anadromous fish species present in the Sacramento and San Joaquin Rivers or the tributaries of those rivers and that ascends those rivers and tributaries to reproduce after maturing in San Francisco Bay or the Pacific Ocean.

SEC. 720. AUTHORIZED SERVICE AREA.

(a) IN GENERAL.—The Secretary of the Interior, acting through the Commissioner of Reclamation, shall include in the service area of the Central Valley Project authorized under the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4706) the area within the boundaries of the Kettleman City Community Services District, California, as those boundaries are defined as of the date of enactment of this Act.

(b) LONG-TERM CONTRACT.—

(1) IN GENERAL.—Notwithstanding the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4706) and subject to paragraph (2), the Secretary, in accordance with the reclamation laws, shall enter into a long-term contract with the Kettleman City Community Services District or the delivery of not more than 900 acre-feet of Central Valley Project water for municipal and industrial use.

(2) REDUCTION IN CONTRACT.—The Secretary may temporarily reduce deliveries of the quantity of water made available under paragraph (1) by not more than 25 percent of the total whenever reductions due to hydrologic circumstances are imposed on agricultural deliveries of Central Valley Project water.

(c) ADDITIONAL COST.—If any additional infrastructure or related costs are needed to implement this section, those costs shall be the responsibility of the non-Federal entity.

SEC. 721. REGULATORY STREAMLINING.

(a) DEFINITIONS.—In this section:

(1) CVP.—The term ''CVP'' means the Central Valley Project.

(2) PROJECT.—The term ''project''—

(A) means an activity that—

(i) is undertaken by a public agency, funded by a public agency, or requires the issuance of a permit by a public agency;

(ii) has a potential to result in a physical change to the environment; and

(iii) may be subject to several discretionary approvals by governmental agencies;

(B) may include construction activities, clearing or grading of land, improvements to existing structures, and activities or equipment involving the issuance of a permit; or

(C) has the meaning given the term defined in section 21065 of the California Public Resource Code.

(b) APPLICABILITY OF CERTAIN LAWS.—The filing of a notice of determination or a notice of exemption for any project, including the issuance of a permit under State law, for any project of the CVP or the delivery of water from the CVP in accordance with the California Environmental Quality Act shall be considered to meet the requirements for that project or permit under section 102(2)(C) of the National Environmental Protection Act of 1969 (42 U.S.C. 4332(2)(C)).

(c) CONTINUATION OF PROJECT.—The Bureau of Reclamation shall not be required to cease or modify any major Federal action or other activity for any project of the CVP or the delivery of water from the CVP pending completion of judicial review of any determination made under the National Environmental Protection Act of 1969 (42 U.S.C. 4321 et seq.).

Subtitle B—San Joaquin River Restoration

SEC. 731. REPEAL OF THE SAN JOAQUIN RIVER SETTLEMENT.

As of the date of enactment of this Act, the Secretary shall cease any action to implement the Stipulation of Settlement, Natural Resources Defense Council, Inc. v. Rodgers, No. Civ. S–88–1658 LKK/GGH (E.D. Cal. Sept. 13, 2006).

SEC. 732. PURPOSE.

Section 10002 of the San Joaquin River Restoration Settlement Act (Public Law 111–11; 123 Stat. 1349) is amended by striking ''implementation of the Settlement'' and inserting ''restoration of the San Joaquin River''.

SEC. 733. DEFINITIONS.

Section 10003 of the San Joaquin River Restoration Settlement Act (Public Law 111–11; 123 Stat. 1349) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(2) by striking paragraph (1) and inserting the following:

''(1) CRITICAL WATER YEAR.—The term 'critical water year' means a year in which the total unimpaired runoff at Friant Dam is less than 400,000 acre-feet, as forecasted as of March 1 of that water year by the California Department of Water Resources.

''(2) RESTORATION FLOWS.—The term 'Restoration Flows' means the additional water released or bypassed from Friant Dam to ensure that the target flow entering Mendota Pool, located approximately 62 river miles downstream from Friant Dam, does not fall below a speed of 50 cubic feet per second.''; and

(3) by striking paragraph (4) (as redesignated by paragraph (1)) and inserting the following:

''(4) WATER YEAR.—The term 'water year' means the period beginning March 1 of a given year and ending on the last day of February of the following calendar year.''.

SEC. 734. IMPLEMENTATION OF RESTORATION.

Section 10004 of the San Joaquin River Restoration Settlement Act (Public Law 111–11; 123 Stat. 1350) is amended—

(1) in subsection (a)—

(A) by striking ''hereby authorized and directed'' and all that follows through ''in the Settlement:'' and inserting ''may carry out the following:'';

(B) by striking paragraphs (1), (2), (4), and (5);

(C) by redesignating paragraph (3) as paragraph (1);

(D) in paragraph (1) (as redesignated by subparagraph (C)), by striking ''paragraph 13 of the Settlement'' and inserting ''this part''; and

(E) by adding at the end the following :

''(2) In each water year, beginning in the water year commencing on March 1, 2013, the Secretary—

''(A) shall modify Friant Dam operations to release the Restoration Flows for that water year, unless the year is a critical water year;

''(B) shall ensure that—

''(i) the release of Restoration Flows are maintained at the level prescribed by this part; and

''(ii) Restoration Flows do not reach downstream of Mendota Pool;

''(C) shall release the Restoration Flows in a manner that improves the fishery in the San Joaquin River below Friant Dam and upstream of Gravelly Ford, Nevada, as in existence on the date of the enactment of the Sacramento and San Joaquin Valleys Water Reliability Act, including the associated riparian habitat; and

''(D) may, without limiting the actions required under subparagraphs (A) and (C) and subject to paragraph (3) and subsection (l), use the Restoration Flows to enhance or restore a warm water fishery downstream of Gravelly Ford, Nevada, including to Mendota Pool, if the Secretary determines that the action is reasonable, prudent, and feasible.

''(3) Not later than 1 year after the date of enactment of the Sacramento and San Joaquin Valleys Water Reliability Act, the Secretary shall develop and implement, in cooperation with the State of California, a reasonable plan—

''(A) to fully recirculate, recapture, reuse, exchange, or transfer all Restoration Flows; and

''(B) to provide the recirculated, recaptured, reused, exchanged, or transferred flows to those contractors within the Friant Division, Hidden Unit, and Buchanan Unit of the Central Valley Project that relinquished the Restoration Flows that were recirculated, recaptured, reused, exchanged, or transferred.

''(4) The plan described in paragraph (3) shall—

''(A) address any impact on groundwater resources within the service area of the Friant Division, Hidden Unit, and Buchanan Unit of the Central Valley Project and mitigation may include groundwater banking and recharge projects;

''(B) not impact the water supply or water rights of any entity outside the Friant Division, Hidden Unit, and Buchanan Unit of the Central Valley Project; and

''(C) be subject to applicable provisions of California water law and the use by the Secretary of the Interior of Central Valley Project facilities to make Project water (other than water released from Friant Dam under this part) and water acquired through transfers available to existing south of Delta Central Valley Project contractors.'';

(2) in subsection (b)—

(A) in paragraph (1), by striking ''the Settlement'' and inserting ''this part''; and

(B) in paragraph (2), by striking ''the Settlement'' and inserting ''this part'';

(3) in subsection (c), by striking ''the Settlement'' and inserting ''this part'';

(4) by striking subsection (d) and inserting the following:

''(d) MITIGATION OF IMPACTS.—

''(1) IN GENERAL.—Not later than October 1, 2013 and subject to paragraph (2), the Secretary shall identify—

''(A) the impacts associated with the release of Restoration Flows prescribed in this part; and

''(B) the measures to be implemented to mitigate impacts on adjacent and downstream water users, landowners, and agencies as a result of Restoration Flows.

''(2) MITIGATION MEASURES.—Before implementing a decision or agreement to construct, improve, operate, or maintain a facility that the Secretary determines is necessary to implement this part, the Secretary shall implement all mitigation measures identified in paragraph (1)(B) before the date on which Restoration Flows are commenced.'';

(5) in subsection (e), by striking ''the Settlement'' and inserting ''this part'';

(6) in subsection (f), by striking ''the Settlement and section 10011'' and inserting ''this part'';

(7) in subsection (g)—

(A) by striking ''the Settlement and''; and

(B) by striking ''or exchange contract'' and inserting ''exchange contract, water rights settlement, or holding contract'';

(8) in subsection (h)—

(A) by striking ''INTERIM'' in the header;

(B) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''Interim Flows under the Settlement'' and inserting ''Restoration Flows under this part'';

(ii) in subparagraph (C)—

(I) in clause (i), by striking ''Interim'' and inserting ''Restoration''; and

(II) in clause (ii), by inserting ''and'' after the semicolon;

(iii) in subparagraph (D), by striking ''and'' at the end; and

(iv) by striking subparagraph (E);

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

''(2) CONDITIONS FOR RELEASE.—The Secretary may release Restoration Flows to the extent that the flows would not exceed existing downstream channel capacities.'';

(D) in paragraph (3), by striking ''Interim'' and inserting ''Restoration''; and

(E) by striking paragraph (4) and inserting the following:

''(4) CLAIMS.—Not later than 60 days after the date of enactment of the Sacramento and San Joaquin Valleys Water Reliability Act, the Secretary shall issue, by regulation, a claims process to address claims, including groundwater seepage, flooding, or levee instability damages caused as a result of, arising out of, or related to implementation of this subtitle.'';

(9) in subsection (i)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''the Settlement and parts I and III'' and inserting ''this part'';

(ii) in subparagraph (A), by inserting ''and'' after the semicolon;

(iii) in subparagraph (B)—

(I) by striking ''additional amounts authorized to be appropriated, including the''; and

(II) by striking ''; and'' and inserting a period; and

(iv) by striking subparagraph (C); and

(B) by striking paragraph (3); and

(10) by adding at the end the following:

''(k) NO IMPACTS ON OTHER INTERESTS.—

''(1) IN GENERAL.—No Central Valley Project or other water (other than San Joaquin River water impounded by or bypassed from Friant Dam) shall be used to implement subsection (a)(2) unless the use is on a voluntary basis.

''(2) INVOLUNTARY COSTS.—No cost associated with the implementation of this section shall be imposed directly or indirectly on any Central Valley Project contractor, or any other person or entity, outside the Friant Division, the Hidden Unit, or the Buchanan Unit, unless the cost is incurred on a voluntary basis.

''(3) REDUCTION IN WATER SUPPLIES.—The implementation of this part shall not directly or indirectly reduce any water supply or water reliability on any Central Valley Project contractor, any State Water Project contractor, or any other person or entity, outside the Friant Division, the Hidden Unit, or the Buchanan Unit, unless the reduction or cost is incurred on a voluntary basis.

''(l) PRIORITY.—Each action taken under this part shall be subordinate to the use by the Secretary of Central Valley Project facilities to make Project water available to Project contractors, other than water released from the Friant Dam under this part.

''(m) APPLICABILITY.—

''(1) IN GENERAL.—Notwithstanding section 8 of the Act of June 17, 1902 (32 Stat. 390, chapter 1093), except as provided in this part and subtitle D of the Sacramento and San Joaquin Valleys Water Reliability Act, this part—

''(A) preempts and supersedes any State law, regulation, or requirement that imposes more restrictive requirements or regulations on the activities authorized under this part; and

''(B) does not alter or modify any obligation of the Friant Division, Hidden Unit, and Buchanan Unit of the Central Valley Project, or other water users on the San Joaquin River, or tributaries of the San Joaquin River, under any order issued by the State Water Resources Control Board under the Porter-Cologne Water Quality Control Act (California Water Code section 13000 et seq.).

