



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 112<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 158

WASHINGTON, TUESDAY, NOVEMBER 27, 2012

No. 149

## Senate

The Senate met at 10 a.m. and was called to order by the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware.

### PRAYER

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

Let us pray.

Eternal God, the source of our joy, thank You for this opportunity to call on Your Name. You have sustained this Nation through the seasons of its existence, and we are depending on You, Lord, to guard our future with Your might.

As our Senators seek to do the work of freedom, deepen their love for those on life's margins. Give our lawmakers this day the gift of Your spirit as they give thanks to You in all things.

Lord, we believe You will lead us through all our tomorrows as You have led us through our yesterdays.

We pray in Your merciful Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable CHRISTOPHER A. COONS 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. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, November 27, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHRISTOPHER A.

COONS, a Senator from the State of Delaware, to perform the duties of the Chair.

DANIEL K. INOUE,  
President pro tempore.

Mr. COONS 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 2012—MOTION TO PROCEED—Resumed

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

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative 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, we are going to recess, as we normally do on Tuesdays, from 12:30 to 2:15 to allow for our weekly caucus meetings.

We are going to begin consideration of the disabilities treaty this afternoon whether with a vote or with permission. It is a simple majority vote to move to this most important piece of legislation.

### MEASURE PLACED ON THE CALENDAR—S. 3637

Mr. REID. Mr. President, I am told that S. 3637 is due for its second reading and is at the desk.

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

The legislative clerk read as follows:

A bill (S. 3637) to temporarily extend the transaction account guarantee program, and for other purposes.

Mr. REID. Mr. President, I would object to any further proceedings with respect to this bill at this time.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

Mr. REID. Mr. President, this is one of the must-do pieces of legislation we have to do before this calendar year ends.

### FINDING COMMON GROUND

Mr. REID. Mr. President, too often it is a challenge to find common ground here in Washington. But as we negotiate a path back from the fiscal cliff, we should also recognize when Democrats and Republicans agree. We agree taxes should not go up for anyone making less than \$250,000 a year. Now, 97 percent of small businesses and 98 percent of middle-class families would benefit from that.

With common ground in sight, we should be able to act today to avert the fiscal cliff for millions of families and businesses. Even if we disagree on whether to extend tax breaks for the wealthiest 2 percent of Americans, we should agree to hold the middle class harmless and do it today, do it now. A single vote in the House of Representatives would get the job done now. Unfortunately, there is one obstacle standing between Congress and compromise: Grover Norquist. For years Norquist has bullied lawmakers willing to put their oath of office or their promise to serve constituents ahead of their pledge to this antitax zealot. His brand of ideological extremism has been bad for Congress and even worse for the country. So I was pleased to see Republicans in Congress distance themselves from Norquist this week. I appreciate that very much. So do the American people. I am sure their constituents do. Several Republican lawmakers have said revenue should be on

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



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the table during the fiscal cliff negotiations. How common sense is that? Absolutely. It is so clear to everyone except Grover Norquist. It is time now for the Republicans to turn this happy talk into action.

President Obama and Senate Democrats ran on a promise to end the Bush tax breaks for the wealthy. President Obama did not hide that in the last year of his campaign. Every place he went, that is what he talked about. Americans, when they voted, raised their voices and supported our pledge. Congress must act in accordance with the will of the American people.

An agreement to avoid the fiscal cliff must give economic certainty to middle-class families and must protect important tax deductions for families and businesses still struggling to recover from this great recession. It must take a balanced approach to reduce spending. But it must also ask the richest of the rich to pay a little bit extra to reduce the huge deficit we have.

Any balanced agreement will require difficult concessions from both sides—I said both sides. Clinging to the kind of ideological purity Grover Norquist peddles, saying he will never bend or compromise, is easy. Cooperating with those with whom you disagree is hard. Doing what is right for the country despite personal cost is hard. Legislating is hard. As we approach the fiscal cliff, Democrats are ready to make those tough choices. I hope my Republican friends, especially those who claim they put no pledge before their pledge to serve their constituents, can say the same.

#### RECOGNITION OF THE MINORITY LEADER

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

#### FISCAL CLIFF

Mr. MCCONNELL. Mr. President, yesterday I came to the floor to discuss what is known as the fiscal cliff, a mix of automatic tax hikes and defense cuts that are set to hit at the end of the year, jeopardizing our security as well as our economy. My message was pretty simple: A solution is possible.

Republicans have been reasonable, and the President needs to lead. He is the only one who can get us to a solution. If that is what he wants, we will succeed. So it was with some concern that I read this morning that the President plans to hit the road next week to drum up support for his own personal approach to the short- and long-term fiscal challenges we face. In other words, rather than sitting down with lawmakers of both parties and working out an agreement, he is back on the campaign trail, presumably with the same old talking points with which we are all quite familiar.

Look, we already know the President is a very good campaigner. We congratulate him on his reelection. What we do not know is whether he has the leadership qualities necessary to lead his party to a bipartisan agreement on big issues such as we currently face. So

let me suggest that if the President wants a solution to the challenges of the moment, the people he needs to be talking to are the members of his own party so he can convince them of the need to act. We are not going to solve this problem by creating villains and drumming up outrage. We will solve the problem by doing the hard work of sitting down and figuring out a solution that involves tough choices on all sides.

That gets at another point I made yesterday. In the past, Democrats have demanded tax hikes now for spending cuts that never actually happen. Not this time. A balanced approach means real spending reductions now. And I am not saying this because it is the Republicans' position, although it is. I am not saying this because I have anything against the government, which I do not. I am saying this because it is the only approach that has any chance of working. No credible deficit reduction plan we have seen over the past few years excludes real cuts. If we want to prevent this crisis, Democrats need to be as serious about cutting spending as they are about spending. It is that simple.

By the way, this is an approach Americans overwhelmingly support. According to a recent AP poll, voters prefer spending cuts to tax hikes 62 percent to 29 percent—a more than 2-to-1 margin. Now, there is a reason for this. The American people are not stupid. They know the problem with Washington is not that it taxes too little but that it spends too much. They also know the only reason we are even talking about a looming fiscal crisis right now is because the Democrats have spent the last 4 years creating it.

That is what I would like to focus on this morning—how we got into this mess in the first place—because amidst all of the talk about plans and proposals, it is easy to forget that we did not get here by accident; we got here because Washington Democrats, from the President on down, have done two things exceedingly well over the past 4 years: spent other people's money and kicked the can down the road—spend other people's money and kick the can down the road. For 4 years, Democrats spent money we did not have in the misguided hope that it would help the economy. They have borrowed trillions of dollars to keep unemployment pretty much right where it was when they started. And here is what we have 4 years later: a mountain of debt and a looming national budgetary crisis.

Republicans are happy to talk about how to solve this mess, but make no mistake, we will also talk about how we got here. The reason we are having these negotiations is because Washington Democrats have spent money without any care for the cost or the future and refuse to do anything to protect long-term spending programs, such as Medicare, a failure that is among the biggest single drivers of our debt.

All this reflects a very clear philosophy: For Washington Democrats, every dollar that has ever been secured for anything is sacred—every dollar that has ever been secured for anything is sacred—and they will defend it to the death regardless of what it means for jobs or the economy. But those days are over because you do not eliminate trillion-dollar deficits by taxing the rich—not even close. It may be an effective talking point, but as a matter of policy it is a minor deal, and the Democrats know it. So, as we move into the final stretch, it is time, as I have said, to put the talking points away and get serious about striking a deal.

The first step to recovery is to admit you have a problem. If borrowing more than 40 cents for every dollar you spend does not convince you you have a spending problem, frankly, I do not know what will. If Democrats cannot admit we have a spending problem, they need to talk to their constituents more. They need to get real. That means changing the way things have been done around here for the past few years.

Independent budget experts have been telling us for ages that our long-term budget deficits are driven by the unsustainable health care entitlements. What was the administration's response to that? Their response was to add trillions more by creating an entirely new health care entitlement program. We were promised that the President's health care law would reduce health care costs. What did it do? We are now told health care costs will rise as a share of our economy and the taxpayer's liability. By one estimate, those costs will go up by more than  $\frac{1}{2}$  trillion over the next 10 years.

We know the number of Americans 65 or older will increase by one-third over the next 10 years. According to the Census Bureau, there were 40 million older Americans in 2010. There will be 54 million of them a decade after that, and more than 72 million older Americans a decade after that. What are the Democrats doing to ensure the programs they rely upon will actually be there? We cannot ignore the facts. We need to prepare for the demographic changes we know are coming. Medicare is simply too important for millions of seniors to let it continue down the road to insolvency. We must preserve it for today's seniors and strengthen it for those who will retire in the years ahead.

As Congress looks for savings, we need to look at the new health care entitlements too. While Democrats and Republicans may disagree on ObamaCare, it is ridiculous to suggest that we make changes to Medicare and Medicaid while leaving \$1.6 trillion in new ObamaCare spending untouched.

For 4 years Democrats have been completely unbalanced in the way they have spent paper dollars. Yet now that the crisis is upon us, they solemnly advise us that we need to be balanced in

our solution. This is how you ensure the expansion of government. This is how you end up with \$16 trillion of debt, but it is not how you get out of it. It is not how you solve the problem. You solve the problem by taking tough medicine and tough votes. You solve it by doing something different than what you have been doing all along. You solve it with the help of a President who is willing to lead his party. You don't just change your rhetoric and your talking points while telling your base behind closed doors you aren't going to give any ground. You change your behavior. For Democrats in Washington, as I have said, that means getting serious for a change about cuts. The time for campaigning is over. It is time to act.

#### NUCLEAR OPTION

Mr. President, yesterday the majority leader and I had a rather spirited discussion about his intention to change the Senate rules outside the process provided in those rules.

When he was in the minority, my friend from Nevada objected strenuously to the very procedure he now wants to employ. He called using a simple majority maneuver to change Senate procedure the "nuclear option" and described it as breaking the rules to change the rules. Now that he is in the majority, he says the ends justify the means. He says we have to make the Senate more efficient and we have to violate the Senate rules to do that so he and his colleagues in the majority can implement more easily their vision for America. According to him, these minor changes won't affect anyone who has the thought of making America better.

Let me say that again. The majority leader said these minor changes won't affect anyone who has the thought of making America better. Of course, in the majority leader's world, it will be just he and his colleagues who determine what makes America better.

In short, according to my friend from Nevada, the means by which he wants to achieve his ends don't matter, only his ends matter. That is pretty convenient if you happen to be in the majority at the moment. I say again, at the moment. But convenience or efficiency, as my friend has described it, is not what the Senate has been about.

My friend the majority leader may have put it best in 2006 when he made the first of his commitments to respect the rights of the minority. This is what the majority leader said:

As majority leader, I intend to run the Senate with respect for the rules and for the minority rights the rules protect. The Senate was not established to be efficient. Sometimes the rules get in the way of efficiency. The Senate was established to make sure that minorities are protected. Majorities can always protect themselves, but minorities cannot. That is what the Senate is all about.

My friend from Nevada then committed that he was going to "treat my Republican colleagues the way I expect

to be treated" and that he would do everything he could to "preserve the rules and traditions of the institution that I love."

Inaccurately describing the essence and wise purpose of the Senate, the majority leader sounded a lot like our former colleague Robert C. Byrd. So I was quite surprised to hear our friend from Nevada assert that Senator Byrd would actually support the heavy-handed tactic he intends to employ.

I am not going to correct all the inaccuracies my friend made yesterday, such as saying four times that it takes 10 days to get out a bill. I don't know what version of Riddick's my friend has been reading, but if it actually took 10 days to get on a bill I might actually support some rule changes myself.

But I must disabuse my friend from Nevada about how Senator Byrd would view the heavy-handed tactic he intends to employ. Unlike the majority leader, I recall when our late colleague spoke on this topic at a Rules Committee hearing the last time the majority leader entertained "breaking the rules to change the rules." Senator Byrd was unequivocally against violating Senate rules to change the rules the way the current majority leader is proposing.

Senator Byrd began by noting that "Our Founding Fathers intended the Senate to be a continuing body that allows for open and unlimited debate and the protection of minority rights. Senators have understood that," he stated, "since the Senate first convened." That is Senator Byrd on the history of the Senate.

Senator Byrd also noted that at the Constitutional Convention, James Madison reported that the Senate was to be "a necessary fence" in order to "protect the people against their rulers," and "to protect the people against the transient impressions into which they themselves might be led."

How did Senator Byrd view the filibuster in the role of the Senate? How did it relate to the Senate as a "necessary fence"? Senator Byrd said, "The right to filibuster anchors this necessary fence."

Senator Byrd acknowledged that this right should not be abused, and that "there are many suggestions as to what we should do" if it is abused. He recounted procedures that currently exist under the rules—I say again, procedures that currently exist under the rules—to address it if it is.

As I suggested yesterday, Senator Byrd also indicated that simply working a full week such as most people do—I mean, most people in America have a 5-day work week—by simply working a full week we could address some of these concerns. Senator Byrd bemoaned the fact that "the Senate often works 3-day weeks." In other words, if you want the Senate to be more productive, start working more. It is not rocket science here. That is what Senator Byrd was saying.

But Senator Byrd was clear about what we should never do. He said, "We must never, ever tear down the only wall—the necessary fence—this Nation has against the excesses of the executive branch and the result of haste and tyranny of the majority."

Senator Byrd, as we know, was a historian. He was a skillful majority leader who understood the unique importance of the Senate and the need of a majority leader to keep his commitment. But he was also a political realist who had been around enough to understand that political majorities are fleeting, and if you break the rules to suit your political purposes of the moment, you may regret having done so when you find yourself in the minority. Senator Byrd specifically said:

I strongly caution my colleagues as some propose to alter the rules to severely limit the ability of a minority to conduct a filibuster. I know what it is to be majority leader, and wake up on a Wednesday morning in November and find yourself a minority leader.

To make sure there was no doubt as to his views on the subject, Senator Byrd concluded by unequivocally objecting to the use of the nuclear option that the Senator from Nevada is now proposing. He said:

The Rules Committee must, however, jealously guard against efforts to change or reinterpret the Senate rules by a simple majority, circumventing rule XXII where a two-thirds majority is required.

My friend the majority leader is no more correct about Senator Byrd's views on the nuclear option, on the idea of breaking the rules to change the rules, than he is about taking 10 days to get on a bill.

I will conclude by reading what are likely the last words Senator Byrd spoke on the subject of the nuclear option, and I encourage my colleagues to reflect on his wise counsel. This is what he said:

As I have said before, the Senate has been the last fortress of minority rights and freedom of speech in the Republic for more than two centuries. I pray that Senators will pause and reflect before ignoring that history and tradition in favor of the political party of the moment.

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

#### RULES CHANGES

Mr. REID. To paraphrase Shakespeare, which I don't do too often, I think the Republican leader protests far too much. Now he has gone back to quoting Senator Byrd.

The situation we had when the Republicans were trying to change the rules regarding judges was totally different than what has happened on the floor the last few years. You see, what Democrats were proposing to do, help repair the Senate, is pretty much what Senator MCCONNELL said was necessary in 2005.

For example, Senator MCCONNELL has said that the Senate has repeatedly adjusted its rules as circumstances dictate. Let me quote. In remarks on the

Senate floor in May of 2005, Senator MCCONNELL said:

Despite the incredulous protestations of our Democratic colleagues, the Senate has repeatedly adjusted its rules as circumstances dictate. The first Senate adopted its rules by majority vote, rules, I might add, which specifically provided a means to end debate instantly by simple majority vote. That was the first Senate way back at the beginning of our country. That was Senate Rule 8, the ability to move the previous question and end debate.

Let me repeat some of the things he said:

Despite the incredulous protestations of our Democratic colleagues, the Senate has repeatedly adjusted its rules as circumstances dictate.

The same day, Senator MCCONNELL also reported that the Senate has “often reformed Senate procedure by a simple majority vote.”

When Republicans were in the majority, Senator MCCONNELL said this:

This is not the first time a minority of senators has upset a Senate tradition or practice, and the current Senate majority intends to do what the majority in the Senate has often done—use its constitutional authority under article I, section 5, to reform Senate procedure by a simple majority vote.

On March 27, 2005, Senator MCCONNELL told Fox News that the Senate can change the rules with 51 votes. McConnell said:

Well, obviously you would need 51 votes to do it. I'm confident that we would have 51 votes if the majority leader decides to do it. I believe it should be done if we cannot get accommodations from the Democrats.

So what has changed in the last few years since those statements were made? Well, for one thing under Leader MCCONNELL Republican Senators have mounted filibusters so much more on a regular basis.

We talked here yesterday about the motions to proceed. I had a meeting this morning with one Senator who has been in the Senate for 30 years. He said, Why are you only changing the rules this much?

Look how simple the rule changes are that we are making, motions to proceed. Let us talk about that. I have a piece of legislation on the floor, as we have on a number of occasions. That has to sit for a couple of days. Once that happens and they won't let us on the bill, they won't let us on anything, I have to file cloture. Let us say I may do that on a Wednesday after a bill lays there for a couple of days, so we can have a Friday cloture vote.

But, Mr. President, having been here not very long, you know that is not the end of it. We have got cloture when we really haven't because there is 30 hours of idle time to do zero, nothing. Then after the 30 hours, you are on the bill, and to get off the bill you have to go through the same process again.

I talked to three Republican Senators yesterday and they said, Explain that to me. I said, Well, for the approximately 9 or 10 days that we waste on getting on a bill, we could, if you guys let us on a bill, we could be offer-

ing amendments for 4 or 5 days instead of waiting for 30 hours to expire and all of that.

Also, we have this crazy idea that if you are going to have a filibuster, you have to stand and say something, not hide in your office someplace or go to a wedding that you are having in your State. Then we also are doing the incredulous thing of saying if we want to go to conference on a bill, rather than having three filibusters necessary to overcome with cloture, we would do it once.

Those are the simple changes we are making, and Senator MCCONNELL was right when he said that despite the incredulous protestations of our Democratic colleagues, the Senate has repeatedly adjusted its rules as circumstances dictated. We are making simple changes. We are not changing the Constitution, we are not getting rid of the filibuster. We are making three simple rules changes. As my friend the Democratic Senator from New Mexico, who is retiring, my friend who has been here 30 years, said Why is that all you are doing?

Under Leader MCCONNELL, Republicans have mounted filibusters on things that don't matter. The motion to proceed, he said, well, that allows us to get—I am paraphrasing—that allows us to get set and have an idea what will happen on the bill itself.

That is nonsense. It is only as the leader indicated at the beginning of this Congress, his No. 1 goal is to defeat President Obama. We have been able to get nothing done because of that. The American people are sick of it.

In the 109th Congress, from 2005 to 2006, when the Republicans were in the majority, there were very few filibusters. In the next Congress, when the roles were reversed, Republicans, they have done—I give this example, which is so understandable to everybody. Lyndon Johnson, majority leader for 6 years—I will have 6 years at the end of this year—had one cloture motion. Me? I think we are up to about 386 now. In this Congress we have had 110 filibusters and we have weeks to go. It is even in the New York Times. They say: Oh, he has filled the legislative tree. The New York Times reported I did that 19 times—out of 110 filibusters. Had they let us get on a bill, there wouldn't be any need to fill the tree. We could have spent that time having amendments.

Republicans have increased the number of filibusters so out of proportion to any changes that have been in the Senate it is hard to comprehend. The Senate is not working as it should. Everyone in America—and that is kind of an exaggeration, I acknowledge that—maybe not everyone, but as I travel around the country trying to help my candidates get elected and raise money, people say: What are you going to do to change the filibuster? This is awful. What is going on?

That is what they say. They expect Washington, the Senate, to work like

“Mr. Smith Goes to Washington,” not idle time with quorum calls and waiting for 30 hours to expire on meaningless 30-hour postcloture time. We are not getting rid of that with regular filibusters, but we are getting rid of it on a motion to proceed.

The Senate isn't working. Apart from Senator MCCONNELL and his troops, basically everybody in America agrees the Senate is not working.

In the Senate, as in any human institution, there will always be plenty of blame to go around, but let's call it like it is. Two long-time Senate watchers, Thomas Mann and Norm Ornstein—one representing a progressive think tank, the other a conservative think tank—wrote this:

We have been studying Washington politics and Congress for more than 40 years, and never have we seen them this dysfunctional. In our past writings, we have criticized both parties when we believed it was warranted. Today, however, we have no choice but to acknowledge that the core of the problem lies with the Republican Party.

I didn't make that up. They wrote it; two of the foremost Congress watchers this country has ever had. That is what they wrote. Objective outside observers are calling it like it is. The current Republican minority is abusing the Senate rules. So, in response, to quote Senator MCCONNELL:

The current Senate majority intends to do what the majority in the Senate has often done—use its constitutional authority under article I, Section 5, to reform Senate procedure.

We plan to do so to help repair the Senate. I am sorry there are those who are criticizing me that we are not doing more, but we are doing this. We get rid of the motion to proceed and have people come and present their faces—as Senator DURBIN said in a more explicit way, put their rear ends here in the Senate—rather than someplace outside Capitol Hill.

This is the right thing to do. We need to repair the Senate. It is not working, and at the start of the next Congress we intend to do our utmost to take some modest steps to make it work better.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. MCCONNELL. Mr. President, I certainly agree the Senate isn't working. We get a few days in between recesses, rarely work at night, and almost never do anything on Thursday. That is entirely within the purview of the majority leader.

It is true that a few years back, when my party was in the majority, we contemplated changing the rules, but cooler heads prevailed and we didn't. The fundamental issue, as my friend lays out, is that he wants to break the rules to change the rules. In other words, he and I are not negotiating on these issues. He is deciding what will be the rule in the Senate. He will break the rules in order to change the rules. That is all anybody listening to this debate needs to understand. What the majority leader is going to do is he is going

to break the rules to change the rules—one party only.

We ought to be negotiating rule changes. Rule changes ought to be proposed by the majority leader and the minority leader together that would surpass the 67-vote threshold, if it is designed to protect the Senate from the whims of new majorities. There is always a temptation when a party is in the majority to want to change the rules to benefit themselves at the expense of others. It is particularly absurd to do it right now because anything Senate Democrats would gain out of that would go nowhere in the House. So there is no practical purpose served by this. All it does is put on record that Senate Democrats are willing to break the rules to change the rules. That is the fundamental issue. Rules changes ought to be negotiated by the two leaders, as they have been down through the years, and then proposed together.

As I have indicated on several occasions—and I will say again—I think the frustrations the majority leader has had could have been easily solved by putting some of his young Members in the Chair and breaking down some—one person—trying to make it difficult to get on to a bill. All this could have been fixed. Rather than complaining about it, just do something about it. That is what I would have done, if I had been in his shoes. He has chosen not to do that.

Rather than point fingers and continue to campaign—look, the campaign is over. You guys had a pretty good day. You are in the majority. But you can't seem to turn the campaign off. You just keep running it forever. So here we are with this explosive nuclear option being thrown into the Chamber at a time when we ought to be turning the election off and trying to come together to solve the biggest problem, which I talked about first, which is the fiscal cliff and the Nation's seemingly hopeless debt and deficit situation. That is what we ought to be doing. Instead, my friends on the other side just can't keep from continuing to celebrate the election. You won. Now, why don't we govern. The way to govern is to try to bring this body together.

The Senate has been built over the years on collegiality. We have always had some personalities on both sides who made it a challenge for whoever the majority leader was. I can remember back when we were in the majority and Howard Metzenbaum from Ohio would sit out here on the floor and read every bill. He was a royal pain in the you know what to whoever the majority leader was at the time. The Senate survived all that. We didn't engage in a rules change dictated by whoever was in the majority at the moment.

This is exactly the wrong way to start off on a new year and to end an old year with a ton of problems that we have to deal with. Here we are, as a result of this suggestion that we employ the nuclear option, arguing about ar-

cane rules changes when we ought to be sitting down together and trying to solve the Nation's huge deficit and debt problems.