''(2) APPLICABILITY.—An order described in paragraph (1)(B) shall be consistent with any

congressional authorization for any affected Federal facility relating to the Central Valley Project.

''(n) PROJECT IMPLEMENTATION.—Any project to implement this part shall be phased such that each project shall include—

''(1) the project purpose and need;

''(2) identification of mitigation measures;

''(3) appropriate environmental review; and

''(4) prior to releasing Restoration Flows under this part the completion of the any required mitigation measures and the completion of the project.''.

SEC. 735. DISPOSAL OF PROPERTY; TITLE TO FACILITIES.

Section 10005 of the San Joaquin River Restoration Settlement Act (Public Law 111–11; 123 Stat. 1353) is amended—

(1) in subsection (a), by striking ''the Settlement authorized by this part'' and inserting ''this part'';

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking ''(1) IN GENERAL.—The Secretary'' and inserting ''The Secretary''; and

(ii) by striking ''the Settlement authorized by this part'' and inserting ''this part''; and

(B) by striking paragraph (2); and

(3) in subsection (c)—

(A) in paragraph (1), by striking ''the Settlement'' and inserting ''this part'';

(B) in paragraph (2)—

(i) by striking ''through the exercise of its eminent domain authority''; and

(ii) by striking ''the Settlement'' and inserting ''this part''; and

(C) in paragraph (3), by striking ''section 10009(c)'' and inserting ''section 10009''.

SEC. 736. COMPLIANCE WITH APPLICABLE LAW.

Section 10006 of the San Joaquin River Restoration Settlement Act (Public Law 111–11; 123 Stat. 1354) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting '', unless otherwise provided by this part'' before the period at the end; and

(B) in paragraph (2), by striking ''the Settlement'' and inserting ''this part'';

(2) in subsection (b), by inserting '', unless otherwise provided by this part'' before the period at the end;

(3) in subsection (c)—

(A) in paragraph (2), by striking ''section 10004'' and inserting ''this part''; and

(B) in paragraph (3), by striking ''the Settlement'' and inserting ''this part''; and

(4) in subsection (d)—

(A) by inserting '', including, without limitation, the costs of implementing subsections (d) and (h)(4) of section 10004,'' after ''implementing this part''; and

(B) by striking ''for implementation of the Settlement,''.

SEC. 737. COMPLIANCE WITH CENTRAL VALLEY PROJECT IMPROVEMENT ACT.

Section 10007 of the San Joaquin River Restoration Settlement Act (Public Law 111–11; 123 Stat. 1354) is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking ''the Settlement'' and inserting ''the enactment of this part''; and

(B) by inserting: ''and the obligations of the Secretary and all other parties to protect and keep in good condition any fish that may be planted or exist below Friant Dam, including any obligations under section 5937 of the California Fish and Game Code and the public trust doctrine, and those of the Secretary and all other parties under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.)'' before '', provided''; and

(2) in paragraph (1), by striking '', as provided in the Settlement''.

SEC. 738. NO PRIVATE RIGHT OF ACTION.

Section 10008(a) of the San Joaquin River Restoration Settlement Act (Public Law 111–11; 123 Stat. 1355) is amended—

(1) by striking ''not a party to the Settlement''; and

(2) by striking ''or the Settlement'' and inserting ''unless otherwise provided by this part, but any Central Valley Project long-term water service or repayment contractor within the Friant Division, Hidden unit, or Buchanan unit adversely affected by the failure of the Secretary to comply with section 10004(a)(3) may bring an action against the Secretary for injunctive relief, damages, or both.''.

SEC. 739. IMPLEMENTATION.

Section 10009 of the San Joaquin River Restoration Settlement Act (Public Law 111–11; 123 Stat. 1355) is amended—

(1) in the section heading, by striking ''**; SETTLEMENT FUND**'';

(2) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''the Settlement'' the first place it appears and inserting ''this part'';

(ii) by striking '', estimated to total'' and all that follows through ''subsection (b)(1),''; and

(iii) by striking ''; provided however,'' and all that follows through ''$110,000,000 of State funds'';

(B) in paragraph (2)—

(i) in subparagraph (A), by striking ''(A) IN GENERAL.—The Secretary'' and inserting ''The Secretary''; and

(ii) by striking subparagraph (B); and

(C) in paragraph (3)—

(i) by striking ''Except as provided in the Settlement, to'' and inserting ''To''; and

(ii) by striking ''this Settlement'' and inserting ''this part'';

(3) in subsection (b)(1)—

(A) by striking ''In addition'' and all that follows through ''however, that the'' and inserting ''The'';

(B) by striking ''such additional appropriations only in amounts equal to''; and

(C) by striking ''or the Settlement'';

(4) in subsection (c)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''the Settlement'' and inserting ''this part'';

(ii) in subparagraph (C), by striking ''from the sale of water pursuant to the Settlement, or''; and

(iii) in subparagraph (D), by striking ''the Settlement'' and inserting ''this part'';

(B) in paragraph (2), by striking ''the Settlement and''; and

(5) by striking subsections (d) through (f).

SEC. 740. REPAYMENT CONTRACTS AND ACCELERATION OF REPAYMENT OF CONSTRUCTION COSTS.

Section 10010 of the San Joaquin River Restoration Settlement Act (Public Law 111–11; 123 Stat. 1358) is amended—

(1) in paragraphs (3)(D) and (4)(C) of subsection (a), by striking ''the Settlement and'' each place it appears;

(2) in subsection (c), by striking paragraph (3);

(3) in subsection (d)(1), by striking ''the Settlement'' each place it appears and inserting ''this part'';

(4) in subsection (e)—

(A) in paragraph (1)—

(i) by striking ''Interim Flows or Restoration Flows, pursuant to paragraphs 13 or 15 of the Settlement'' and inserting ''Restoration Flows, pursuant to this part'';

(ii) by striking ''Interim Flows or'' before ''Restoration Flows''; and

(iii) by striking ''the Interim Flows or Restoration Flows or is intended to otherwise facilitate the Water Management Goal, as described in the Settlement'' and inserting ''Restoration Flows''; and

(B) in paragraph (2)—

(i) by striking ''except as provided in paragraph 16(b) of the Settlement''; and

(ii) by striking ''the Interim Flows or Restoration Flows or to facilitate the Water Management Goal'' and inserting ''Restoration Flows''.

SEC. 741. REPEAL.

Section 10011 of the San Joaquin River Restoration Settlement Act (Public Law 111–11; 123 Stat. 1362) is repealed.

SEC. 742. WATER SUPPLY MITIGATION.

Section 10202(b) of the San Joaquin River Restoration Settlement Act (Public Law 111–11; 123 Stat. 1365) is amended—

(1) in paragraph (1), by striking ''the Interim or Restoration Flows authorized in part I of this subtitle'' and inserting ''Restoration Flows authorized in this part'';

(2) in paragraph (2), by striking ''the Interim or Restoration Flows authorized in part I of this subtitle'' and inserting ''Restoration Flows authorized in this part''; and

(3) in paragraph (3)—

(A) in subparagraph (A), by striking ''meet the Restoration Goal as described in part I of this subtitle'' and inserting ''recover Restoration Flows as described in this part'';

(B) in subparagraph (C)—

(i) by striking ''the Interim or Restoration Flows authorized in part I of this subtitle'' and inserting ''Restoration Flows authorized in this part''; and

(ii) by striking '', and for ensuring appropriate adjustment in the recovered water account pursuant to section 10004(a)(5)''.

SEC. 743. ADDITIONAL AUTHORITIES.

Section 10203 of the San Joaquin River Restoration Settlement Act (Public Law 111–11; 123 Stat. 1367) is amended—

(1) in subsection (b)—

(A) by striking ''section 10004(a)(4)'' and inserting ''section 10004(a)(3)''; and

(B) by striking '', provided'' and all that follows through ''section 10009(f)(2)''; and

(2) by striking subsection (c).

Subtitle C—Repayment Contracts and Acceleration of Repayment of Construction Costs

SEC. 751. REPAYMENT CONTRACTS AND ACCELERATION OF REPAYMENT OF CONSTRUCTION COSTS.

(a) CONVERSION OF CONTRACTS.—

(1) CERTAIN CONTRACTS.—

(A) IN GENERAL.—Not later than 1 year after the date enactment of this Act, the Secretary of the Interior, on the request of a contractor, shall convert all existing long-term Central Valley Project contracts entered into under section 9(e) of the Act of August 4, 1939 (53 Stat. 1196, chapter 418), to a contract under section 9(d) of that Act (53 Stat. 1195), under mutually agreeable terms and conditions.

(B) RESTRICTIONS.—A contract converted under subparagraph (A) shall—

(i) require the repayment, either in lump sum or by accelerated prepayment, of the remaining amount of construction costs identified in the most current version of the Central Valley Project Schedule of Irrigation Capital Allocations by Contractor, as adjusted to reflect payments not reflected in that schedule and properly assignable for ultimate return by the contractor, not later than January 31, 2013 (or if made in approximately equal annual installments, not later than January 31, 2016), which amount shall be discounted by the Treasury rate (defined as the 20-year Constant Maturity Treasury rate published by the Department of the Treasury as of October 1, 2012);

(ii) require that, notwithstanding subsection (c)(2), construction costs or other capitalized costs incurred after the effective date of the converted contract or not reflected in the schedule described in clause (i) and properly assignable to that contractor, shall be repaid—

(I) in not more than 5 years after the date on which the contractor is notified of the allocation if that amount is a result of a collective annual allocation of capital costs to the contractors exercising contract conversions under this subsection of less than $5,000,000; or

(II) if the allocation of capital costs described in subclause (I) equal $5,000,000 or more, as provided by applicable reclamation law, subject to the condition that the reference to the amount of $5,000,000 shall not be a precedent in any other context; and

(iii) provide that power revenues will not be available to aid in the repayment of construction costs allocated to irrigation under the contract.

(C) ESTIMATE.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior shall provide to each contractor an estimate of the remaining amount of construction costs under subparagraph (B)(i) as of January 31, 2013, as adjusted.

(2) OTHER CONTRACTS.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, on the request of a contractor, the Secretary may convert any Central Valley Project long-term contract entered into under section 9(c)(2) of the Act of August 4, 1939 (chapter 418; 53 Stat. 1194) to a contract under section 9(c)(1) of that Act, under mutually agreeable terms and conditions.

(B) RESTRICTIONS.—A contract converted under subparagraph (A) shall—

(i) require the repayment in lump sum of the remaining amount of construction costs identified in the most current version of the Central Valley Project Schedule of Municipal and Industrial Water Rates, as adjusted to reflect payments not reflected in that schedule and properly assignable for ultimate return by the contractor, not later than January 31, 2016; and

(ii) require that, notwithstanding subsection (c)(2), construction costs or other capitalized costs incurred after the effective date of the contract or not reflected in the Schedule described in clause (i), and properly assignable to that contractor, shall be repaid—

(I) in not more than 5 years after the date on which the contractor is notified of the allocation if the amount is a result of a collective annual allocation of capital costs to the contractors exercising contract conversions under this subsection of less than $5,000,000; or

(II) if the allocation of capital costs described in subclause (I) equal $5,000,000 or more, as provided by applicable reclamation law, subject to the condition that the reference to the amount of $5,000,000 shall not be a precedent in any other context.

(C) ESTIMATE.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior shall provide to each contractor an estimate of the remaining amount of construction costs under subparagraph (B)(i) as of January 31, 2016, as adjusted.

(b) FINAL ADJUSTMENT.—

(1) IN GENERAL.—The amounts paid pursuant to subsection (a) shall be subject to adjustment following a final cost allocation by the Secretary of the Interior on completion of the construction of the Central Valley Project.

(2) REPAYMENT OBLIGATION.—

(A) IN GENERAL.—If the final cost allocation indicates that the costs properly assignable to the contractor are greater than the amount that has been paid by the contractor, the contractor shall pay the remaining allocated costs.

(B) TERMS.—The term of an additional repayment contract described in subparagraph (A) shall be—

(i) for not less than 1 year and not more than 10 years; and

(ii) based on mutually agreeable provisions regarding the rate of repayment of the amount developed by the parties.

(3) CREDITS.—If the final cost allocation indicates that the costs properly assignable to the contractor are less than the amount that the contractor has paid, the Secretary of the Interior shall credit the amount of the overpayment as an offset against any outstanding or future obligation of the contractor.

(c) APPLICABILITY OF CERTAIN PROVISIONS.—

(1) IN GENERAL.—Notwithstanding any repayment obligation under subsection (a)(1)(B)(ii) or subsection (b), on the compliance of a contractor with and discharge of the obligation of repayment of the construction costs under that subsection, the ownership and full-cost pricing limitations of any provision of the reclamation laws shall not apply to land in that district.

(2) OTHER CONTRACTS.—Notwithstanding any repayment obligation under paragraph (1)(B)(ii) or (2)(B)(ii) of subsection (a) or subsection (b), on the compliance of a contractor with and discharge of the obligation of repayment of the construction costs under that subsection, the contractor shall continue to pay applicable operation and maintenance costs and other charges applicable to the repayment contracts pursuant to then-current rate-setting policy and applicable law.

(d) CERTAIN REPAYMENT OBLIGATIONS NOT ALTERED.—This section does not—

(1) alter the repayment obligation of any other long-term water service or repayment contractor receiving water from the Central Valley Project; or

(2) shift any costs that would otherwise have been properly assignable to a contractor absent this section, including operations and maintenance costs, construction costs, or other capitalized costs incurred after the date of enactment of this Act, to other contractors.

(e) STATUTORY INTERPRETATION.—Nothing in this subtitle affects the right of any long-term contractor to use a particular type of financing to make the payments required in paragraph (1)(B)(i) or (2)(B)(i) of subsection (a).

Subtitle D—Bay-Delta Watershed Water Rights Preservation and Protection

SEC. 761. WATER RIGHTS AND AREA-OF-ORIGIN PROTECTIONS.

Notwithstanding the provisions of this title, Federal reclamation law, or the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.)—

(1) the Secretary of the Interior shall, in the operation of the Central Valley Project—

(A) strictly adhere to State water rights law governing water rights priorities by honoring water rights senior to those belonging to the Central Valley Project, regardless of the source of priority; and

(B) strictly adhere to and honor water rights and other priorities that are obtained or exist pursuant to the California Water Code, including sections 10505, 10505:5, 11128, 11460, 11463, and 12220; and

(2) any action that affects the diversion of water or involves the release of water from any Central Valley Project water storage facility taken by the Secretary of the Interior or the Secretary of Commerce to conserve, enhance, recover, or otherwise protect any species listed under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) shall be applied in a manner that is consistent with water right priorities established by State law.

SEC. 762. SACRAMENTO RIVER SETTLEMENT CONTRACTS.

(a) IN GENERAL.—In carrying out the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) in the Bay-Delta and on the Sacramento River, the Secretary of the Interior and the Secretary of Commerce shall apply any limitations on the operation of the Central Valley Project or relating to the formulation of any reasonable prudent alternative associated with the operation of the Central Valley Project in a manner that strictly adheres to and applies the water rights priorities for project water and base supply as provided in the Sacramento River Settlement Contracts.

(b) APPLICABILITY.—Article 3(i) of the Sacramento River Settlement Contracts shall not be used by the Secretary of the Interior or any other Federal agency head as means to provide shortages that are different from those provided for in Article 5(a) of the Sacramento River Settlement Contracts.

SEC. 763. SACRAMENTO RIVER WATERSHED WATER SERVICE CONTRACTORS.

(a) EXISTING CENTRAL VALLEY PROJECT AGRICULTURAL WATER SERVICE CONTRACTORS WITHIN SACRAMENTO RIVER WATERSHED.—In this section, the term ''existing Central Valley Project agricultural water service contractors within the Sacramento River Watershed'' means water service contractors within the Shasta, Trinity, and Sacramento River Divisions of the Central Valley Project that have a water service contract in effect on the date of enactment of this Act that provides water for irrigation.

(b) ALLOCATION OF WATER.—Subject to subsection (c) and the absolute priority of the Sacramento River Settlement Contractors to Sacramento River supplies over Central Valley Project diversions and deliveries to other contractors, the Secretary of the Interior shall, in the operation of the Central Valley Project, allocate water provided for irrigation purposes to existing Central Valley Project agricultural water service contractors within the Sacramento River Watershed as follows:

(1) Not less than 100 percent of the contract quantities in a ''Wet'' year (as that term is defined in the Sacramento Valley Water Year Type (40–30–30) Index).

(2) Not less than 100 percent of the contract quantities in an ''Above Normal'' year (as that term is defined in the Sacramento Valley Water Year Type (40–30–30) Index).

(3) Not less than 100 percent of the contract quantities in a ''Below Normal'' year (as that term is defined in the Sacramento Valley Water Year Type (40–30–30) Index).

(4) Not less than 75 percent of the contract quantities in a ''Dry'' year (as that term is defined in the Sacramento Valley Water Year Type (40–30–30) Index).

(5) Not less than 50 percent of the contract quantities in a ''Critically Dry'' year (as that term is defined in the Sacramento Valley Water Year Type (40–30–30) Index).

(c) PROTECTION OF MUNICIPAL AND INDUSTRIAL SUPPLIES.—

(1) IN GENERAL.—Nothing in this section—

(A) modifies any provision of a water service contract that addresses municipal and industrial water shortage policies of the Secretary of the Interior;

(B) affects or limits the authority of the Secretary of the Interior—

(i) to adopt or modify municipal and industrial water shortage policies; or

(ii) to implement municipal and industrial water shortage policies; or

(C) affects allocations to Central Valley Project municipal and industrial contractors pursuant to the water shortage policies of the Secretary of the Interior.

(2) APPLICABILITY.—This section does not constrain, govern, or affect, directly or indirectly, the operations of the American River Division of the Central Valley Project or any deliveries from that Division, including the units and facilities of that Division.

SEC. 764. NO REDIRECTED ADVERSE IMPACTS.

The Secretary of the Interior shall ensure that there are no redirected adverse water supply or fiscal impacts to the State Water Project or to individuals within the Sacramento River or San Joaquin River watershed arising from the operation of the Secretary of the Central Valley Project to meet legal obligations imposed by or through any Federal or State agency, including—

(1) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(2) this title; and

(3) actions or activities implemented to meet the twin goals of improving water supply and addressing the environmental needs of the Bay-Delta.

Subtitle E—Miscellaneous

SEC. 771. PRECEDENT.

Congress finds that—

(1) coordinated operations between the Central Valley Project and the State Water Project, as consented to and requested by the State of California and the Federal Government, require the assertion of Federal supremacy to protect existing water rights throughout the system, a circumstance that is unique to the State of California; and

(2) this title should not serve as precedent for similar operations in any other State.

TITLE VIII—REDUCING REGULATORY BURDENS

SEC. 801. SHORT TITLE.

This title may be cited as the ''Reducing Regulatory Burdens Act of 2012''.

SEC. 802. USE OF AUTHORIZED PESTICIDES.

Section 3(f) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a(f)) is amended by adding at the end the following:

''(5) USE OF AUTHORIZED PESTICIDES.—Except as provided in section 402(s) of the Federal Water Pollution Control Act (33 U.S.C. 1342(s)), the Administrator or a State may not require a permit under that Act for a discharge from a point source into navigable waters of a pesticide authorized for sale, distribution, or use under this Act, or the residue of the pesticide, resulting from the application of the pesticide.''.

SEC. 803. DISCHARGES OF PESTICIDES.

Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) is amended by adding at the end the following:

''(s) DISCHARGES OF PESTICIDES.—

''(1) NO PERMIT REQUIREMENT.—Except as provided in paragraph (2), a permit shall not be required by the Administrator or a State under this Act for a discharge from a point source into navigable waters of a pesticide authorized for sale, distribution, or use under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.), or the residue of the pesticide, resulting from the application of the pesticide.

''(2) EXCEPTIONS.—Paragraph (1) shall not apply to the following discharges of a pesticide or pesticide residue:

''(A) A discharge resulting from the application of a pesticide in violation of a provision of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.) that is relevant to protecting water quality, if—

''(i) the discharge would not have occurred but for the violation; or

''(ii) the quantity of a pesticide or pesticide residue in the discharge is greater than would have occurred without the violation.

''(B) Stormwater discharges subject to regulation under subsection (p).

''(C) The following discharges subject to regulation under this section:

''(i) Manufacturing or industrial effluent.

''(ii) Treatment works effluent.

''(iii) Discharges incidental to the normal operation of a vessel, including a discharge resulting from ballasting operations or vessel biofouling prevention.''.

TITLE IX—FARM DUST REGULATION PREVENTION

SEC. 901. SHORT TITLE.

This title may be cited as the ''Farm Dust Regulation Prevention Act of 2012''.

SEC. 902. TEMPORARY PROHIBITION AGAINST REVISING ANY NATIONAL AMBIENT AIR QUALITY STANDARD APPLICABLE TO COARSE PARTICULATE MATTER.

Before the date that is 1 year after the date of enactment of this Act, the Administrator of the Environmental Protection Agency (referred to in this title as the ''Administrator'') may not propose, finalize, implement, or enforce any regulation revising the national primary ambient air quality standard or the national secondary ambient air quality standard applicable to particulate matter with an aerodynamic diameter greater than 2.5 micrometers under section 109 of the Clean Air Act (42 U.S.C. 7409).

SEC. 903. NUISANCE DUST.

Part A of title I of the Clean Air Act (42 U.S.C. 7401 et seq.) is amended by adding at the end the following:

''SEC. 132. REGULATION OF NUISANCE DUST PRIMARILY BY STATE, TRIBAL, AND LOCAL GOVERNMENTS.

''(a) DEFINITION OF NUISANCE DUST.—In this section:

''(1) IN GENERAL.—The term 'nuisance dust' means particulate matter that—

''(A) is generated primarily from natural sources, unpaved roads, agricultural activities, earth moving, or other activities typically conducted in rural areas;

''(B) consists primarily of soil, other natural or biological materials, or some combination of those materials;

''(C) is not emitted directly into the ambient air from combustion, such as exhaust from combustion engines and emissions from stationary combustion processes; and

''(D) is not comprised of residuals from the combustion of coal.

''(2) EXCLUSION.—The term 'nuisance dust' does not include radioactive particulate matter produced from uranium mining or processing.

''(b) APPLICABILITY.—Except as provided in subsection (c), this Act does not apply to, and references in this Act to particulate matter are deemed to exclude, nuisance dust.

''(c) EXCEPTION.—Subsection (a) does not apply with respect to any geographical area in which nuisance dust is not regulated under State, tribal, or local law insofar as the Administrator, in consultation with the Secretary of Agriculture, finds that—

''(1) nuisance dust (or any subcategory of nuisance dust) causes substantial adverse public health and welfare effects at ambient concentrations; and

''(2) the benefits of applying standards and other requirements of this Act to nuisance dust (or a subcategory of nuisance dust) outweigh the costs (including local and regional economic and employment impacts) of applying those standards and other requirements to nuisance dust (or a subcategory).''.