But the fundamental issue is this: Is the majority going to break the rules to change the rules? That is the issue before the Senate. Are we going to break the rules to change the rules—employ the nuclear option, fundamentally change the body, not have a negotiation between the two leaders about what adjustments might be appropriate to make the Senate work better. Oh, no, we are going to do it on our own.

I think it is a huge mistake not only for the Senate, but it will impact obviously our short-term ability to come together and to work on the big problems the country sent us to solve.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, the Republican leader is entitled to his own opinion but not his own facts, and we seem to have a revision of facts that simply are not accurate. I served with Senator Metzenbaum. He understood the rules. We always worked through them. There was not a big deal with that. He slowed things down a little bit, but that is what Senators do.

Also, remember who said that a simple majority would do it? MITCH MCCONNELL. I am not breaking the rules to change the rules. Here again is what Senator MCCONNELL said:

The first Senate adopted its rules by majority vote, rules, I might add, which specifically provided a means to end debate instantly by simple majority vote. That was the first Senate way back at the beginning of our country.

That is true. I would also say—

Mr. MCCONNELL. Would the majority leader yield on that point?

Mr. REID. Sure.

Mr. MCCONNELL. Did the Senate majority at that time, made up of Republicans, choose to go forward and do that? We did not do it. We did not use the nuclear option. There was a lot of discussion about it which related to judicial appointments, but in the end the majority chose not to do it.

Mr. REID. I respond to my friend, the point is that rules have been changed by simple majority for a long time. That is what Senator MCCONNELL said in 2005 and that is accurate.

I would also say this, and I say this as respectfully as I can about the deceased Senator Byrd. I think people will recall, those who served in the Senate when Senator Byrd was around, that I was referred to as his pet. OK. He took very good care of me. We had a relationship that was very unique. I cared a great deal about this man. But don't misquote him.

Leader Byrd made clear he was willing to force a majority vote if he needed to. Here is what Senator Robert Byrd said:

The time has come to change the rules. I want to change them in an orderly fashion. I want a time agreement. But barring that, if I have to be forced into a corner to try for a

majority vote, I will do it because I am going to do my duty as I see my duty, whether I win or lose.

I can see that man with his white hair, standing straight and tall, saying that. That is a direct quote from Robert Byrd. I am in the same position he was. The Republicans have made the Senate dysfunctional, and I have asked my caucus to support me for some simple changes—simple changes. I went over them. The vexatious motion to proceed that was never abused until this Congress by these Republicans we are going to change, and that is the way it should be.

Talk about all the time we are wasting not talking about the fiscal cliff is poppycock. The Republican leader is the one who is coming to the floor engaging in these conversations, not me. There are going to be no rules changes until the next Congress. This isn't taking away from the fiscal cliff arguments at all that either side might have.

I would also say this. Before coming here, I was a trial lawyer, and I am proud of the fact that I was. I tried lots of cases. I had many jury trials—over 100. But I also settled hundreds and hundreds of cases. One never felt comfortable going to trial because what we always wanted to do was to settle the case before that. Even in the cases we were forced to go to trial, with rare exception, the other side—either plaintiff or defendant, whichever side you weren't on—would come to say, why don't we try to work something out, and here is my idea.

But here we have a unique deal. I have a Republican leader saying why doesn't he negotiate with us. Our proposal is there, which is to simply change the motion to proceed, have a talking filibuster, and do something about the way we go to conference. If the Republican leader doesn't like that and has some other suggestion about how rules should be changed, I will be happy to talk to him. If he thinks things are hunky-dory right now, he is in a distinct minority, as are the Republicans in the Senate.

Mr. MCCONNELL. We keep quoting Senator Byrd back and forth, but I think it is appropriate to look at what he said in 2010. He said:

I believe that efforts to change or reinterpret the rules in order to facilitate expeditious action by a simple majority are grossly misguided. The Senate is the only place in government where the rights of the numerical minority are so protected.

I said in my prepared statement earlier what Senator Byrd said before the Rules Committee:

The [Rules] Committee must, however, jealously guard against efforts to change or reinterpret the Senate rules by a simple majority, circumventing rule XXII where a two-thirds majority is required.

I keep coming back to this because it has to do with the way any rule change is implemented. That is the point. The majority leader has suggested, and I think it is appropriate, that we talk

about rule changes together. But that is not what he is suggesting he is going to do. He says he is going to break the rules to change the rules and employ the nuclear option.

That is not a negotiation with the minority over rules changes. What we ought to be doing is talking to each other about what adjustments in the rules we could advocate together, and not one party with a majority today—that might be in the minority 2 years from now—breaking the rules to change the rules for some kind of misguided short-term advantage. That is the problem.

So I would be happy to talk to the majority leader about these issues, but I vigorously oppose—and I know Senator Byrd would vigorously oppose—breaking the rules to change the rules. He was very clear about that in 2010. I know he would object to it.

I hope somehow this nuclear option can be avoided. It seems to me to be an absolutely unnecessary distraction away from much larger issues confronting the future of our Nation.

Mr. REID. Mr. President, Senator Byrd served in the House of Representatives and the Senate for almost 60 years. He gave lots of speeches. I have quoted what he said. I will quote again part of what he said.

The Constitution in Article I, Section 5 says that, Each House may determine the Rules of its Proceedings.

Now we are at the beginning of the Congress. This Congress is not obliged to be bound by the dead hand of the past.

So this debate is not going to be solved by the deceased. It is going to be solved by us. We are in the Senate today and the Senate has not been working. No matter how many times the Republican leader says he likes how things are today, it doesn't make it so that the majority of the Senate likes how it is today. The facts are the facts. We can't make them up. The Senate is not working, and we need to do something to fix it.

I close, then, as I began. I would be happy to work with Leader McCONNELL about rules changes. I have made clear what we seek. I await his suggestions. As I repeat again what I said earlier, a man who has served with distinction in the Senate, JEFF BINGAMAN—quite a legal scholar, having been attorney general before he came here—asked: Why are we asking for such modest changes? So if the Republican leader has some ideas as to what he thinks should be done, I will come to his office. We can do it privately or publicly. I am happy to work with him. As I indicated, that is how I used to do things when I tried cases. This is the same, just that we have a bigger jury.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### RESERVATION OF LEADER TIME

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

#### ORDER OF PROCEDURE

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

The Senator from Arizona is recognized.

#### RULES CHANGES

Mr. KYL. Mr. President, I would like to continue the conversation that our two leaders were engaged in earlier and also on yesterday. This is going to be a very important issue for the Senate.

To put it into perspective for the American people, let me just say that a rules change in the Senate is not a small or an inconsequential matter. It is even more important if it is attempted to be done without going through the normal process of changing the rules, which requires a two-thirds majority. This is important because the Senate has always considered itself a continuing body. It does not end and then begin again as the House of Representatives does because the House has an election every 2 years. In this body, Members are elected for 6-year terms. As a result, every 2 years we have some turnover in the body, but two-thirds of the body has already been here and continues forward.

So the rules of the Senate have always been continuing rules of the continuing body, amendable by a two-thirds majority of the body. To suggest a nuclear option by which a mere majority of the body can amend the rules is itself a violation of the rules. It is an assertion of power. But as the old saying goes: Might does not make right. And the fact that the majority may have the power to overrule a ruling of the Chair, thus establishing a new precedent and a new rule of the Senate, does not make it right. That is why it hasn't been done.

In point of fact, there was a time a few years ago, as has been discussed, when some members of the Senate Republican majority were considering the use of the same parliamentary tactic to ensure a vote on nominees for the U.S. Supreme Court and also for the Court of Appeals. The feeling was that the Democratic minority had filibustered over and over and over and had prevented votes, I think, on Miguel Estrada, who was being nominated for the DC Circuit Court of Appeals. I think he was filibustered seven separate times.

The Republican leadership was investigating the possibility of ensuring

that we could get a vote. The only way that seemed possible was to assert this power of overruling the Parliamentarian's ruling through the Chair and thus establishing by 51 votes—or a mere majority—a new rule of the Senate.

That was deemed to be such a change that it was called the nuclear option because it hadn't been done, and we could say that it was comparable to the use of a nuclear weapon in a war. It was such a game-changing proposition, to say the least, that Members on both sides of the aisle got together in what they called the Gang of 14. I think almost everyone in this body is glad that cooler heads prevailed; that those 14 Members decided they would reach an agreement amongst themselves that would make it impossible for either the Democratic Party to automatically filibuster nominees or for the Republican Party to have this right to change the rules just because they had 51 votes. Therefore, they reached the compromise which, for judicial nominees, was that there would be no filibuster except in extraordinary circumstances.

Both sides deemed that a sufficient way of resolving the issue that came before us at that time. Everybody stood down. The war did not occur. The nuclear weapon was not used, and that was for the best of the country and certainly for the best of the Senate. We avoided a crisis and, certainly, there would have been a crisis. I can't imagine that my friends on the Democratic side of the aisle would not have reacted very badly to the use of that nuclear option had it been done by the Republican majority.

Well, today the shoe is on the other foot. The Democratic majority now has reason to believe that it would like to move forward with more alacrity on legislation. Therefore, it believes that by this same nuclear option procedure it should change the rules so that the ability to filibuster at the beginning of the consideration of the bill is eliminated.

The Republican minority naturally has said: Wait a minute. That is wrong for two reasons. First of all, just as you accused us of doing, you are changing the rules without going through the rules process change. This is your own version of the nuclear option. If it was wrong then, it is still wrong now. And most of us agreed after the fact that it was wrong then. But, secondly, what you would do, if you eliminate the requirement for cloture and a cloture vote if there is an objection to a unanimous consent request to take up the bill or motion to proceed to a bill, what you are doing is putting all of the power into the hands of the majority leader—in this case, the Democratic leader—to decide whether there will be any amendments at all from the Republican side or even from the Democratic side. The only leverage that the minority has to ensure that it will be able to offer amendments is to negotiate with the majority leader and ensure that right exists. And the only leverage it has is to deny cloture on the



motion to proceed in order to instigate that negotiation. It is political leverage. Let's call it by its true name. But without that political leverage, that check and balance, the majority leader in the Senate takes a very giant step toward becoming exactly what the Speaker of the House is, in effect, a dictator.

Now, I use that term in a very kind sense because the Speakers of the House under whom I served as a Member of the House of Representatives, and certainly the current Speaker of the House, are fine people who care a lot about the institution of the House of Representatives and, in some cases, care for some degree of minority rights. But they all have one thing in common: They run the House. If they decide, through the Rules Committee, there aren't going to be any amendments offered by the other side, there aren't any amendments offered. Frequently the minority is in the position of complaining about the fact that the Speaker, through the Rules Committee, denies them the right to offer amendments or controls which amendments they can offer, controls the time.

So if you are a Member of the House of Representatives and you want to offer an amendment, you can't automatically do that, as has been the case in the Senate. You have to go to the Rules Committee—which is hand-picked by the Speaker—and you have to ask them for permission to offer an amendment and how long you will have to talk about that amendment and the wording of the amendment and all of the other conditions that the Rules Committee establishes for debate of the matter on the floor of the House of Representatives.

When the Constitution was originally written, the Founders' idea was that we would have two different legislative bodies that would provide a check and a balance on each other. One would represent the immediate passions of the people, the House of Representatives, the people's body. If the people were emotionally invested in a particular issue, the House was elected, and they would hurry up and pass that legislation. They could do it with a majority because the power of the Speaker was able to run over any minority rights. The minority wouldn't be able to get in the way.

But when it came to the Senate the idea was, slow it down, think it over. Let's make sure we want to do this. That is why we have the 6-year terms, the continuing body, and the minority rights to offer amendments.

That right to offer amendments is perhaps the most important way in which the Senate is distinguished from other legislative bodies around the world and from the House of Representatives because it does guarantee minority rights. And not just party minority.

If you are a member of the majority party from a State that has a very distinct and serious interest in a bill, the

majority leader can simply say: I don't want to consider your amendment. You are out of luck under this proposal, whether you are a member of the minority or the majority.

It is not just minority rights in the sense of political minority, but also, let's say, you are from a small State rather than a big State, and there is a bill on the floor that helps the big States, and you want to offer amendments from a little State. It will be up to the majority leader to decide whether you can even offer that amendment if this rule change is adopted. So there are two very important reasons the Senate should be very careful about proceeding down this path. That is what the Republican leader has been talking about the last couple of days here on the floor.

It is important for the Senate to reflect in a longer view not only the views of the majority—political or otherwise—but also those who might have some disagreement with the majority, the theory being that the majority isn't always 100 percent right. In any event, people around the country have a right to be represented through their Senator to get their points of view argued and discussed and perhaps considered for a vote here in the Senate. That has always been the way it is. It is a tradition that has served this country well. To eliminate that with this so-called rules change would do great disservice to the American people, to the legislative process, to our Constitution, and to the great ability of this body to perform its function in the way that has been deemed so important for over 200 years now.

There is a reason this is called the greatest deliberative body in the history of mankind—because we deliberate. We think about things. We debate them. We have all kinds of points of view offered or potentially offered through the amendment process, and if that is denied, this will no longer be the body it has always been.

People before us have cautioned both Democratic and Republican majorities not to take advantage of their sheer majority, Democratic and Republican leaders. In fact, there is a very interesting new book out by I believe the former chief of staff of the great Democratic leader George Mitchell—I think joined in by a Parliamentarian at a time when Republicans were in control, so it is a bipartisan-written book—that talks about the necessity of maintaining the rules the way they are and not using this nuclear option to change the rule, denying minority rights. It is a book worth reading, and it is a book I commend to my colleagues before we embark on what might be a very fateful step in this body.

Let me make a couple of other points. Under Senate rule V—not to be too in the weeds on this, but I think it is important for us to actually know what we are talking about here. Here is the Senate rule speaking to the amendment process. I am quoting now:

The rules of the Senate shall continue from one Congress to the next Congress unless they are changed as provided in these rules.

And then Senate rule XXII says that to end debate on a motion to amend or change the Senate rules:

... the necessary affirmative vote shall be two-thirds of the Senators present and voting.

What I said earlier, that it takes a two-thirds vote to change the rules of the Senate, is very clear in our rules. They are continuing rules. So the notion that somehow this can be done with just a 51-vote majority is explicitly rejected by the rules themselves. As I said, when this issue has previously been raised, we have been very careful not to use the mere power of the majority to change the rules but have abided by the requirement of our own rules to do it according to those rules with a two-thirds majority.

I spoke before about the rights of the political minority. I think it is worth noting again that each Senator represents a lot of people in a separate State, two of us per State. Our constituents deserve the right to be heard in this body. It is one of the great opportunities that as a matter of comity we have always accorded to each other. We are courteous to each other on the floor because we understand it is the best way for all of us to be heard. If a colleague wishes to raise a matter while I am speaking and says, "Will you just give me 2 minutes so that I can raise this matter on the floor, and then I will be done," of course we grant that request because we understand how important it is for our constituents to be represented, to have a voice. If another Senator needs to raise a point on behalf of the voters in his State, we acknowledge that as necessary and important.

That is why we think it is virtually sacred that all Senators should have the right to represent their people, their State. No State should be disenfranchised, whether it voted Democratic or it voted Republican. There are a lot of Democrats and Republicans in every State and a lot of folks who do not belong to either party. They need a voice in the Senate, and each of us represents those people. It is not right that the voice of some Senators, and therefore their constituents, be silenced because of, in effect, a power grab here through what has been referred to as the nuclear option.

As my leader Senator MCCONNELL noted yesterday, what is potentially being proposed here would undermine the very purpose of the Senate as the one place in our system where minority views, whether they are a political minority or any other kind of minority, and opinions have always been respected and in most cases incorporated into law. That would be lost to the U.S. Senate.

Here is what the late Senator Robert Byrd, who all acknowledge was an expert on the Constitution and the Senate rules, once said:

The Senate is the only place in government where the rights of a numerical minority are so protected. The Senate is a forum of the states where, regardless of size or population, all states have an equal voice. . . .

The Presiding Officer and I can appreciate that because we don't come from one of the bigger States.

Senator Byrd goes on:

Without the protection of unlimited debate, small States like West Virginia might be trampled. Extended deliberation and debate—when employed judiciously—protect every Senator, and the interests of their constituency, and are essential to the protection of the liberties of a free people.

He was specifically speaking to the point I made there: to “the interests of their constituency.” It is not a Senator's right that we are arguing about here; we are the voice of the people we represent. It is our constituents' rights that would be denied by this process. They deserve a voice. They have been guaranteed a voice through us, the temporary stewards of their voice. To deny that voice, especially through the procedure that has been suggested here, as the late Senator Byrd said, would be a denial of something essential to the protection of the liberties of a free people.

The current Democratic leader was one of the staunchest defenders of the Senate's protection of minority rights for all of the reasons I mentioned. He spoke eloquently about this on earlier occasions. He believes and he has said that he is frustrated by the process that he sees not working as quickly as he would like to see it work and, as a result, has apparently changed his mind as to the process for changing the rules as well as the rules themselves. But I think the whole question of the filibuster needs to be properly understood here as really meaning different things to different people. It is essentially a tool that brings the Senate to the center because it requires compromise. It requires people to get together and talk.

As I said, the right the minority has to filibuster the motion to proceed is to say: Mr. Leader, unless you are willing to guarantee us that we can have some amendments on this bill and that we get to pick our own amendments, then we are going to force you to get 60 votes lined up in order to proceed to the bill. That is the only leverage we have. So you are not really filibustering. You are not trying to talk the bill to death. You don't have any intention of taking a lot of time. You just want to be heard. You want to have your amendment up. A lot of times we say it will take just 10 minutes a side to debate it and have a vote, but if the majority leader can say, “Nope, you are not going to be able to do that,” then he can say Republicans have engaged in a filibuster when all it is is an objection to his motion to proceed without having the right to offer any amendments. So it is an important tool but not the way most people think of it—to delay and to talk things to death. That is not what has happened

here. In most cases, the majority leader has filed a cloture motion on a Friday and we voted on it on Monday, so no time of the Senate has been taken in the intermediate time period.

I know there is a narrative that the Senate has not been able to get anything done during the past couple of years, but it is not because of some unprecedented use of the filibuster. As I said, have you seen Members down here talking hours on end about a particular issue or all through the night or whatever? No, you have not seen that. That was kind of done in a bygone era, when Strom Thurmond was here and some others, but it has not been done.

We have not done a budget in 3 years. That has been a sore point among a lot of people. You cannot filibuster the budget. So is the reason we have not done a budget because there has been a filibuster? Absolutely not, because the rules don't permit a filibuster of the budget.

There are a lot of misconceptions here. I hope my colleagues will take a deep breath, step back. Those who came from the House of Representatives, as I did, remember what it was like when you were in the minority in the House. Essentially you had no rights. Is that the way you want it to be here? Because someday you are going to be a minority in the Senate. This body will change majorities.

In any event, whether we are talking political majorities or not, as I mentioned with respect to the Presiding Officer from the same State as the late Robert Byrd, his State did not always have the power to be heard because it is a small State, as is mine. So it doesn't matter whether you are Republican or Democratic, your constituents have a right to be heard. Our current Senate rules protect that right on behalf of our constituents, and I believe it would be a grave error for the current Members of this body or those who take office next year to conclude that because they have been frustrated sometimes in what they wanted to accomplish, it is worth it to just brush the minority aside and say: Because I couldn't get everything I wanted, I was frustrated with your desire to offer amendments, I am going to take that right away from you by changing this rule in this way.

I think it would be regretted later in time. I think the reaction would be the same as occurred with regard to the so-called Gang of 14 when this nuclear option was considered several years ago. I think most people in this body now say they were wise people who brought us back from the brink of this precipice. Had we gone over that, this body would not be the same as it is today and we probably would be regretting that decision greatly.

I urge my colleagues, who I know in good faith are frustrated at their inability to do exactly what they want to do because they are in the majority, to just stop and reflect on the damage this would do to this institution, how

they would feel if they were in the minority. Members of my party are going to be pretty hard to convince we should go back to the rule the way it is today if the rule is changed to our disadvantage. That is really starting a nuclear war—from a parliamentary point of view, I mean. It is not a good idea for anybody, least of all for the American people.

I urge my colleagues who are considering this to be open to alternatives, have an open mind, be willing to think this through, talk it through, to have a congenial debate on the floor about the possibilities, and eventually, I suspect, as has happened so many times in this great body, reasonable positions have prevailed—maybe after a lot of unreasonable ones were proposed, but generally we have come to the right conclusions. We have done so because we respect each other's rights. That has produced the best legislation in the 230 years of our country's history.

The PRESIDING OFFICER (Mr. MANCHIN). The Senator from New York.

Mr. SCHUMER. Mr. President, first I wish to thank my colleague from Arizona for not just his remarks during the last few minutes but for his service here. I think everyone on our side knows the Senator from Arizona has strongly felt views, many times different than many of ours, but that they are sincere, they are heartfelt, they are honorable, and that they are not “political,” and I very much appreciate that.

Let me say a few things, though, about these rules changes. The overwhelming fact that hovers over this Chamber is that it is broken. Nobody disagrees with that. The Senate is broken. This great, wonderful institution that has had such a legendary history—perhaps the greatest legislative body the world has ever seen—is dysfunctional. None of us disputes that. We have to start from there. How do we change it so it is no longer dysfunctional?

My colleague the Republican leader says, Well, it is personalities or it is character or whatever. That explanation doesn't wash. The amount of good character in this body is probably no different—no more, no less—than the amount of good character in previous Senates that were far more functional. I would argue that good character is pretty high. By and large, we respect our colleagues as individuals and as Senators on both sides of the aisle and across the aisle. So it is an easy way out to say, Change character. I guess when one says “change character,” they mean change their character. The bottom line is that the Senate is broken and we cannot maintain the status quo.

I wish to quote my great colleague from Michigan Senator STABENOW—I hope she won't mind—from a meeting we had this morning. She talked about a constituent she had who said, When are you going to change the rules? The constituent said, You sound like somebody who has suffered from spousal



abuse and keeps suffering from it and suffering from it and suffering from it and says they can't change it. Of course that person can change it and of course we can change things.

What we are trying to do on this side is come up with some changes that will make the Senate flow better but, at the same time, preserve the essential character of the Senate. If we were to propose a rules change that would say we need 51 votes for everything, we would be no more, no less, than the House of Representatives. There are some on our side, frankly—I think my colleague from Iowa at one point—who have argued, Let's move the number down to 55. We are not doing that. The rules changes we are entertaining are done with preserving the character of the Senate and making sure an individual Senator's rights are protected and that the rights of the minority are protected and the place is not stamped by majority votes. In the House, they can have a majority of one and still pretty much get their way. In the Senate that wouldn't happen, even if we had 55 or 58 or even 60 Senators with the changes we have proposed.

So let's look at them. There have been attempts to not change the rules but, rather, to sort of come to some degree of comity between the parties. I know because under Leader REID's direction, I was involved, and under Senator MCCONNELL's direction, Senator ALEXANDER was involved. Two years ago, when there was an attempt to do rules changes, it was particularly Senator ALEXANDER, for whom I have enormous respect in the same way I have respect for Senator KYL, who proposed that instead of changing the rules we try to work things out better. There is a basic rule here in the Senate which is that the majority gets to propose the agenda. That is an enormous privilege and an enormous advantage. We get to set the agenda in the committees and on the floor. But the minority has the right to offer amendments which either poke holes in what we have proposed or even talk about other subjects because we don't have a rule, as they do in the House, where just about everything has to be germane. So Senator ALEXANDER and I attempted to do that. We said, on the one hand Republicans will not block motions to proceed, and let us go forward and debate bills, and on the other hand we would allow a reasonable amount of amendments—germane and some not germane—to the bills that came up.

Well, obviously, it failed early on in the Senate. The basic gentleman's agreement didn't work. It is our view the agreement fell apart when our colleagues on the other side of the aisle said they will not allow the President's nominee for the CFPB, the Consumer Financial Protection Board, to move forward. She will now join us in the Senate and discuss rules changes, in one of the ways that history works in strange ways now. So we said we would allow some amendments. They said,

No, we are not letting her come up, period. That was against the spirit, at least, of the agreement. I am sure if my colleague from Tennessee were here, he might have a different interpretation, but at least that is ours. But the overall point is the so-called gentleman's agreement fell apart early in the Senate, never to be resurrected.