SEC. 904. SENSE OF CONGRESS.

It is the sense of Congress that the Administrator should implement an approach to excluding so-called ''exceptional events'', or events that are not reasonably controllable or preventable, from determinations of whether an area is in compliance with any national ambient air quality standard applicable to coarse particulate matter that—

(1) maximizes transparency and predictability for States, Indian tribes, and local governments; and

(2) minimizes the regulatory and cost burdens States, Indian tribes, and local governments bear in excluding those events.

SEC. 905. IMPACTS OF EPA REGULATORY ACTIVITY ON EMPLOYMENT AND ECONOMIC ACTIVITY IN AGRICULTURE COMMUNITY.

(a) DEFINITIONS.—In this section:

(1) COVERED ACTION.—The term ''covered action'' means any of the following actions taken by the Administrator under the Clean Air Act (42 U.S.C. 7401 et seq.) relating to agriculture and the national primary ambient air quality standard or the national secondary ambient air quality standard for particulate matter:

(A) Promulgating or issuing a regulation, policy statement, guidance, response to a petition, or other requirement.

(B) Implementing a new or substantially altered program.

(2) MORE THAN A DE MINIMIS NEGATIVE IMPACT.—The term ''more than a de minimis negative impact'' means—

(A) with respect to employment levels, a loss of more than 100 jobs relating to the agriculture industry, as calculated by excluding consideration of any offsetting job gains that result from the hypothetical creation of new jobs through new technologies or government employment; and

(B) with respect to economic activity, a decrease in agricultural economic activity of more than $1,000,000 over any calendar year, as calculated by excluding consideration of any offsetting economic activity that results from the hypothetical creation of new economic activity through new technologies or government employment.

(b) ANALYSIS OF IMPACTS OF ACTIONS ON EMPLOYMENT AND ECONOMIC ACTIVITY IN THE AGRICULTURE COMMUNITY.—

(1) ANALYSIS.—Before taking a covered action, the Administrator shall analyze the impact, disaggregated by State, of the covered action on—

(A) employment levels in the agriculture industry; and

(B) agricultural economic activity, including estimated job losses and decreased economic activity relating to agriculture.

(2) ECONOMIC MODELS.—

(A) IN GENERAL.—In carrying out paragraph (1), the Administrator shall use the best available economic models.

(B) ANNUAL GAO REPORT.—Not later than December 31 of each year, the Comptroller General of the United States shall submit to Congress a report on the economic models used by the Administrator to carry out this subsection.

(3) AVAILABILITY OF INFORMATION.—With respect to any covered action, the Administrator shall—

(A) post the analysis under paragraph (1) as a link on the main page of the public Internet website of the Environmental Protection Agency;

(B) request the Secretary of Agriculture to post the analysis under paragraph (1) as a link on the main page of the public Internet website of the Department of Agriculture; and

(C) request that the Governor of any State experiencing more than a de minimis negative impact post the analysis on the main page of the public Interest website of the State.

(c) PUBLIC HEARINGS.—

(1) IN GENERAL.—If the Administrator concludes under subsection (a)(1) that a covered action will have more than a de minimis negative impact on agricultural employment

levels or agricultural economic activity in a State, the Administrator shall hold a public hearing in each such State at least 30 days before the effective date of the covered action.

(2) TIME, LOCATION, AND SELECTION.—A public hearing required under paragraph (1) shall be held at—

(A) a convenient time and location for impacted residents; and

(B) at such location selected by the Administrator as shall give priority to locations in the State that will experience the greatest number of job losses.

(d) NOTIFICATION.—If the Administrator concludes under subsection (b)(1) that a covered action will have more than a de minimis negative impact on agricultural employment levels or agricultural economic activity in any State, the Administrator shall give notice of the impact to the congressional delegation, Governor, and legislature of the State at least 45 days before the effective date of the covered action.

TITLE X—ENERGY TAX PREVENTION

SEC. 1001. SHORT TITLE.

This title may be cited as the ''Energy Tax Prevention Act of 2012''.

SEC. 1002. NO REGULATION OF EMISSIONS OF GREENHOUSE GASES.

Title III of the Clean Air Act (42 U.S.C. 7601 et seq.) is amended by adding at the end the following:

''SEC. 330. NO REGULATION OF EMISSIONS OF GREENHOUSE GASES.

''(a) DEFINITION.—In this section, the term 'greenhouse gas' means any of the following:

''(1) Water vapor.

''(2) Carbon dioxide.

''(3) Methane.

''(4) Nitrous oxide.

''(5) Sulfur hexafluoride.

''(6) Hydrofluorocarbons.

''(7) Perfluorocarbons.

''(8) Any other substance subject to, or proposed to be subject to, regulation, action, or consideration under this Act to address climate change.

''(b) LIMITATION ON AGENCY ACTION.—

''(1) LIMITATION.—

''(A) IN GENERAL.—The Administrator may not, under this Act, promulgate any regulation concerning, take action relating to, or take into consideration the emission of a greenhouse gas to address climate change.

''(B) AIR POLLUTANT DEFINITION.—The definition of the term 'air pollutant' in section 302(g) does not include a greenhouse gas. Notwithstanding the previous sentence, such definition may include a greenhouse gas for purposes of addressing concerns other than climate change.

''(2) EXCEPTIONS.—Paragraph (1) does not prohibit the following:

''(A) Notwithstanding paragraph (4)(B), implementation and enforcement of the rule entitled 'Light-Duty Vehicle Greenhouse Gas Emission Standards and Corporate Average Fuel Economy Standards' (75 Fed. Reg. 25324 (May 7, 2010) and without further revision) and finalization, implementation, enforcement, and revision of the proposed rule entitled 'Greenhouse Gas Emissions Standards and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles' published at 75 Fed. Reg. 74152 (November 30, 2010).

''(B) Implementation and enforcement of section 211(o).

''(C) Statutorily authorized Federal research, development, and demonstration programs addressing climate change.

''(D) Implementation and enforcement of title VI to the extent such implementation or enforcement only involves one or more class I or class II substances (as such terms are defined in section 601).

''(E) Implementation and enforcement of section 821 (42 U.S.C. 7651k note) of Public Law 101–549 (commonly referred to as the 'Clean Air Act Amendments of 1990').

''(3) INAPPLICABILITY OF PROVISIONS.—Nothing listed in paragraph (2) shall cause a greenhouse gas to be subject to part C of title I (relating to prevention of significant deterioration of air quality) or considered an air pollutant for purposes of title V (relating to air permits).

''(4) CERTAIN PRIOR AGENCY ACTIONS.—The following rules, and actions (including any supplement or revision to such rules and actions) are repealed and shall have no legal effect:

''(A) 'Mandatory Reporting of Greenhouse Gases', published at 74 Fed. Reg. 56260 (October 30, 2009).

''(B) 'Endangerment and Cause or Contribute Findings for Greenhouse Gases under section 202(a) of the Clean Air Act' published at 74 Fed. Reg. 66496 (Dec. 15, 2009).

''(C) 'Reconsideration of the Interpretation of Regulations That Determine Pollutants Covered by Clean Air Act Permitting Programs' published at 75 Fed. Reg. 17004 (April 2, 2010) and the memorandum from Stephen L. Johnson, Environmental Protection Agency (EPA) Administrator, to EPA Regional Administrators, concerning 'EPA's Interpretation of Regulations that Determine Pollutants Covered by Federal Prevention of Significant Deterioration (PSD) Permit Program' (Dec. 18, 2008).

''(D) 'Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule', published at 75 Fed. Reg. 31514 (June 3, 2010).

''(E) 'Action To Ensure Authority To Issue Permits Under the Prevention of Significant Deterioration Program to Sources of Greenhouse Gas Emissions: Finding of Substantial Inadequacy and SIP Call', published at 75 Fed. Reg. 77698 (December 13, 2010).

''(F) 'Action To Ensure Authority To Issue Permits Under the Prevention of Significant Deterioration Program to Sources of Greenhouse Gas Emissions: Finding of Failure to Submit State Implementation Plan Revisions Required for Greenhouse Gases', published at 75 Fed. Reg. 81874 (December 29, 2010).

''(G) 'Action To Ensure Authority To Issue Permits Under the Prevention of Significant Deterioration Program to Sources of Greenhouse Gas Emissions: Federal Implementation Plan', published at 75 Fed. Reg. 82246 (December 30, 2010).

''(H) 'Action To Ensure Authority To Implement Title V Permitting Programs Under the Greenhouse Gas Tailoring Rule', published at 75 Fed. Reg. 82254 (December 30, 2010).

''(I) 'Determinations Concerning Need for Error Correction, Partial Approval and Partial Disapproval, and Federal Implementation Plan Regarding Texas Prevention of Significant Deterioration Provisions Concerning Greenhouse Gas Emitting-Sources in State Implementation Plans; Final Rule', published at 75 Fed. Reg. 82536 (December 30, 2010).

''(J) 'Limitation of Approval of Prevention of Significant Deterioration Provisions Concerning Greenhouse Gas Emitting-Sources in State Implementation Plans; Final Rule', published at 75 Fed. Reg. 82536 (December 30, 2010).

''(K) 'Determinations Concerning Need for Error Correction, Partial Approval and Partial Disapproval, and Federal Implementation Plan Regarding Texas Prevention of Significant Deterioration Program; Proposed Rule', published at 75 Fed. Reg. 82365 (December 30, 2010).

''(L) Except for action listed in paragraph (2), any other Federal action under this Act occurring before the date of enactment of this section that applies a stationary source permitting requirement or an emissions standard for a greenhouse gas to address climate change.

''(5) STATE ACTION.—

''(A) NO LIMITATION.—This section does not limit or otherwise affect the authority of a State to adopt, amend, enforce, or repeal State laws and regulations pertaining to the emission of a greenhouse gas.

''(B) EXCEPTION.—

''(i) RULE.—Notwithstanding subparagraph (A), any provision described in clause (ii)—

''(I) is not federally enforceable;

''(II) is not deemed to be a part of Federal law; and

''(III) is deemed to be stricken from the plan described in clause (ii)(I) or the program or permit described in clause (ii)(II), as applicable.

''(ii) PROVISIONS DEFINED.—For purposes of clause (i), the term 'provision' means any provision that—

''(I) is contained in a State implementation plan under section 110 and authorizes or requires a limitation on, or imposes a permit requirement for, the emission of a greenhouse gas to address climate change; or

''(II) is part of an operating permit program under title V, or a permit issued pursuant to title V, and authorizes or requires a limitation on the emission of a greenhouse gas to address climate change.

''(C) ACTION BY ADMINISTRATOR.—The Administrator may not approve or make federally enforceable any provision described in subparagraph (B)(ii).''.

SEC. 1003. PRESERVING ONE NATIONAL STANDARD FOR AUTOMOBILES.

Section 209(b) of the Clean Air Act (42 U.S.C. 7543) is amended by adding at the end the following:

''(4) With respect to standards for emissions of greenhouse gases (as defined in section 330) for model year 2017 or any subsequent model year for new motor vehicles and new motor vehicle engines—

''(A) the Administrator may not waive application of subsection (a); and

''(B) no waiver granted prior to the date of enactment of this paragraph may be considered to waive the application of subsection (a).''.