It is our belief on our side that we should allow amendments from the other side, but they should not be abused. There should not be 50 of them. They should not talk about everything under the Sun. Yes, there can be some nongermane amendments—we understand what those are all about—but it shouldn't be a piling on. It is our view, frankly, that the goal of many of the other side was simply to obstruct whatever happened here, to show that the government didn't work, in hopes that there would be an electoral advantage to that argument and people would change the Senate majority. Well, it didn't happen. So now there is a new opportunity.

Our colleagues on the other side say the only reason we filibuster is because you guys fill the tree. Well, let's look at the numbers. In the last Senate—in this Senate up until now—there have been 19 tree fillings by Leader REID. There have been 110 cloture motions. That is 6 to 1, a little less than 6 to 1, more than 5 to 1, less than 6 to 1. So, clearly, the filibuster—the use of the motion to proceed to prevent us from getting on a bill unless it has 60 votes—has far exceeded the number of times the leader has filled the tree. It has been done on things that aren't even amendable, including judges, appointments. There couldn't be objections that we wouldn't allow amendments on those things. You can't amend: Let's have half the judge be nominated to the sixth circuit or let's have the Assistant Secretary of State only have these powers. That doesn't happen. So even on those things, there have been filibusters. We asked right now—I think there are about 20 judges pending—to move them. No, we are going to filibuster. Yesterday, a sportsmen's bill, which has a lot of dissension on our side and probably has more agreement on the other side than this side, was filibustered. This goes on and on and on.

So the rules changes we are proposing will not prevent the minority from exercising its rights, from being able to offer amendments, and, in fact, from filibustering. The goal here is simple: Use the filibuster sparingly, not 110 times in a session of Congress. Even in the days of the great southern barons and the civil rights debates where the people from the South regarded filibuster as their only weapon to stop something they strongly—in my opinion very wrongly—disagreed with, it was used a handful of times only on the major debates of the time. Now the filibuster is used for everything, including district court judges, offering small, minor amendments.

What we basically want to do, as some have proposed, led by the Senator from Oregon, Mr. MERKLEY, and the Senator from New Mexico, Mr. UDALL, is say, If a Member wants to have a filibuster, they have to talk; they can't just have one person get up and say "I object" and then we need 60 votes or the bill doesn't come up. What will that do? In my opinion, that restores the proper balance to the Senate. If a Member has to talk—not just one person but everybody who is against it—a Member is only going to be able to sustain that filibuster on major issues. No doubt the other side would have had the ability to sustain—even if we went 24 hours, 7 days a week—they would have enough passion and enough enthusiasm and enough bodies that they would filibuster the health care bill. Probably they would do the same on Supreme Court Justices, as would we if we were in the minority, if we vehemently disagreed with a proposal. But if a Member has to be on the floor and actually filibuster as opposed to just invoking the rules, they will use it sparingly because they cannot sustain it for every amendment or every minor bill or, frankly, for bills that have a large amount of support. We know there is a small number of our colleagues who are much more focused on offering their own amendments or stopping the whole Senate. We can name them from the other side of the aisle. But under this rule, they would have to get more support than just four or five people to do it over and over, and it wouldn't happen. So then the filibuster would be used as it should be. We are not saying no to filibustering. We are not suggesting going back to 51 and simple majority rule. It would be used on major issues where there is a real division and a lot of passion and strong feeling and conviction as opposed to simply trying to block everything and tie this place in a knot.

When filibusters would decline and there would be no motions to proceed that would be debatable, what would happen? I guarantee my colleagues on the other side of the aisle that more amendments would be allowed to be offered because we wouldn't be in this tit-for-tat situation. Would we have unlimited amendments? No. Would it be that every time we have a bill we have to debate a passion of a single Senator from a single State over and over and over? No. But would there be plenty of amendments and would the minority not being able to filibuster most bills have sort of high ground, whomever that minority is, that amendments should be offered? Absolutely.

The bottom line: We cannot do nothing. There is too much at stake in our Nation to have the Senate paralyzed once again. The House is a partisan body. It passes a lot of things in a very partisan way. The Senate must still be the cooling saucer envisioned by the Founding Fathers, by George Washington and James Madison. There must

be the ability where the “passions of the people” cool in this government, and it resides in the Senate. The changes we have proposed continue that tradition but prevent—mitigate strongly against, if not totally prevent—paralysis, which is where we are right now.

Remember: 110 cloture motions. And that will happen again in the next session, the next Congress, in the Senate, if we don't do something to change it. The idea, once again, of just blaming this person or that person is not seeing the larger problem that needs change and correction. The proposals that I believe this side will make—and we haven't yet discussed them in our caucus—will return the Senate to the way it was envisioned by the Founding Fathers: a body where minority rights have much greater strength than the majority, but a body where bipartisan compromise is encouraged, not discouraged.

So to my colleague from Arizona I say: We are open to suggestions, but suggestions that say “you just change your ways” we would say back aren't going to reduce the gridlock. I believe Senator ALEXANDER and I and Senator MCCONNELL and Senator REID, when we proposed this gentlemen's compromise 2 years ago and didn't change the rules, all had the best of intentions, but it failed. We have our reason for why it failed and they may have another, but it is indisputable that it failed. We have to look at something new. I hope my colleagues on the other side of the aisle, if they don't agree with the proposals we are likely to make, will have their own suggestions but suggestions that go beyond just change the personalities, change the individuals, whatever.

In conclusion, this is a wonderful body. I have served in it for 14 years. I respect it, I revere it, and I still love, with all the dysfunction, coming to work Monday morning, which is a test for me in life. But our country has so many issues and so many problems and needs the Senate to lead and needs a Senate that is not paralyzed in gridlock. Without changing the rules, I fear we will have a repeat of the last 2 years, where each side blames the other and nothing gets done.

With that, I yield the floor. I know we have several colleagues on the Senate floor who want to speak.

The PRESIDING OFFICER (Mr. TESTER). The Senator from Colorado.

Mr. UDALL of Colorado. Mr. President, I want to associate myself with the remarks of my colleague from the great State of New York, and I look forward to working with him and the entire Senate to find ways in which the Senate can continue to do the important work the public has asked us to do.

#### WIND ENERGY TAX CREDIT

Mr. President, I rise this morning again to speak to the importance of extending the production tax credit, otherwise known as the PTC, for wind en-

ergy. I wish to mention that the production tax credit has been used on many occasions to promote other kinds of energy development, including natural gas. The production tax credit for wind, particularly, is set to expire at the end of December and, as a result, thousands of hard-working middle-class families in Colorado and across our country who currently work in this important energy industry are at extreme risk of losing their jobs.

In fact, many of these workers have already been laid off as companies brace themselves for the expiration of the PTC. To put it in stark terms, the potentially bright future of a quintessentially American industry is uncertain unless we act as soon as possible.

I have come to the floor now some 22 times to discuss the wind energy industry, and when I do so I highlight the positive effects the PTC has had on one individual State. I have had the great opportunity and privilege of speaking about the wind energy industry in the Presiding Officer's State, the State of Montana, and today I want to take the opportunity to talk about the Wolverine State. Michigan is another remarkable illustration of how the PTC has revitalized manufacturing and created good-paying jobs while providing the State with clean energy.

We have seen improvement in the Nation's economy, but many families and businesses across our country are still struggling to make ends meet. This has been especially true in Michigan, a State that has one of the Nation's highest unemployment rates and a sluggish manufacturing base. This is all as a result of the tough economic times we have experienced over the last 4 years.

But if we look at Michigan, the wind industry saw an opportunity in Michigan. Michigan is known for its highly skilled workforce, and so the wind industry took root in Michigan, took advantage of this workforce, and now we see that in Michigan there is significant manufacturing of wind turbines occurring there. That has reinvigorated Michigan's industrial base, and it has aided in the recovery of the State's economy.

If we think about it, thousands of parts go into each car manufactured in Michigan, and wind turbines—from the towers to the cells to the blades—are no different. Someone told me recently that something in the order of 8,000 parts go into a wind turbine. So if we think about that, the skills of these hard-working Michigan workers translate into the development, the engineering, the construction, and the manufacturing required for wind turbines, which then in turn provides the State of Michigan and the local communities with thousands of new jobs and billions of dollars in investment.

We can see all the green circles on the map of Michigan I have in the Chamber that identify the places in which this manufacturing is occurring.

This is in large part as a result of targeted Federal incentives, such as the production tax credit.

I would like to highlight further some of the many benefits of the wind energy industry in Michigan. There are at least 40 facilities that develop and produce various components for the wind energy industry, and that supports about 5,000 jobs. Furthermore, wind projects have contributed over \$7 million in property tax payments to local governments; and that is money that helps fund schools, infrastructure, and other vital community services.

So the State is building the towers and the blades and the cells so that we can harvest the wind. Michigan is taking advantage of that opportunity as well. They are ramping up their deployment of this technology to harvest the wind because the wind energy manufacturing sector is located there. So it is a virtuous cycle, if you will.

In 2011, Michigan more than doubled its power production from wind energy, and it is on pace to increase its capacity by another 50 percent this year. That would include the completion of the State's largest wind farm, the Gratiot County Wind Project, which is located in the middle of the lower peninsula. This project itself not only created over 250 construction jobs and 15 permanent maintenance and operations jobs, it also doubled the tax base of the local schools. This has created a positive ripple effect on all these communities that has been noticeable and powerful.

Moreover, there are currently enough wind projects under construction in Michigan to nearly double the current wind power production in the State, with even more potential developments in the works. The point I am making is that the key is the production tax credit when it comes to these projects and, most importantly, the jobs they create.

There remains a vast untapped potential when it comes to wind energy in the State. In fact, the National Renewable Energy Lab estimates that Michigan has enough wind power potential to meet 160 percent of the State's current electricity needs. The extension, therefore, of the PTC is essential to the continued development of Michigan's wind resources, which will create good-paying American jobs, aid local communities, and build a clean energy economy.

So it is pretty simple. The production tax credit, the PTC, equals jobs, and we need to pass it and extend it as soon as possible.

How do we do that? Well, if we want that bright future to be realized, we need to work together and extend the wind PTC now. It is common sense. It has bipartisan support. It has bicameral support. We need to extend it now, as soon as possible. The PTC has not only aided in the growth and expansion of our manufacturing economies in States such as Michigan, but it has also shown us that America can

and, frankly, must outcompete China and the other countries that are trying to develop their own wind energy industry.

So let's come together. Let's find a path forward. Let's pass an extension of the wind PTC as soon as possible. The longer we wait, the longer we do not act, it puts the significant economic strides we have seen in States such as Michigan and all around the country at risk, and it substantially inhibits future job growth. We simply cannot afford to cede this promising new energy technology and energy future to countries such as China.

Mr. President, with that, I yield the floor.

Mr. LEVIN. Mr. President, I want to thank Senator UDALL for his work bringing attention to this important issue.

To me, this issue is simple: Alternative energy, including wind power, is not only a vital component of our environmental protection efforts, but to growing our economy and creating jobs for the middle class.

Michigan is the State that put the world on wheels. Through innovation and dedication, entrepreneurs, engineers, and Michigan workers combined their efforts not just to revolutionize transportation, but to create an explosion of manufacturing employment that helped create and sustain the American middle class.

Today, a new generation of Michigan innovators is harnessing the power of wind, the promise of biofuels, the power of advanced batteries. Earlier this year, I visited a wind farm in Breckenridge, MI, that is a marvel of technology, as far removed from the farmstead windmills of days past as a jet fighter is from the Wright Brothers' plane. That wind farm is a textbook example of how the advance of technology is helping Michigan's economy, enabling us not just to recover from the setbacks of the past, but to lead us into a brighter economic future.

Wind power is an important part of that advance. It is a rapidly growing sector of our State's electrical generating system. Wind-generating capacity more than doubled in 2011, and projects under construction or in the development pipeline could increase capacity tenfold or more. The more power we generate from wind, the more affordable, clean energy is available to our State and Nation.

Michigan also has an important role in building advanced wind-generation equipment, not just for our State, but for the United States and the world. Roughly 40 Michigan facilities are engaged in this business, many of them businesses that have turned expertise developed in the automotive industry to this new and growing field. Already wind is responsible for hundreds of good manufacturing jobs, and the potential is nearly as limitless as the wind itself.

That is why renewal of the production tax credit is so important. The

PTC has been an important factor in helping this new industry grow. If it is allowed to expire at the end of the year, it would not only hamper efforts to generate more clean energy for Michigan homes and businesses, but also dampen the potential for new manufacturing jobs tied to wind power. That is not a good outcome for our environment, for Michigan families or for the American economy.

So again I thank Senator UDALL for his focus on this issue. I hope as we work to address the many pressing issues we must resolve before the end of the year, we can resolve this one as well, and maintain the momentum of clean energy to help our environment and our economy.

Ms. STABENOW. Mr. President, I thank my friend from Colorado, Senator UDALL, for speaking on this important issue, and for his constant advocacy of the wind production tax credit.

We have entrepreneurs right now in Michigan and all across the country who are working hard to invent our clean energy future.

I am thinking of companies like Ventower in Monroe, that just opened their 115,000-square-foot wind turbine tower manufacturing facility last year.

They have hired 150 people to build those huge wind towers that you see along the highway. These are good-paying jobs of the future.

Energetx Composites is another company in Michigan that used to manufacture luxury yachts. They took their experience with light-weight materials and now they are producing the blades for the wind turbines, and they have also hired workers in Michigan.

Astraeus Wind and Dowding Industries are doing the casting work and manufacturing the hubs that allow those blades to turn and produce energy. These are huge items—some as big as a house—and they need people to build them, and ship them, and that means jobs of the future in Michigan.

It also means a future that we can hand down with pride to our children and our grandchildren. It is a future with a strong middle class. It is a future where the American dream is alive and well.

We have been through tough times in Michigan, but wind power has been a bright spot. This year, we more than doubled our wind capacity in Michigan.

We now have more than 200 turbines running in places such as Gratiot, Huron, Misaukee, and Sanilac Counties.

We have another nearly 300 turbines coming online in the Thumb area—one of the areas of strongest growth in the State. And all of that development means thousands of jobs in Michigan that depend on wind energy technology.

But if Congress doesn't act by December 31, those businesses will see their taxes go up. To raise taxes on the innovative companies creating the jobs of the future? That doesn't make sense.

That is why it is so critical that we extend the wind production tax credit.

At a time when our companies are competing with other countries over this technology, we cannot turn our backs on them.

China is spending millions of dollars every single day to beat us on clean energy. They are investing in companies, building plants, and making every effort to lead the world in this technology.

We are in a race, and we cannot afford to lose.

I urge my colleagues to pass an extension of the wind production tax credit.

The PRESIDING OFFICER. The senior Senator from Pennsylvania.

#### THE FISCAL CLIFF

Mr. CASEY. Mr. President, I rise this morning to spend a couple moments talking about the work we have to do between now and the end of the year. There are various ways to describe this, but it is usually described under the broad umbrella terminology called the fiscal cliff. Some debate the use of those words, but there is no question that we have very difficult decisions to make in the next couple of weeks.

My primary concern—and I think this is a concern that is widely shared in the Senate and across the country—is, What will all this mean for middle-income families? What will their tax rates be? What will their near-term economic security be? And what can they expect for their families and for the communities within which they live, especially at this time of year? A lot of families are not just preparing for the new year and what will happen, they are also trying to make decisions about spending, about holiday shopping, about investments, about priorities in which they have to invest in their own lives.

We know from some of the data, when it comes to debating what will happen to middle-income families and their tax rates, the positive side of extending those tax rates for middle-income families. We also know the downside of not getting that work done, not extending them.

Just to give two examples, the Congressional Budget Office says extending the tax rates for the middle-class would boost gross domestic product by 1.3 percent and would increase jobs by 1.6 million. So those are two very positive impacts if we can get the agreement, which I think we can arrive at working with Democrats and Republicans to do this, to extend the tax rates for middle-income families. So GDP up by 1.3 percent if we get the work done to extend those middle-class tax cuts, and increasing the number of jobs by 1.6 million.

Another way to look at this is from the negative side of it as well, the consequences of not getting this work done to extend middle-income tax rates.

Mark Zandi, an economist who is widely quoted across the country and

by many of my colleagues in the Senate—I am not quoting, but this is a summary—says that the economic impact of ending these tax cuts, not getting an agreement, would reduce gross domestic product by \$174 billion.

We do not want to do that. That would be a very bad result for everyone. So whether we read the CBO numbers or we talk to economists or read about their assessments or we talk to CEOs, they all agree we have to deal with both the tax rate question for middle-income families as well as making sure we are avoiding the across-the-board cuts, which I will get to in a moment.

So there is much to do to solve our year-end challenge, and we certainly have more challenges in 2013. But it is basically about getting our fiscal house in order. Part of that is spending cuts, part of that is getting more revenue, and, as well, even as we are getting our fiscal house in order, dealing with various tax challenges along the way.

We should point out that there has been a lot of progress made. I will just give two examples of that. We know when the national job numbers were announced in October, part of the reporting that was done by the Bureau of Labor Statistics was that we had an October number, but then we had a September and an August number that was revised upward, thank goodness. When we combine the August, September, and October job growth numbers, it means in those 3 months we created more than 500,000 jobs across the country. I should say the economy created 500,000 jobs. The exact number is about 511,000 jobs. So that is a measure of progress.

I was just looking at some housing assessments. We are releasing a report or a summary of some data this week in the Joint Economic Committee.

Just to give you two examples on housing progress: The number of privately owned housing units that were started last month increased by 31,000 units to 894,000 units at an annual rate. What that means is it is up about 3.6 percent. That is good news, maybe even better news because we want to get the assessment of people in the trenches. One bit of good news on housing is that confidence among homebuilders rose again in November. That will also be part of that report.

So it is an increase in jobs the last couple months, more economic growth, more progress, more momentum and good information or good news on housing. The problem is it is not good enough. We are not creating jobs fast enough. The pace of the recovery needs to accelerate. It is not moving fast enough for us to fully recover. I like to say and many have used this analogy: We have been in a ditch. We have been down in a pretty deep hole. We have been climbing out the last couple years, but we are not out yet fully. We will be out and have a full recovery when we see those job numbers increase.

So these decisions we make on tax policy, on the end-of-the-year agreements we have to reach, are vitally important to continue that progress, and, in fact, to move or accelerate the job growth numbers even faster.

As I mentioned before, part of this is not just about tax rates, it is also about reducing spending. Fortunately, there is a track record. Despite all the rancor and partisanship in Washington, there is also another story of bipartisan progress that was made over the last couple years by agreeing to spending cuts.

We agreed to a little less than \$1 trillion of spending cuts over the next 10 years. So it shows we can come together. The main point I started with is on middle-income families. We need to give middle-class Americans certainty by the end of the year. Frankly, we should do it even before the end of the year. We should do it in the next couple days or weeks. We can do that by saying to our friends in the other body, the House of Representatives: Pass the bill we passed in the Senate which gives tax certainty, a continuation of tax breaks to 98 percent of taxpayers.

We should do that because it will provide some certainty for the end of the year and for going into next year. I have an additional point to make about that as it relates to the payroll tax cut. We came together last year, late 2011 into 2012, as we had done a year earlier, to cut the payroll tax, to reduce that tax so most workers, most families in this country would have about \$1,000 extra to put in their pockets, more take-home pay that they could spend on their priorities and invest in the priorities of their own families, whether it is making a purchase for that family, whether it is paying for education, whether it is just getting from point A to point B, putting gas in the car. Whatever it is that family decides to use those extra dollars for, it has had an enormously positive impact—122 million households were positively impacted by that payroll tax cut.

What it means in terms of jobs—about 400,000 jobs created. So one of the reasons we can say we are making progress in developing some momentum behind the job creation numbers is because of the payroll tax cut that was put in place in 2012. We know the kind of progress we are making, the kind of certainty we want for middle-income families can be badly undermined if we do not get an agreement not only on tax rates but also on this across-the-board indiscriminate cut that would take place if we do not have a bipartisan agreement.

This is known by that fancy term “sequester” or the other term “sequestration.” What that means, and I am not sure many people heard that terminology before a year or two ago—but what that means is across-the-board cutting. Some people say: That sometimes makes sense. In my family, in

my business or when we have to make a decision, sometimes we have to cut spending across the board.

Unfortunately, if we do not make cuts that help our economy grow, we will badly injure our ability to grow the economy in the near term and in the future. So we all agree cuts have to be made. The question is, How do we do that? Do we make cuts that are smart and that help us grow or do we make cuts that are indiscriminate, without any kind of a strategy behind them?

Fortunately, I think there is agreement that across-the-board cuts, whether they are defense cuts which will impact jobs or whether they are nondefense cuts which will also impact the economy, do not make a lot of sense. It does not make sense to say all cuts are equal; therefore, medical research should be cut in the same way an inefficient program should be cut. That does not make sense. I think most Americans understand that.

We have to get an agreement to avoid those automatic cuts. I think we can. I think Democrats and Republicans agree it would be the wrong approach to allow that to happen. I think we can get agreement on that. What we need is a balance. Just as when any family has to make a decision about their own budget or about their own spending priorities, they need a balance. Obviously, the balance is two parts; one is revenue and one is spending. So we need to get that balance in place. We also need, in order to achieve that kind of balance, Democrats and Republicans to be willing to work together—compromising, not getting everything you want but getting enough of an agreement that we can move the country forward.

Despite all the problems, I have a high degree of confidence we can get an agreement. Folks will come together and compromise. Part of that starts with putting in place an agreement, which is already one element to the compromise. That is not just voting on but having the agreement that says: Let's have certainty right now for middle-income families.

Everyone agrees, with very limited exception, that we should extend tax rates—keep the tax rates the same for about 98 percent of the American people. There is broad agreement on that. Some on the other side do not want to have a conclusion to that because they want to have a debate about what happens to the wealthiest among us, the very top income earners, roughly about 2 percent of income earners.

But look, we have agreement on the other 98 percent. So what I would say is whatever it takes to give meaning or integrity to the vote we had in the Senate to get an agreement here but also encourage the House to vote to say: Let's give middle-income families the certainty they deserve, let's just say we are going to agree, Democrats and Republicans, that 98 percent of taxpayers across the country are going to have their tax rates continue.

Then we can have a big debate after that about what happens to the

wealthiest among us. I think it makes sense, at a time of high deficits and a debt problem that will confront us for years, that we have some part of that revenue come from the wealthiest among us. People across the aisle might disagree with that. We can have a big debate about that. But let's put in place, in law, the kind of certainty middle-income families should have. I think we can do that. So let's get in place an agreement for the 98 percent, and then we will have a big debate about the wealthiest 2 percent. Let's get in place tax rates that will allow us to do that.

I think a little history is instructive. We know that in the 1990s and the 2000s, we know there is, according to the data, no relationship between lower marginal rates for the wealthiest among us and faster accelerated economic growth. I emphasize no relationship because I think some have made the case.

Two examples. During the Clinton administration, to address the growing budget deficit at the time, which was not as severe as today, but it was a pretty substantial deficit, the top marginal tax rate was raised. It went up on the wealthiest individuals. The economy grew at the fastest rate in a generation and more than 22,000 jobs were added.

So that is what happened during President Clinton's two terms in office. During the following 8 years, the top marginal rate was lowered—not raised but lowered—for the wealthiest individuals. The economy never regained the strength of the previous decade, the 1990s. Job growth slowed and wages stagnated, leaving middle-income families especially vulnerable when the great recession began toward the end of 2007.

That is some of the history. That is part of the foundation or undergirding for the debate we are going to have on tax rates. This is not a lot of theory or a lot of maybes. We have data and information and kind of a track record trying it two different ways, the way we tried this under President Clinton and the way we tried it under the next administration. I think that is instructive.