SA 2912. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 121 and insert the following:

SEC. 121. MODIFICATION OF DEFINITION OF TOXIC SUBSTANCE TO EXCLUDE LEAD USED HUNTING AMMUNITION AND SPORT FISHING EQUIPMENT.

(a) IN GENERAL.—Section 3(2)(B) of the Toxic Substances Control Act (15 U.S.C. 2602(2)(B)) is amended—

(1) in clause (v), by striking '', and'' and inserting '', or any lead or lead compound that is used in an article that is intended for hunting, including shot, bullets and other projectiles, propellants, and primers;'';

(2) in clause (vi), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(vii) lead or a lead compound that is used in any sport fishing equipment (as defined in section 4162(a) of the Internal Revenue Code of 1986, without regard to paragraphs (6) through (9) thereof), the sale of which is subject to the tax imposed by section 4161(a) of such Code (determined without regard to any exemptions from such tax as provided by section 4162 or 4221 or any other provision of

such Code), and sport fishing equipment components.''.

(b) RELATIONSHIP TO OTHER LAW.—Nothing in this section or any amendment made by this section affects or limits the application of, or obligation to comply with, any other Federal, State, or local law.

SA 2913. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 121.

SA 2914. Mr. COBURN (for himself, Mr. WEBB, Mr. WICKER, Mr. INHOFE, Mr. ROBERTS, Mr. BLUNT, Mr. ENZI, Mr. BOOZMAN, Mr. BURR, Mr. CRAPO, Mr. HATCH, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

Subtitle D—Other Matters

SEC. 131. CONDITIONS FOR TREATMENT OF CERTAIN PERSONS AS ADJUDICATED MENTALLY INCOMPETENT FOR CERTAIN PURPOSES.

(a) IN GENERAL.—Chapter 55 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 5511. Conditions for treatment of certain persons as adjudicated mentally incompetent for certain purposes

''In any case arising out of the administration by the Secretary of laws and benefits under this title, a person who is mentally incapacitated, deemed mentally incompetent, or experiencing an extended loss of consciousness shall not be considered adjudicated as a mental defective under subsection (d)(4) or (g)(4) of section 922 of title 18 without the order or finding of a judge, magistrate, or other judicial authority of competent jurisdiction that such person is a danger to himself or herself or others.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of such title is amended by adding at the end the following new item:

''5511. Conditions for treatment of certain persons as adjudicated mentally incompetent for certain purposes.''.

SA 2915. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

On page 93, strike lines 8 through 16 and insert the following:

(2) in section 204 (43 U.S.C. 2303), by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—The Secretary and the Secretary of Agriculture shall establish a procedure to identify, by State, inholdings for which the landowner has indicated a desire to sell the land or interest therein to the United States.''.

(3) in section 205 (43 U.S.C. 2304)—

(A) in subsection (a)—

(i) by striking '', using funds made available under section 206,''; and

(ii) by striking ''this Act'' and inserting ''the Sportsmen's Act of 2012''; and

(B) in subsection (d), by striking ''11'' and inserting ''22'';

(4) in section 206 (43 U.S.C. 2305), by striking subsections (b) through (f) and inserting the following:

''(b) AVAILABILITY.—Of the amounts in the Federal Land Disposal Account—

''(1) 50 percent shall be made available to the Secretary of the Treasury, without further appropriation, for Federal budget deficit reduction; and

''(2) 50 percent shall be made available to the Secretary and the Secretary of Agriculture, without further appropriation, to address the maintenance backlog on Federal land.''; and

(5) in section 207(b) (43 U.S.C. 2306(b))—

SA 2916. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 246 and insert the following:

SEC. 246. NEOTROPICAL MIGRATORY BIRD CONSERVATION ACT.

Section 10 of the Neotropical Migratory Bird Conservation Act (16 U.S.C. 6109) is amended to read as follows:

''SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated to carry out this Act $6,500,000 for each of fiscal years 2012 through 2017.''.

SA 2917. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

Strike subtitle A of title II.

SA 2918. Mr. COBURN (for himself and Mr. BOOZMAN) submitted an amendment intended to be proposed by him to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title I, add the following:

SEC. 104. PROTECTING AMERICANS FROM VIOLENT CRIME.

(a) FINDINGS.—Congress finds that—

(1) the Second Amendment of the Constitution provides that ''the right of the people to keep and bear arms shall not be infringed'';

(2) section 327.13 of title 36, Code of Federal Regulations provides that, except in special circumstances, ''possession of loaded firearms, ammunition, loaded projectile firing devices, bows and arrows, crossbows, or other weapons is prohibited'' at water resources development projects administered by the Secretary of the Army;

(3) the regulations described in paragraph (2) prevent individuals complying with Federal and State laws from exercising the Second Amendment rights of the individuals while at the water resources development projects; and

(4) Federal laws should make it clear that the Second Amendment rights of an individual at a water resources development project should not be infringed.

(b) PROTECTING THE RIGHT OF INDIVIDUALS TO BEAR ARMS AT WATER RESOURCES DEVELOPMENT PROJECTS.—The Secretary of the Army shall not promulgate or enforce any regulation that prohibits an individual from possessing a firearm, including an assembled or functional firearm, at a water resources development project covered under part 327 of title 36, Code of Federal Regulations (as in effect on the date of enactment of this Act), if—

(1) the individual is not otherwise prohibited by law from possessing the firearm; and

(2) the possession of the firearm is in compliance with the law of the State in which the water resources development project is located.

SA 2919. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title I, add the following:

SEC. 104. HERITAGE OF RECREATIONAL FISHING, HUNTING, AND RECREATIONAL SHOOTING ON FEDERAL LAND.

(a) DEFINITIONS.—In this section:

(1) FEDERAL PUBLIC LAND.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term ''Federal public land'' means any land or water that is—

(i) owned by the United States; and

(ii) managed by a Federal agency (including the Department of the Interior and the Forest Service) for purposes that include the conservation of natural resources.

(B) EXCLUSIONS.—The term ''Federal public land'' does not include—

(i) land or water held or managed in trust for the benefit of Indians or other Native Americans;

(ii) land managed by the Director of the National Park Service or the Director of the United States Fish and Wildlife Service;

(iii) fish hatcheries; or

(iv) conservation easements on private land.

(2) HUNTING.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term ''hunting'' means use of a firearm, bow, or other authorized means in the lawful—

(i) pursuit, shooting, capture, collection, trapping, or killing of wildlife; or

(ii) attempt to pursue, shoot, capture, collect, trap, or kill wildlife.

(B) EXCLUSION.—The term ''hunting'' does not include the use of skilled volunteers to cull excess animals (as defined by other Federal law).

(3) RECREATIONAL FISHING.—The term ''recreational fishing'' means—

(A) an activity for sport or for pleasure that involves—

(i) the lawful catching, taking, or harvesting of fish; or

(ii) the lawful attempted catching, taking, or harvesting of fish; or

(B) any other activity for sport or pleasure that can reasonably be expected to result in the lawful catching, taking, or harvesting of fish.

(4) RECREATIONAL SHOOTING.—The term ''recreational shooting'' means any form of sport, training, competition, or pastime, whether formal or informal, that involves the discharge of a rifle, handgun, or shotgun, or the use of a bow and arrow.

(b) RECREATIONAL FISHING, HUNTING, AND RECREATIONAL SHOOTING.—

(1) IN GENERAL.—Subject to valid existing rights, and in cooperation with the respective State and fish and wildlife agency, a

Federal public land management official shall exercise the authority of the official under existing law (including provisions regarding land use planning) to facilitate use of and access to Federal public land for recreational fishing, hunting, and recreational shooting except as limited by—

(A) any law that authorizes action or withholding action for reasons of national security, public safety, or resource conservation;

(B) any other Federal law that precludes recreational fishing, hunting, or recreational shooting on specific Federal public land or water or units of Federal public land; and

(C) discretionary limitations on recreational fishing, hunting, and recreational shooting determined to be necessary and reasonable as supported by the best scientific evidence and advanced through a transparent public process.

(2) MANAGEMENT.—Consistent with paragraph (1), the head of each Federal public land management agency shall exercise the land management discretion of the head—

(A) in a manner that supports and facilitates recreational fishing, hunting, and recreational shooting opportunities;

(B) to the extent authorized under applicable State law; and

(C) in accordance with applicable Federal law.

(3) PLANNING.—

(A) EFFECTS OF PLANS AND ACTIVITIES.—

(i) EVALUATION OF EFFECTS ON OPPORTUNITIES TO ENGAGE IN RECREATIONAL FISHING, HUNTING, OR RECREATIONAL SHOOTING.—Federal public land planning documents (including land resources management plans, resource management plans, travel management plans, and energy development plans) shall include a specific evaluation of the effects of the plans on opportunities to engage in recreational fishing, hunting, or recreational shooting.

(ii) OTHER ACTIVITY NOT CONSIDERED.—

(I) IN GENERAL.—Federal public land management officials shall not be required to consider the existence or availability of recreational fishing, hunting, or recreational shooting opportunities on private or public land that is located adjacent to, or in the vicinity of, Federal public land for purposes of—

(aa) planning for or determining which units of Federal public land are open for recreational fishing, hunting, or recreational shooting; or

(bb) setting the levels of use for recreational fishing, hunting, or recreational shooting on Federal public land.

(II) ENHANCED OPPORTUNITIES.—Federal public land management officials may consider the opportunities described in subclause (I) if the combination of those opportunities would enhance the recreational fishing, hunting, or shooting opportunities available to the public.

(B) USE OF VOLUNTEERS.—If hunting is prohibited by law, all Federal public land planning document described in subparagraph (A)(i) of an agency shall, after appropriate coordination with State fish and wildlife agencies, allow the participation of skilled volunteers in the culling and other management of wildlife populations on Federal public land unless the head of the agency demonstrates, based on the best scientific data available or applicable Federal law, why skilled volunteers should not be used to control overpopulation of wildlife on the land that is the subject of the planning document.

(4) BUREAU OF LAND MANAGEMENT AND FOREST SERVICE LAND.—

(A) LAND OPEN.—

(i) IN GENERAL.—Land under the jurisdiction of the Bureau of Land Management or the Forest Service (including a component of the National Wilderness Preservation System, land designated as a wilderness study area or administratively classified as wilderness eligible or suitable, and primitive or semiprimitive areas, but excluding land on the outer Continental Shelf) shall be open to recreational fishing, hunting, and recreational shooting unless the managing Federal public land agency acts to close the land to such activity.

(ii) MOTORIZED ACCESS.—Nothing in this subparagraph authorizes or requires motorized access or the use of motorized vehicles for recreational fishing, hunting, or recreational shooting purposes within land designated as a wilderness study area or administratively classified as wilderness eligible or suitable.

(B) CLOSURE OR RESTRICTION.—Land described in subparagraph (A) may be subject to closures or restrictions if determined by the head of the agency to be necessary and reasonable and supported by facts and evidence for purposes including resource conservation, public safety, energy or mineral production, energy generation or transmission infrastructure, water supply facilities, protection of other permittees, protection of private property rights or interests, national security, or compliance with other law, as determined appropriate by the Director of the Bureau of Land Management or the Chief of the Forest Service, as applicable.

(C) SHOOTING RANGES.—

(i) IN GENERAL.—Except as provided in clause (iii), the head of each Federal public land agency may use the authorities of the head, in a manner consistent with this section and other applicable law—

(I) to lease or permit use of land under the jurisdiction of the head for shooting ranges; and

(II) to designate specific land under the jurisdiction of the head for recreational shooting activities.