Finally, I would say that for all the challenges we have, for all the disagreements we have, I think most people in the Senate, no matter who they are—Democrats, Republicans, Independents—whether they were running for office this year or not, all heard the same message. They all heard maybe two basic messages from people. At least that is what I heard in Pennsylvania, all across the State, for longer than 2012 but certainly most fervently with a sense of urgency this year.

Here is what I heard, a two-part message: Do something to create jobs or do more to create jobs, move the economy faster. No question, I heard that over and over. Soon thereafter, within seconds of saying that, families or taxpayers whom I ran into across the

State would say to me: You have to work together with people in the other party to get this done.

You know why they say that. That is not some unreal expectation that the American people have of us. It makes a lot of sense. Because in every family out there, whether it is in Pennsylvania or across the country, in every business, small business or larger business, in every one of those circumstances, in a family or in a business, those individuals have had to sit down over the last couple years especially, work out differences, set priorities, set goals, reduce spending sometimes, make investments they knew they needed to make to grow their business or to create more economic certainty for their family.

They have had to do that. All they are saying to us is just take a lesson from the life of a lot of families in America. Sit down, set priorities, work on coming together, and get an agreement. I think we can do that. Despite all the differences, I think both parties understand the urgency of those questions, whether it is the tax rates, whether it is across-the-board spending cuts, which would be indiscriminate and harmful, whether it is what we do about individual programs, what we do in the near term to reduce deficit and debt.

We have to come together, as families have to come together, and make agreements with people whom we are sometimes disagreeing with or not getting along with every day of the week and make decisions that businesses have to make almost every day of the week or at least every month on their spending, on their priorities and on their investments.

I think we can do that. I know we have to do that.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

#### RECESS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate be in recess until 2:15 p.m.

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:24 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. WEBB).

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### THE FISCAL CLIFF

Mr. SCHUMER. Mr. President, I rise to discuss the state of the ongoing negotiations to avert the fiscal cliff.

So far there has been little progress reported at the negotiating table. Since the President's very productive meeting with the bipartisan leaders from the House and Senate on November 16, the subsequent staff talks have produced no breakthroughs. Republicans in the room are not yet acknowledging the need to let tax breaks for the very wealthiest Americans expire, nor are they offering the kind of reasonable reforms to entitlement programs that Democrats can be expected to support.

But despite this impasse, as Leader MCCONNELL described it on the floor yesterday, I am optimistic we can still get a deal by Christmas. I detect a great deal of progress being made beneath the surface. You only need to turn on television these past couple of days to observe the signs of this progress.

For nearly three decades, a rightwing Washington lobbyist has exerted a stranglehold on mainstream Republicans over the issue of taxes, threatening political retaliation against any lawmaker who dared to vote for any fiscal solution that asked the wealthy to pay their fair share. But in the 3 weeks since the election, one Republican after another has been rebuking this lobbyist for his uncompromising stance on taxes. Republicans in both the House and Senate are deciding they no longer want to be married to this pledge. Republicans are saying they want a divorce from Grover Norquist. That alone is a leading indicator that a fiscal deal is within reach. Both sides are still far apart and discussions over the next few weeks will be difficult. But with each new Republican disavowing Grover Norquist, the chance of a deal rises sharply.

First there was SAXBY CHAMBLISS, an honorable Member of this body and a charter member of the Gang of Six, who has spent the last 2 years trying to negotiate a bipartisan compromise in the best of faith. Senator CHAMBLISS is a signer of the Norquist pledge, but he went on TV—not somewhere else but down in Georgia—last week and bravely said:

I care about my country more than I do about a 20-year-old pledge.

Then on ABC this past Sunday, LINDSEY GRAHAM said:

The only pledge we should be making is to each other to avoid becoming Greece.

On the very same program, my friend from New York, Congressman PETE

KING, said the pledge no longer applied because, "the world has changed. And the economic situation is different."

These were just two interviews with George Stephanopoulos. But sometimes progress on the Sunday news shows can foreshadow progress in the negotiating room. In fact, these comments by Senators CHAMBLISS, GRAHAM, and Congressman KING appear to have started a trend.

Yesterday, Senator CORKER echoed their sentiments. He released his own fiscal plan, which contains \$1 trillion in new revenues. Asked whether his inclusion of revenues puts him at cross purposes with Grover Norquist, Senator CORKER said:

I'm not obligated on the pledge. The only thing I'm honoring is the oath I take when I serve, when I'm sworn in this January.

Senator MURKOWSKI said similar things yesterday. Even Senator SESSIONS showed hints of compromise when he said, about the pledge:

We've got to deal with the crisis we face. We've got to deal with the political reality of the President's victory.

And then this morning, the vaunted Wall Street Journal editorial page even seemed to distance itself from Mr. Norquist. Of the need to compromise with President Obama, the Journal counseled:

This is where Mr. Norquist can give some ground. If taxes are going up anyway because the Bush rates expire, and Republicans can stop them from going up as much as they otherwise would, then pledge-takers deserve some credit for that.

We disagree with the forms of revenues that most of these Republicans have in mind. Many of the Republicans expressing openness to revenues want to pursue them only through tax reform next year. And even then, they are only willing to consider limits of deductions as opposed to rate increases on the very wealthy.

Democrats, on the other hand, believe that even if Republicans want to kick tax reform into 2013, a significant downpayment on revenues must be enacted before January 1. And we further believe that the fairest, most straightforward way to make that downpayment on revenues is by decoupling the Bush tax cuts for the wealthy. Limiting deductions is a necessary revenue-raising component of a grand bargain, but it does not and cannot replace the need for restoring the Clinton-era rates for the top two tax brackets. Republicans are not quite there yet in terms of acknowledging this, but they are moving slowly in the right direction.

As the Washington Post reported this weekend, for the first time in decades there is a bipartisan consensus in favor of asking the wealthy to pay a little more to reduce the deficit. The question is how to do it. This is an encouraging development. It suggests that Republicans are slowly absorbing one of the lessons of the 2012 election which is that elections continue to be won in the middle, and victories will remain

elusive for any party that caters to special-interest groups that occupy either the far left or the far right.

Over the years the Democratic Party has wrestled with the same issues Republicans are facing. When I was elected to Congress in 1981, crime was ripping apart my district. I came to Washington with the goal of working to pass new laws to crack down on crime. Lo and behold, I found that the Democratic Congress at the time was literally outsourcing the drafting of crime legislation to the ACLU. I have great respect for the views of civil libertarians. But at that time, the activists' motto was, Let 100 guilty people go free lest you convict 1 innocent person. That view was far outside the mainstream, but it dominated our party's thinking on crime for better than a decade. Our party suffered for it. We didn't snap out of it until President Clinton passed the crime bill in the 1990s. After that, we won back the trust of moderate, middle-class voters.

I know the echo chambers some of our Republican colleagues are in and I know how difficult it is. But if history shows anything, after suffering some bad losses at the polls earlier this month many Republicans are now realizing the need to snap out of it on taxes.

Grover Norquist has had a good run. It has lasted far longer than 15 minutes. But his stringent views make him an outlier now. It is not unlike what happened to his longtime friend Ralph Reed, who steered the Republican Party too far right on social issues in the 1990s and is hardly heard from anymore.

Mr. Norquist will likely not be departing the scene anytime soon, but perhaps he could switch his focus to immigration. He makes a lot of sense on the need for a comprehensive immigration reform bill, and I would be first to work with him on that. But as the events of the last weeks show, on taxes, Grover Norquist is out on an island.

In conclusion, I salute my colleagues on the other side of the aisle who have disavowed his group's pledge. I will encourage others to do the same. The more who do, the closer we will come to a bipartisan agreement on our fiscal problems.

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

The PRESIDING OFFICER. The majority leader.

#### EXECUTIVE SESSION—MOTION TO PROCEED

Mr. REID. I move to proceed to executive session for the purpose of the consideration of treaty document 112-7, the Convention on the Rights of Persons with Disabilities.

I ask unanimous consent that prior to the clerk reporting the motion, Senator MCCAIN be recognized, and when he finishes that I be recognized.

Mr. MCCAIN. Mr. President, I think my colleagues and I who have been

here for a while remember one of the more moving moments that we experienced in our service here, and that was the signing of the disabilities law on the White House lawn. Bipartisan members of the disabled community were there. The President of the United States, George Herbert Walker Bush, and so many others were there. One of the prime individuals who was largely responsible was our beloved leader at that time, Bob Dole, a man who epitomized, in my view, how a disability can be overcome to go to the highest levels of American Government.

I freely admit that I love Bob Dole. I listen to him. I appreciate his leadership. I think the majority leader would agree that we appreciated his bipartisanship during a great deal of his time.

I hope my colleagues will, before deciding to vote, at least listen to the letter that was addressed to all of us by Senator Bob Dole which we received yesterday:

As you may know, tomorrow the Senate will vote on the Convention of the Rights of Persons with Disabilities, CRPD. Unfortunately, I am currently at Walter Reed and so cannot call you personally, but wanted to connect with you via e-mail on this time sensitive matter and ask for your help. I hope you will support this important treaty.

The CRPD is the first international treaty to address disability rights globally. It is an opportunity to advance the great American tradition of supporting the rights and inclusion of people with disabilities on a global basis. Ratification of the CRPD will improve fiscal, technological, and communication access outside the United States, thereby helping to ensure that Americans—particularly many thousands of disabled American veterans—have equal opportunities to live, work, and travel abroad. It will also create a new global market for accessibility goods.

The CRPD is supported by a number of individuals and groups, including 21 veterans groups, 26 faith-based organizations, over 300 disability organizations, and the Chamber of Commerce. Your vote would help to reaffirm the goals of equality, access, and inclusion for Americans with disabilities—both when those affected are in the United States and outside of our country's borders.

I would greatly appreciate your support of the CRPD.

God bless America, Bob Dole.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Senator MCCAIN is absolutely right. Those of us who served with Bob Dole revere Bob Dole. He is such a stalwart figure in the history of America. He has all the qualities of a leader that I admire and certainly wish I had. He has a great sense of humor. No one who has ever served in the Senate has ever had a better, quicker sense of humor than Bob Dole, and he used it to perfection.

He called me a few days ago. He is at Walter Reed not for a checkup; he is there because he is infirm. He is sick. We should do this for many reasons, not the least of which is to recognize what a great leader Bob Dole is and has been for our country.

I ask the clerk to report the motion. The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to proceed to executive session to consider treaty document No. 1127.



Mr. REID. I ask for the yeas and nays on my motion.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second. There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. BLUMENTHAL) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK) and the Senator from Kansas (Mr. ROBERTS).

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

The result was announced—yeas 61, nays 36, as follows:

[Rollcall Vote No. 205 Leg.]

#### YEAS—61

Akaka	Hagan	Murray
Ayotte	Harkin	Nelson (NE)
Barrasso	Hatch	Nelson (FL)
Baucus	Inouye	Pryor
Begich	Johnson (SD)	Reed
Bennet	Kerry	Reid
Bingaman	Klobuchar	Rockefeller
Boxer	Kohl	Sanders
Brown (MA)	Landrieu	Schumer
Brown (OH)	Lautenberg	Shaheen
Cantwell	Leahy	Snowe
Cardin	Levin	Stabenow
Carper	Lieberman	Tester
Casey	Lugar	Udall (CO)
Collins	Manchin	Udall (NM)
Conrad	McCain	Warner
Coons	McCaskey	Webb
Durbin	Menendez	Whitehouse
Feinstein	Merkley	Wyden
Franken	Mikulski	
Gillibrand	Murkowski	

#### NAYS—36

Alexander	Enzi	McConnell
Blunt	Graham	Moran
Boozman	Grassley	Paul
Burr	Heller	Portman
Chambliss	Hoeven	Risch
Coats	Hutchison	Rubio
Coburn	Inhofe	Sessions
Cochran	Isakson	Shelby
Corker	Johanns	Thune
Cornyn	Johnson (WI)	Toomey
Crapo	Kyl	Vitter
DeMint	Lee	Wicker

#### NOT VOTING—3

Blumenthal	Kirk	Roberts
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The motion was agreed to.

### EXECUTIVE SESSION

#### CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES

The PRESIDING OFFICER. The clerk will report the treaty.