(ii) LIMITATION ON LIABILITY.—Any designation under clause (i)(II) shall not subject the United States to any civil action or claim for monetary damages for injury or loss of property or personal injury or death caused by any recreational shooting activity occurring at or on the designated land.

(iii) EXCEPTION.—The head of each Federal public land agency shall not lease or permit use of Federal public land for shooting ranges or designate land for recreational shooting activities within including a component of the National Wilderness Preservation System, land designated as a wilderness study area or administratively classified as wilderness eligible or suitable, and primitive or semiprimitive areas.

(5) REPORT.—Not later than October 1 of every other year, beginning with the second October 1 after the date of enactment of this Act, the head of each Federal public land agency who has authority to manage Federal public land on which recreational fishing, hunting, or recreational shooting occurs shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(A) any Federal public land administered by the agency head that was closed to recreational fishing, hunting, or recreational shooting at any time during the preceding year; and

(B) the reason for the closure.

(6) CLOSURES OR SIGNIFICANT RESTRICTIONS OF 1,280 OR MORE ACRES.—

(A) IN GENERAL.—Other than closures established or prescribed by land planning actions referred to in paragraph (4)(B) or emergency closures described in subparagraph (C), a permanent or temporary withdrawal, change of classification, or change of management status of Federal public land or water that effectively closes or significantly restricts 1,280 or more contiguous acres of Federal public land or water to access or use for recreational fishing or hunting or activities relating to fishing or hunting shall take effect only if, before the date of withdrawal or change, the head of the Federal public land agency that has jurisdiction over the Federal public land or water—

(i) publishes appropriate notice of the withdrawal or change, respectively;

(ii) demonstrates that coordination has occurred with a State fish and wildlife agency; and

(iii) submits to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate written notice of the withdrawal or change, respectively.

(B) AGGREGATE OR CUMULATIVE EFFECTS.—If the aggregate or cumulative effect of separate withdrawals or changes effectively closes or significant restrictions affects 1,280 or more acres of land or water, the withdrawals and changes shall be treated as a single withdrawal or change for purposes of subparagraph (A).

(C) EMERGENCY CLOSURES.—

(i) IN GENERAL.—Nothing in this section prohibits a Federal public land management agency from establishing or implementing emergency closures or restrictions of the smallest practicable area of Federal public land to provide for public safety, resource conservation, national security, or other purposes authorized by law.

(ii) TERMINATION.—An emergency closure under clause (i) shall terminate after a reasonable period of time unless the temporary closure is converted to a permanent closure consistent with this subsection.

(7) NO PRIORITY.—Nothing in this section requires a Federal agency to give preference to recreational fishing, hunting, or recreational shooting over other uses of Federal public land or over land or water management priorities established by other Federal law.

(8) CONSULTATION WITH COUNCILS.—In carrying out this section, the heads of Federal public land agencies shall consult with the appropriate advisory councils established under Executive Order 12962 (16 U.S.C. 1801 note; relating to recreational fisheries) and Executive Order 13443 (16 U.S.C. 661 note; relating to facilitation of hunting heritage and wildlife conservation).

(9) AUTHORITY OF STATES.—

(A) IN GENERAL.—Nothing in this section interferes with, diminishes, or conflicts with the authority, jurisdiction, or responsibility of any State to manage, control, or regulate fish and wildlife under State law (including regulations) on land or water within the State, including on Federal public land.

(B) FEDERAL LICENSES.—

(i) IN GENERAL.—Except as provided in clause (ii), nothing in this section authorizes the head of a Federal public land agency head to require a license, fee, or permit to fish, hunt, or trap on land or water in a State, including on Federal public land in the State.

(ii) MIGRATORY BIRD STAMPS.—This subparagraph shall not affect any migratory bird stamp requirement of the Migratory Bird Hunting and Conservation Stamp Act (16 U.S.C. 718a et seq.).

SA 2920. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE III—HARMFUL ALGAL BLOOMS AND HYPOXIA RESEARCH AND CONTROL

SECTION 301. SHORT TITLE.

This title may be cited as the ''Harmful Algal Blooms and Hypoxia Research and Control Amendments Act of 2012''.

SEC. 302. AMENDMENT OF HARMFUL ALGAL BLOOM AND HYPOXIA RESEARCH AND CONTROL ACT OF 1998.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998 (16 U.S.C. 1451 note).

SEC. 303. FINDINGS.

Section 602 is amended to read as follows:

''§ 602. Findings

''Congress finds the following:

''(1) Harmful algal blooms and hypoxia—

''(A) are increasing in frequency and intensity in the Nation's coastal waters and Great Lakes;

''(B) pose a threat to the health of coastal and Great Lakes ecosystems;

''(C) are costly to coastal economies; and

''(D) threaten the safety of seafood and human health.

''(2) Excessive nutrients in coastal waters have been linked to the increased intensity and frequency of hypoxia and some harmful algal blooms. There is a need to identify more workable and effective actions to reduce the negative impacts of harmful algal blooms and hypoxia on coastal waters.

''(3) The National Oceanic and Atmospheric Administration, through its ongoing research, monitoring, observing, education, grant, and coastal resource management programs and in collaboration with the other Federal agencies on the Inter-Agency Task Force on Harmful Algal Blooms and Hypoxia, along with States, Indian tribes, and local governments, possesses the capabilities necessary to support a near and long-term comprehensive effort to prevent, reduce, and control the human and environmental costs of harmful algal blooms and hypoxia.

''(4) Increases in nutrient loading from point and nonpoint sources can trigger and exacerbate harmful algal blooms and hypoxia. Since much of the increases originate in upland areas and are delivered to marine and freshwater bodies via river discharge, integrated and landscape-level research and control strategies are required.

''(5) Harmful algal blooms and hypoxia affect many sectors of the coastal economy, including tourism, public health, and recreational and commercial fisheries. According to a recent report produced by the National Oceanic and Atmospheric Administration, the United States seafood, restaurant, and tourism industries suffer estimated annual losses of at least $82,000,000 due to the economic impacts of harmful algal blooms.

''(6) The proliferation of harmful and nuisance algae can occur in all United States waters, including coastal areas (such as estuaries), the Great Lakes, and inland waterways, crossing political boundaries and necessitating regional coordination for research, monitoring, mitigation, response, and prevention efforts.

''(7) Federally funded and other research has led to several technological advances, including remote sensing, molecular and optical tools, satellite imagery, and coastal and ocean observing systems, that—

''(A) provide data for forecast models;

''(B) improve the monitoring and prediction of these events; and

''(C) provide essential decision making tools for managers and stakeholders.''.

SEC. 304. PURPOSES.

The Act is amended by inserting after section 602 the following:

''§ 602A. Purposes

''The purposes of this title are—

''(1) to provide for the development and coordination of a comprehensive and integrated national program to address harmful algal blooms and hypoxia through baseline research, monitoring, prevention, mitigation, and control;

''(2) to provide for the assessment of environmental, socioeconomic, and human health impacts of harmful algal blooms and hypoxia on a regional and national scale, and to integrate this assessment into marine and freshwater resource decisions; and

''(3) to facilitate regional, State, tribal, and local efforts to develop and implement appropriate harmful algal bloom and hypoxia response plans, strategies, and tools, including outreach programs and information dissemination mechanisms.''.

SEC. 305. INTER-AGENCY TASK FORCE ON HARMFUL ALGAL BLOOMS AND HYPOXIA.

Section 603(a) is amended—

(1) by striking ''the following representatives from'' and inserting ''a representative from'';

(2) in paragraph (11), by striking ''and'';

(3) by redesignating paragraph (12) as paragraph (13);

(4) by inserting after paragraph (11) the following:

''(12) the Centers for Disease Control; and''; and

(5) in paragraph (13), as redesignated, by striking ''such''.

SEC. 306. NATIONAL HARMFUL ALGAL BLOOM AND HYPOXIA PROGRAM.

The Act is amended by inserting after section 603 the following:

''§ 603A. National harmful algal bloom and hypoxia program

''(a) ESTABLISHMENT.—Except as provided in subsection (d), the Under Secretary, acting through the Task Force established under section 603, shall establish and maintain a national harmful algal bloom and hypoxia program.

''(b) ACTION STRATEGY.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Harmful Algal Blooms and Hypoxia Research and Control Amendments Act of 2012, the Task Force shall develop a national harmful algal blooms and hypoxia action strategy that—

''(A) is consistent with the purposes under section 602A;

''(B) includes a statement of goals and objectives; and

''(C) includes an implementation plan.

''(2) PUBLICATION.—Not later than 30 days after the date that the action strategy is developed, the Task Force shall—

''(A) submit the action strategy to Congress; and

''(B) publish the action strategy in the Federal Register.

''(3) PERIODIC REVISION.—The Task Force shall periodically review and revise the action strategy, as necessary.

''(c) TASK FORCE FUNCTIONS.—The Task Force shall—

''(1) coordinate interagency review of plans and policies of the Program;

''(2) assess interagency work and spending plans for implementing the activities of the Program;

''(3) review the Program's distribution of Federal grants and funding to address research priorities;

''(4) support the implementation of the actions and strategies identified in the regional research and action plans under section 603B;

''(5) support the development of institutional mechanisms and financial instruments to further the goals of the Program;

''(6) coordinate and integrate the research of all Federal programs, including ocean and Great Lakes science and management programs and centers, that address the chemical, biological, and physical components of marine and freshwater harmful algal blooms and hypoxia;

''(7) expedite the interagency review process by ensuring timely review and dispersal of required reports and assessments under this title;

''(8) promote the development of new technologies for predicting, monitoring, and mitigating harmful algal blooms and hypoxia conditions; and

''(9) establish such interagency working groups as it considers necessary.

''(d) LEAD FEDERAL AGENCY.—The National Oceanic and Atmospheric Administration shall have primary responsibility for administering the Program.

''(e) PROGRAM DUTIES.—In administering the Program, the Under Secretary shall—

''(1) develop and promote a national strategy to understand, detect, predict, control, mitigate, and respond to marine and freshwater harmful algal bloom and hypoxia events;

''(2) prepare work and spending plans for implementing the activities of the Program and developing and implementing the regional research and action plans;

''(3) administer merit-based, competitive grant funding—

''(A) to support the projects maintained and established by the Program; and

''(B) to address the research and management needs and priorities identified in the regional research and action plans;

''(4) coordinate and work cooperatively with regional, State, tribal, and local government agencies and programs that address marine and freshwater harmful algal blooms and hypoxia;

''(5) coordinate with the Secretary of State to support international efforts on marine and freshwater harmful algal bloom and hypoxia information sharing, research, mitigation, control, and response activities;

''(6) identify additional research, development, and demonstration needs and priorities relating to monitoring, prevention, control, mitigation, and response to marine and freshwater harmful algal blooms and hypoxia, including methods and technologies to protect the ecosystems affected by marine and freshwater harmful algal blooms and hypoxia;

''(7) integrate, coordinate, and augment existing education programs to improve public understanding and awareness of the causes, impacts, and mitigation efforts for marine and freshwater harmful algal blooms and hypoxia;

''(8) facilitate and provide resources to train State and local coastal and water resource managers in the methods and technologies for monitoring, controlling, and mitigating marine and freshwater harmful algal blooms and hypoxia;

''(9) support regional efforts to control and mitigate outbreaks through—

''(A) communication of the contents of the regional research and action plans and maintenance of online data portals for other information about harmful algal blooms and hypoxia to State and local stakeholders within the region for which each plan is developed; and

''(B) overseeing the development, review, and periodic updating of regional research and action plans;

''(10) convene at least 1 meeting of the Task Force each year; and

''(11) perform such other tasks as may be delegated by the Task Force.

''(f) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION ACTIVITIES.—The Under Secretary shall—

''(1) maintain and enhance the existing competitive programs at the National Oceanic and Atmospheric Administration relating to marine and freshwater algal blooms and hypoxia;

''(2) carry out marine and Great Lakes harmful algal bloom and hypoxia events response activities;

''(3) establish new programs and infrastructure, as necessary, to develop and enhance the critical observations, monitoring, modeling, data management, information dissemination, and operational forecasts required to meet the purposes under section 602A;

''(4) enhance communication and coordination among Federal agencies carrying out marine and freshwater harmful algal bloom and hypoxia activities;

''(5) to the greatest extent practicable, leverage existing resources and expertise available from local research universities and institutions to meet the purposes under section 602A; and

''(6) increase the availability to appropriate public and private entities of—

''(A) analytical facilities and technologies;

''(B) operational forecasts; and

''(C) reference and research materials.

''(g) COOPERATIVE EFFORTS.—The Under Secretary shall work cooperatively and avoid duplication of effort with other offices, centers, and programs within the National Oceanic and Atmospheric Administration, other agencies on the Task Force, and States, tribes, and nongovernmental organizations concerned with marine and freshwater issues to coordinate harmful algal blooms and hypoxia (and related) activities and research.

''(h) FRESHWATER PROGRAM.—With respect to the freshwater aspects of the Program, except for those aspects occurring in the Great Lakes, the Administrator of the Environmental Protection Agency, in consultation with the Under Secretary, through the Task Force, shall—

''(1) carry out the duties assigned to the Under Secretary under this section and section 603B, including the activities under subsection (g);

''(2) research the ecology of freshwater harmful algal blooms;

''(3) monitor and respond to freshwater harmful algal blooms events in lakes (except for the Great Lakes), rivers, and reservoirs;

''(4) mitigate and control freshwater harmful algal blooms; and

''(5) recommend the amount of funding required to carry out subsection (g) for inclusion in the President's annual budget request to Congress.

''(i) INTEGRATED COASTAL AND OCEAN OBSERVATION SYSTEM.—The collection of monitoring and observation data under this title shall comply with all data standards and protocols developed pursuant to the Integrated Coastal and Ocean Observation System Act of 2009 (33 U.S.C. 3601 et seq.). Such data shall be made available through the system established under that Act.''.

SEC. 307. REGIONAL RESEARCH AND ACTION PLANS.

The Act, as amended by section 306, is further amended by inserting after section 603A the following:

''§ 603B. Regional research and action plans

''(a) IN GENERAL.—In administering the Program, the Under Secretary shall—

''(1) identify appropriate regions and subregions to be addressed by each regional research and action plan; and

''(2) oversee the development and implementation of the regional research and action plans.

''(b) PLAN DEVELOPMENT.—The Under Secretary shall—

''(1) develop and submit to the Task Force for approval a regional research and action plan for each region, that builds upon any existing State or regional plans the Under Secretary considers appropriate; and

''(2) identify appropriate elements for each region, including—

''(A) baseline ecological, social, and economic research needed to understand the biological, physical, and chemical conditions that cause, exacerbate, and result from harmful algal blooms and hypoxia;

''(B) regional priorities for ecological and socio-economic research on issues related to and impacts of harmful algal blooms and hypoxia;

''(C) research, development, and demonstration activities needed to develop and advance technologies and techniques—

''(i) for minimizing the occurrence of harmful algal blooms and hypoxia; and

''(ii) for improving capabilities to predict, monitor, prevent, control, and mitigate harmful algal blooms and hypoxia;

''(D) State, tribal, and local government actions that may be implemented—

''(i) to support long-term monitoring efforts and emergency monitoring as needed;

''(ii) to minimize the occurrence of harmful algal blooms and hypoxia;

''(iii) to reduce the duration and intensity of harmful algal blooms and hypoxia in times of emergency;

''(iv) to address human health dimensions of harmful algal blooms and hypoxia; and

''(v) to identify and protect vulnerable ecosystems that could be, or have been, affected by harmful algal blooms and hypoxia;

''(E) mechanisms by which data, information, and products are transferred between the Program and State, tribal, and local governments and research entities;

''(F) communication, outreach and information dissemination efforts that State, tribal, and local governments and stakeholder organizations can take to educate and inform the public about harmful algal blooms and hypoxia and alternative coastal resource-utilization opportunities that are available; and

''(G) the roles that Federal agencies can play to facilitate implementation of the regional research and action plan for that region.

''(c) CONSULTATION.—In developing a regional research and action plan under this section, the Under Secretary shall—

''(1) coordinate with State coastal management and planning officials;

''(2) coordinate with tribal resource management officials;

''(3) coordinate with water management and watershed officials from coastal States and noncoastal States with water sources that drain into water bodies affected by harmful algal blooms and hypoxia;

''(4) in matters relating to the Gulf of Mexico, coordinate with the Gulf of Mexico Alliance;

''(5) coordinate with the Administrator and other Federal agencies as the Under Secretary considers appropriate; and

''(6) consult with—

''(A) public health officials;

''(B) emergency management officials;

''(C) science and technology development institutions;

''(D) economists;

''(E) industries and businesses affected by marine and freshwater harmful algal blooms and hypoxia;

''(F) scientists, with expertise concerning harmful algal blooms or hypoxia, from academic or research institutions; and

''(G) other stakeholders.

''(d) BUILDING ON AVAILABLE STUDIES AND INFORMATION.—In developing a regional research and action plan under this section, the Under Secretary shall—

''(1) utilize and build on existing research, assessments, reports, including those carried out under existing law, and other relevant sources; and

''(2) consider the impacts, research, and existing program activities of all United States coastlines and fresh and inland waters, including the Great Lakes, the Chesapeake Bay, estuaries, and tributaries.

''(e) SCHEDULE.—The Under Secretary shall—

''(1) begin developing the regional research and action plans for at least a third of the regions not later than 9 months after the date of the enactment of the Harmful Algal Blooms and Hypoxia Research and Control Amendments Act of 2012;

''(2) begin developing the regional research and action plans for at least another third of the regions not later than 21 months after the date of the enactment of the Harmful Algal Blooms and Hypoxia Research and Control Amendments Act of 2012;

''(3) begin developing the regional research and action plans for the remaining regions not later than 33 months after the date of the enactment of the Harmful Algal Blooms and Hypoxia Research and Control Amendments Act of 2012; and

''(4) ensure that each regional research and action plan developed under this section is—

''(A) completed and approved by the Task Force not later than 12 months after the date that development of the regional research and action plan begins; and

''(B) updated not less than once every 5 years after the completion of the regional research and action plan.

''(f) PRIORITIZATION.—In developing the regional research and action plans pursuant to subsection (e), the Under Secretary shall begin with regions that historically have the greatest record of harmful algal blooms or the largest perennial hypoxic zones.

''(g) FUNDING.—

''(1) IN GENERAL.—Subject to available appropriations, the Under Secretary shall make funding available to eligible organizations to implement the research, monitoring, forecasting, modeling, and response actions included under each approved regional research and action plan. The Program shall select recipients through a merit-based, competitive process and seek to fund research proposals that most effectively align with the research priorities identified in the relevant regional research and action plan.

''(2) APPLICATION; ASSURANCES.—An organization seeking funding under this subsection shall submit an application to the Program at such time, in such form and manner, and containing such information and assurances as the Program may require. The Program shall require each eligible organization receiving funds under this subsection to utilize the mechanisms under subsection (b)(2)(E) to ensure the transfer of data and products developed under the regional research and action plan.

''(3) ELIGIBLE ORGANIZATION.—In this subsection, the term 'eligible organization' means—

''(A) an institution of higher education, other non-profit organization, State, tribal, or local government, commercial organization, or Federal agency that meets the requirements of this section and such other requirements as may be established by the Under Secretary; and

''(B) with respect to nongovernmental organizations, an organization that is subject to regulations promulgated or guidelines issued to carry out this section, including United States audit requirements that are applicable to nongovernmental organizations.''.

SEC. 308. REPORTING.

Section 603 is amended by adding at the end the following:

''(j) REPORT.—Not later than 2 years after the submission of the action strategy under section 603A, the Under Secretary shall submit a report to the appropriate congressional committees that describes—

''(1) the proceedings of the annual Task Force meetings;

''(2) the activities carried out under the Program and the regional research and action plans, and the budget related to the activities;

''(3) the progress made on implementing the action strategy; and

''(4) any need to revise or terminate activities or projects under the Program.

''(k) PROGRAM REPORT.—Not later than 5 years after the date of enactment of the Harmful Algal Blooms and Hypoxia Research and Control Amendments Act of 2012, the Task Force shall submit a report on harmful algal blooms and hypoxia in marine and freshwater systems to Congress that—

''(1) evaluates the state of scientific knowledge of harmful algal blooms and hypoxia in marine and freshwater systems, including their causes and ecological consequences;

''(2) evaluates the social and economic impacts of harmful algal blooms and hypoxia, including their impacts on coastal communities, and reviews those communities' efforts and associated economic costs related to event forecasting, planning, mitigation, response, public outreach, and education;

''(3) examines and evaluates the human health impacts of harmful algal blooms and hypoxia, including any gaps in existing research;

''(4) describes advances in capabilities for monitoring, forecasting, modeling, control, mitigation, and prevention of harmful algal blooms and hypoxia, including techniques for integrating landscape- and watershed-level water quality information into marine and freshwater harmful algal bloom and hypoxia prevention and mitigation strategies at Federal and regional levels;

''(5) evaluates progress made by, and the needs of, Federal, regional, State, tribal, and local policies and strategies for forecasting, planning, mitigating, preventing, and responding to harmful algal blooms and hypoxia, including the economic costs and benefits of the policies and strategies;

''(6) includes recommendations for integrating, improving, and funding future Federal, regional, State, tribal, and local policies and strategies for preventing and mitigating the occurrence and impacts of harmful algal blooms and hypoxia;

''(7) describes communication, outreach, and education efforts to raise public awareness of harmful algal blooms and hypoxia, their impacts, and the methods for mitigation and prevention;

''(8) describes extramural research activities carried out under section 605(b); and

''(9) specifies how resources were allocated between intramural and extramural research and management activities, including a justification for each allocation.''.

SEC. 309. NORTHERN GULF OF MEXICO HYPOXIA.

Section 604 is amended to read as follows:

''SEC. 604. NORTHERN GULF OF MEXICO HYPOXIA.

''(a) TASK FORCE INITIAL PROGRESS REPORTS.—Beginning not later than 12 months after the date of enactment of the Harmful Algal Blooms and Hypoxia Research and Control Amendments Act of 2012, and every 2 years thereafter, the Administrator, through the Mississippi River/Gulf of Mexico Watershed Nutrient Task Force, shall submit a progress report to the appropriate congressional committees and the President that describes the progress made by Task Force-directed activities carried out or funded by the Environmental Protection Agency and other State and Federal partners toward attainment of the goals of the Gulf Hypoxia Action Plan 2008.

''(b) CONTENTS.—Each report required under this section shall—

''(1) assess the progress made toward nutrient load reductions, the response of the hypoxic zone and water quality throughout the Mississippi/Atchafalaya River Basin, and the economic and social effects;

''(2) evaluate lessons learned; and

''(3) recommend appropriate actions to continue to implement or, if necessary, revise the strategy set forth in the Gulf Hypoxia Action Plan 2008.''.

SEC. 310. INTERAGENCY FINANCING.

The Act, as amended by section 309, is further amended by inserting after section 604 the following:

''SEC. 604A. INTERAGENCY FINANCING.

''The departments and agencies represented on the Task Force may participate in interagency financing and share, transfer, receive, obligate, and expend funds appropriated to any member of the Task Force for the purposes of carrying out any administrative or programmatic project or activity under this title, including support for the Program, a common infrastructure, information sharing, and system integration for harmful algal bloom and hypoxia research, monitoring, forecasting, prevention, and control. Funds may be transferred among such departments and agencies through an appropriate instrument that specifies the goods, services, or space being acquired from another Task Force member and the costs of the goods, services, and space. The amount of funds transferrable under this section for any fiscal year may not exceed 5 percent of the account from which such transfer was made.''.

SEC. 311. AUTHORIZATION OF APPROPRIATIONS.

Section 605 is amended to read as follows:

''§ 605. Authorization of appropriations

''(a) IN GENERAL.—There are authorized to be appropriated, for each of the fiscal years 2011 through 2015 to the Under Secretary to carry out sections 603A and 603B, $15,000,000.

''(b) EXTRAMURAL RESEARCH ACTIVITIES.—The Under Secretary shall ensure that a substantial portion of funds appropriated pursuant to subsection (a) that are used for research purposes are allocated to extramural research activities.''.

SEC. 312. DEFINITIONS; CONFORMING AMENDMENT.

(a) IN GENERAL.—The Act is amended by inserting after section 605 the following:

''§ 605A. Definitions

''In this title:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the National Oceanic and Atmospheric Administration.

''(2) HARMFUL ALGAL BLOOM.—The term 'harmful algal bloom' means marine and freshwater phytoplankton that proliferate to high concentrations, resulting in nuisance conditions or harmful impacts on marine and aquatic ecosystems, coastal communities, and human health through the production of toxic compounds or other biological, chemical, and physical impacts of the algae outbreak.

''(3) HYPOXIA.—The term 'hypoxia' means a condition where low dissolved oxygen in aquatic systems causes stress or death to resident organisms.

''(4) PROGRAM.—The term 'Program' means the National Harmful Algal Bloom and Hypoxia Program established under section 603A.

''(5) REGIONAL RESEARCH AND ACTION PLAN.—The term 'regional research and action plan' means a plan established under section 603B.

''(6) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, any other territory or possession of the United States, and any Indian tribe.

''(7) TASK FORCE.—The term 'Task Force' means the Inter-Agency Task Force established by section 603(a).

''(8) UNDER SECRETARY.—The term 'Under Secretary' means the Under Secretary of Commerce for Oceans and Atmosphere.

''(9) UNITED STATES COASTAL WATERS.—The term 'United States coastal waters' includes the Great Lakes.''.

(b) CONFORMING AMENDMENT.—Section 603(a) is amended by striking ''(hereinafter referred to as the 'Task Force')''.

SEC. 313. APPLICATION WITH OTHER LAWS.

The Act is amended by adding after section 606 the following:

''SEC. 607. EFFECT ON OTHER FEDERAL AUTHORITY.

''Nothing in this title supersedes or limits the authority of any agency to carry out its responsibilities and missions under other laws.''.

SA 2921. Mr. PRYOR (for himself and Mr. BOOZMAN) submitted an amendment intended to be proposed by him to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. _____. CERTAIN EXEMPTIONS RELATING TO THE TAKING OF MIGRATORY GAME BIRDS.

(a) SHORT TITLE.—This section may be cited as the ''Farmer's Protection Act of 2012''.

(b) EXEMPTIONS ON CERTAIN LAND.—Section 3 of the Migratory Bird Treaty Act (16 U.S.C. 704) is amended by adding at the end the following:

''(c) EXEMPTIONS ON CERTAIN LAND.—

''(1) IN GENERAL.—Nothing in this section prohibits the taking of any migratory game bird, including waterfowl, coots, and cranes, on or over land that—

''(A) is not a baited area; and

''(B) contains—

''(i) a standing crop or flooded standing crop, including an aquatic crop;

''(ii) standing, flooded, or manipulated natural vegetation;

''(iii) flooded harvested cropland; or

''(iv) based on the determination of the applicable State office of the Cooperative Extension System of the Department of Agriculture at the request of the Secretary of the Interior, an area on which seed or grain has been scattered solely as the result of a normal agricultural planting, harvesting, post-harvest manipulation, or normal soil stabilization practice.

''(2) DETERMINATIONS.—

''(A) IN GENERAL.—For purposes of making a determination under paragraph (1)(B)(iv), each State office of the Cooperative Extension System of the Department of Agriculture shall determine the activities in that

State that the State office considers to be a normal agricultural practice in the State, such as mowing, shredding, discing, rolling, chopping, trampling, flattening, burning, or carrying out herbicide treatment.

''(B) REVISIONS.—A State office may revise a report described in subparagraph (A) as the State office determines to be necessary to reflect changing agricultural practices.''.

SA 2922. Mr. PRYOR (for himself and Mr. BOOZMAN) submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 233, add the following:

(c) EXEMPTIONS ON CERTAIN LAND.—Section 3 of the Migratory Bird Treaty Act (16 U.S.C. 704) is amended by adding at the end the following:

''(c) EXEMPTIONS ON CERTAIN LAND.—

''(1) IN GENERAL.—Nothing in this section prohibits the taking of any migratory game bird, including waterfowl, coots, and cranes, on or over land that—

''(A) is not a baited area; and

''(B) contains—

''(i) a standing crop or flooded standing crop, including an aquatic crop;

''(ii) standing, flooded, or manipulated natural vegetation;

''(iii) flooded harvested cropland; or

''(iv) based on the determination of the applicable State office of the Cooperative Extension System of the Department of Agriculture at the request of the Secretary of the Interior, an area on which seed or grain has been scattered solely as the result of a normal agricultural planting, harvesting, post-harvest manipulation, or normal soil stabilization practice.

''(2) DETERMINATIONS.—

''(A) IN GENERAL.—For purposes of making a determination under paragraph (1)(B)(iv), each State office of the Cooperative Extension System of the Department of Agriculture shall determine the activities in that State that the State office considers to be a normal agricultural practice in the State, such as mowing, shredding, discing, rolling, chopping, trampling, flattening, burning, or carrying out herbicide treatment.

''(B) REVISIONS.—A State office may revise a report described in subparagraph (A) as the State office determines to be necessary to reflect changing agricultural practices.''.

NOTICE OF INTENT TO OBJECT TO PROCEEDING

I, Senator CHARLES GRASSLEY, intend to object to proceeding to the nomination of Richard B. Berner, to be Director of the Office of Financial Research at the Department of the Treasury; dated: November 14, 2012.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on November 14, 2012, at 2:30 p.m., to conduct a hearing entitled ''Oversight of Basel III: Impact of Proposed Capital Rules.''

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

PRIVILEGES OF THE FLOOR

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that a fellow from my office, Mr. Todd Bianco, be granted floor privileges for the remainder of this Congress.

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

Mr. REID. Mr. President, I ask unanimous consent that Bryan Seeley, a detailee on the Senate Judiciary Committee, be granted floor privileges for the duration of the 112th Congress.

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

AMENDING SECTION 353 OF THE PUBLIC HEALTH SERVICE ACT

Mr. REID. I ask unanimous consent that the Senate proceed to H.R. 6118.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 6118) to amend section 353 of the Public Health Service Act with respect to suspension, revocation, and limitation of laboratory certification.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I now ask that the bill be read a third time and passed, the motion to reconsider be considered made and laid upon the table, with no intervening action or debate, and any statements related to this matter be printed in the RECORD.

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

The bill (H.R. 6118) was ordered to a third reading, was read the third time and passed.

TO EXTEND THE UNDERTAKING SPAM, SPYWARE, AND FRAUD ENFORCEMENT WITH ENFORCERS BEYOND BORDERS ACT OF 2006

Mr. REID. I ask unanimous consent to proceed to Calendar No. 507, H.R. 6131.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 6131) to extend the Undertaking Spam, Spyware, And Fraud Enforcement With Enforcers beyond Borders Act of 2006, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time and the Senate proceed to a voice vote on passage of this bill.

The bill (H.R. 6131) was read the third time.

The PRESIDING OFFICER. Hearing no further debate, the question is on the passage of the bill.

The bill (H.R. 6131) was passed.

Mr. REID. I now ask unanimous consent that the motion to reconsider be considered made and laid upon the table, with no intervening action or debate, and any statements relating to this matter be printed in the RECORD.

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

PERMITTING FOR THE RELIEF OF VICTIMS OF SUPERSTORM SANDY

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 596.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 596) permitting the solicitation of donations in Senate buildings for the relief of victims of Superstorm Sandy.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, there be 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. 596) was agreed to, as follows:

S. RES. 596

Resolved,

SECTION 1. SOLICITATION FOR SUPERSTORM SANDY RELIEF.

Notwithstanding any other provision of the rules or regulations of the Senate—

(1) a Senator, officer of the Senate, or employee of the Senate may solicit another Senator, officer of the Senate, or employee of the Senate within Senate buildings for nonmonetary donations for the relief of victims of Superstorm Sandy during the 30-day period beginning on the date on which the Senate agrees to this resolution; and

(2) a Senator, officer of the Senate, or employee of the Senate may work with a nonprofit organization with respect to the delivery of donations described in paragraph (1).

ORDERS FOR THURSDAY, NOVEMBER 15, 2012

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9 a.m. on Thursday, November 15, 2012; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that the majority leader be recognized, and that the time following leader remarks be equally divided and controlled between the two leaders or their designees; that at 9:15 a.m. tomorrow morning, the Senate proceed to vote on the motion to invoke cloture on S. 3525, the Sportsmen's Act of 2012; further, that the filing deadline for second-degree amendments to S.

3525 be 9:10 a.m. on Thursday, tomorrow.

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

PROGRAM

Mr. REID. Mr. President, the first vote tomorrow will be at 9:15 a.m. on the Sportsmen's Act.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:02 p.m., adjourned until Thursday, November 15, 2012, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate:

THE JUDICIARY

VALERIE E. CAPRONI, OF THE DISTRICT OF COLUMBIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK, VICE RICHARD J. HOLWELL, RESIGNED.

KENNETH JOHN GONZALES, OF NEW MEXICO, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW MEXICO, VICE BRUCE D. BLACK, RETIRED.

RAYMOND P. MOORE, OF COLORADO, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLORADO, VICE WILEY Y. DANIEL, RETIRING.

BEVERLY REID O'CONNELL, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA, VICE VALERIE L. BAKER, RETIRED.

WILLIAM L. THOMAS, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF FLORIDA, VICE ADALBERTO JOSE JORDAN, ELEVATED.

ANALISA TORRES, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK, VICE NAOMI REICE BUCHWALD, RETIRED.

DERRICK KAHALA WATSON, OF HAWAII, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF HAWAII, VICE DAVID A. EZRA, RETIRED.

CLAIRE R. KELLY, OF NEW YORK, TO BE A JUDGE OF THE UNITED STATES COURT OF INTERNATIONAL TRADE, VICE EVAN J. WALLACH, ELEVATED.

IN THE COAST GUARD

PURSUANT TO TITLE 14, U.S.C, SECTION 271(D), THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED:

To be rear admiral lower half

CAPT. PETER J. BROWN
CAPT. SCOTT A. BUSCHMAN
CAPT. MICHAEL F. MCALLISTER
CAPT. JUNE E. RYAN
CAPT. JOSEPH M. VOJVODICH