The legislative clerk read as follows:

Treaty Document No. 112-7, Convention on the Rights of Persons with Disabilities.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, Senators KERRY and LUGAR are managing this most important treaty. We are now in executive session. We are going to take a couple of hours to see who wants to offer amendments. Senator LUGAR, Senator KERRY or their staffs should be contacted to indicate what, if any, amendments they wish to offer. So

that being the case, we hope that by, let's say 5 o'clock, we will have an idea what the universe of amendments, if any, would be.

I ask unanimous consent that there be a period of debate only on the treaty until 5 p.m. today, with that time equally divided and controlled between the proponents and opponents, and that time actually be controlled by Senators KERRY and LUGAR, and that I be recognized at 5 o'clock.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Massachusetts.

Mr. KERRY. Mr. President, let me just reiterate—I think Senator BARRASSO is here and Senator LEE, and others; Senator KYL is also here—we look forward to working over the course of the next few hours with our colleagues to try to come to some understanding of the amendments here.

One of the things that we promised—and Senator REID has altered his approach to this in order to try to accommodate our colleagues—is to make certain we are not closing people out and there is no effort to try to limit the debate.

I do think, by virtue of the work done in committee and otherwise, there is a limit to where we need to go in terms of amendments. So I am perfectly happy—together with Senator LUGAR—to work with our colleagues with respect to a reservation or an understanding or a declaration that they believe needs to be tweaked. We will see what we can do with respect to the number of amendments we want to bring.

Let me just say to my colleagues that this treaty should not be controversial. Senator Robert Dole, President George H.W. Bush, former Republican Attorney General Richard Thornburg, and current colleagues Senator BARRASSO, Senator MORAN, and others have all supported and believe we ought to move forward with this treaty in a bipartisan manner.

I would say to my colleagues that in the wake of the election, this is the first legislative effort we are making on the floor of the Senate. It would be my hope that we could reflect that we heard the American people, who asked us to do their business and to not fall into the pattern of partisan divide, of gridlock that has so characterized the Senate over the course of the last few years. This is our opportunity to prove that the exceptionalism we are all proud to talk about with respect to our country is defined by our doing exceptional work.

This is an opportunity to do that. We have an opportunity to rise with common purpose and make a difference, not just here in the United States, frankly, but most predominately make a difference in the rest of the world as to how people with disabilities are treated. I believe the Convention on the Rights of Persons with Disabilities is an opportunity for us to embrace the

truth in legislating and to separate ourselves from ideological and/or partisan efforts to distort that truth or to prevent, actually, an alternative reality, which is what happens in some cases.

Our colleagues, I am told, want to approach this in good faith. We welcome that. We look forward to sitting down with them, working through what amendments we think we should vote on, and perhaps we can even work together to tweak one of the understandings or declarations in an appropriate way. We would like to make progress. I believe we can get this done. It will be a good moment for the Senate when we do.

I know we have not always agreed on all the issues and certainly not even with respect to this treaty. What I ask of my colleagues is this: Those who oppose this or who are inclined to oppose it, I would say step back and take a look at this treaty and measure the report language, the report the committee put out, and measure the transmittal letter of the President of the United States and the Secretary of State, and what they have said to the Senate is really at stake in this treaty.

I ask my colleagues before they come to the floor to carefully check the factual foundation of this treaty because we have continually heard some outside groups characterizing it in ways that simply do not meet the facts, that do not withstand scrutiny when measured against the law of the United States or international law or the law of the States. This treaty does not require any change whatsoever to American law. None. Zero. There is no impact on American law. There is no ability in this treaty for anybody to gain some new right here in the United States. No individual, American or foreign, gains any access to the courts in an effort to litigate some component of this treaty because the treaty specifically denies people any access to the courts. It is what is called—it is not self-executing. As a consequence of not being self-executing, it gives no right to any litigation.

So the obvious question from somebody might be, well, why do we want to do it then? What is the benefit to us? The benefit is very significant in terms of our diplomacy, in terms of the rights of Americans when they travel abroad, Americans with disabilities.

Now, our bottom line—I think our shared bottom line—Senator LUGAR, Senator MCCAIN, Senator BARRASSO, Senator MORAN, and others who support this treaty believe this will extend the protections to millions of disabled Americans when they leave our shores.

I thank Majority Leader REID for being willing to bring this treaty to the floor at this moment in time when there is obviously a lot on Senators' minds, a lot of business before the Senate. But I believe this treaty will be deemed to have the requisite votes ultimately to show that this is, in fact, in the best interests of our country.

This treaty has been described as a modest treaty, but the impact of Senate ratification is actually far from modest. The impact will echo around the world. Why? Because the United States of America is the world's gold standard with respect to the treatment of people with disabilities.

This has been a long journey for us in the United States. We have gone through many different steps leading ultimately to the Americans with Disabilities Act, of which we celebrated the 20th anniversary. Our own colleague, Senator TOM HARKIN from Iowa, was the leader on that landmark piece of legislation, together with my former colleague Senator Ted Kennedy. They moved this country forward in great steps so that we welcomed people with disabilities into mainstream America.

The impact of this treaty is to take that gold standard and extend it to countries that have never heard of disability rights or that have never changed their laws to accommodate people with disabilities. This will have a profound impact. Most significantly, it will have a profound impact on those who have served our country, those 5.5 million disabled American veterans who may want to travel abroad, work abroad, go to another country to study, who will as a result of this gain lifestyle benefits and accommodations they otherwise might never have.

Now, 125 nations have already signed this treaty and are living by it. We have not. We were the principal architect. Our laws are the model. But once again the United States has been holding back while other countries fill the vacuum we have left behind.

I wish to share with my colleagues a statement by Senator Bob Dole, who was as deeply committed to this cause as Senator Ted Kennedy, and he was committed to the original Americans with Disabilities Act. Senator Dole today, as we know, is in Bethesda Hospital. I do not know if he is listening at this time. I met with him not so many months ago. We talked about this and other issues. He is a great patriot. He was a great leader here in the Senate. I think his words ought to be listened to by our colleagues. Here is what he says:

It was an exceptional group that I joined during World War II, which no one joins by personal choice. It is a group that neither respects nor discriminates by age, sex, wealth, education, skin color, religious beliefs, political party, power or prestige. That group, Americans with disabilities, has grown in size ever since. So, therefore, has the importance of maintaining access for people with disabilities to mainstream American life, whether it's access to a job, or education, or registering to vote.

Senator Dole went on to say:

U.S. ratification of the [Convention on the Rights of Persons with Disabilities] will improve physical, technological and communication access outside the U.S., thereby helping to ensure that Americans—particularly, many thousands of disabled American veterans—have equal opportunities to live, work, and travel abroad.

In testimony before the Foreign Relations Committee this year, Special Adviser for International Disability Rights at the State Department Judith Heumann recounted in personal and searing terms why this issue is so important. She drew from the experience of her own life.

... As a child, I did not have the benefit of accessible communities, inclusive schools, or accessible transportation. Without even simple curb cuts, I wheeled in the streets amongst oncoming traffic. I could not ride our buses and trains. I was not allowed to go to school until I was 9 years old, and then received poor quality education, segregated from the rest of my peers. When I applied for my first job as a teacher, I was initially denied my certification simply because I could not walk.

Today she is advocating on behalf of the State Department for this treaty. She summed up her interests in this compelling way. She said:

U.S. citizens with disabilities frequently face barriers when they travel, conduct business, study, serve, reside or retire overseas. With our extensive domestic experience in promoting equality and inclusion of persons with disabilities, the United States is uniquely positioned to help interested countries understand how to effectively comply with their obligations under the Convention ... However, the fact that we have yet to ratify the Disabilities Convention is frequently raised by foreign officials, and deflects from what should be center stage: how their own record of promoting disability rights could be improved.

She goes on to say:

Though I take great pride in the U.S. record, it is frankly difficult to make best use of the 'bully pulpit' to challenge disabilities rights violations on behalf of Americans with disabilities and others when we have not ratified the Convention.

America's history—all of its history—has been marked by the long struggle for equality. It is a struggle that ought to inspire all of us to fight on behalf of many others whose voices too often are ignored or forgotten. Maybe the movie about Lincoln today would really rekindle in a lot of Americans that best sense of what is worth fighting for and what is worth achieving in public life.

For me, that vision of fighting for those people whose views are ignored or forgotten means having and holding on to a vision of a society that really works for the common good, where individual rights and freedoms are connected to our responsibilities to each other. All Americans have an inherent right to be treated as equal citizens of our Nation. But the historic march toward a better, fairer America can only come about if we are willing to make those less fortunate than ourselves the focus of our work. And this is a march that goes on for all of us, and it must go on because without it nothing changes.

One thing is clear: The disabilities convention is not an issue that pits Republicans against Democrats—Senator LUGAR is here, Senator MCCAIN, and others—nor is it an issue that should divide us along any partisan lines. The

Foreign Relations Committee approved this treaty in a strong bipartisan vote on July 26, and that marked the 22nd anniversary of the landmark Americans with Disabilities Act.

I am grateful to the majority leader, former Majority Leader Dole, and to President George Herbert Walker Bush, who joined a bipartisan group of Senators, whose names I have listed, in advocating for this important cause. I think our former colleague Senator Kennedy would be very proud if he could see us coming together today in support of a convention just as we did two decades ago with the ADA.

This treaty is personal to many Members here, to Senator DURBIN, to Senator HARKIN, to Senator LUGAR, and others. Members from both sides of the aisle have worked hard to bring us to the floor today. I believe the questions have been answered. I think the report and the RECORD could not be more clear. The only question that remains is whether we are going to be remembered for approving the Disabilities Convention and reconnecting with our best traditions or finding an excuse to delay and defy our core responsibility as Senators.

I have received countless letters and heard from nearly 300 organizations on this issue. There is a long list—and I am not going to read all through those 300—every single major military organization supports this treaty; the Air Force Sergeants Association, the Air Force Women Officers Association, the American GI Forum, the Blinded Veterans Association, the Division for Early Childhood of the Council for Exceptional Children Disabled American Veterans, the Military Officers Association of America, the National Guard Association of the United States, the National Military Family Association, Paralyzed Veterans of America, and then a long list, Veterans for Common Sense, Veterans of Foreign Wars, Veterans of Modern Warfare, Vietnam Veterans of America, countless other faith-based associations, the Methodist General Board of Church and Society, the United Church of Christ. You could run through a huge number of faith-based organizations, a huge number of human rights and rights organizations from all over our country. I urge Senators to check with the rights organizations and others in their own States. Almost every State in the Union—the Kentucky Protection and Advocacy Association, the Michigan Protection and Advocacy Services. You could run a long list of people who believe the time has come.

I would ask unanimous consent that the full list of these supporters be printed in the RECORD.

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

#### USICD SUPPORT LIST

Ability Chicago.  
Access Alaska Inc.  
Access Living.  
Access, Inc.

- ACCSES.  
 Actionplay.  
 ADAPT Delaware.n.  
 Alliance Center for Independence.  
 American Academy of Child and Adolescent Psychiatry.  
 Advocating 4 Kids LLC.  
 American Academy of Pediatrics.  
 American Association for Geriatric Psychiatry.  
 American Association on Health and Disability.  
 American Association on Intellectual and Developmental Disabilities.  
 American Association of People with Disabilities.  
 American Association for Psychosocial Rehabilitation.  
 American Civil Liberties Union.  
 American Council of the Blind.  
 American Counseling Association.  
 American Dance Therapy Association.  
 Anti-Defamation League.  
 American Diabetes Association.  
 American Foundation for the Blind.  
 American Foundation for Suicide Prevention.  
 American Group Psychotherapy Association.  
 American Mental Health Counselors Association.  
 American Music Therapy Association.  
 American Network of Community Options and Resources.  
 American Speech-Language-Hearing Association.  
 American Therapeutic Recreation Association.  
 amfAR, the Foundation for AIDS Research.  
 APSE.  
 ARC Gateway, Inc.  
 Arc Northland.  
 Arc of Lucas county.  
 Arizona Bridge to Independent Living (ABIL).  
 Association for Assistive Technology Act Programs.  
 Association of Jewish Family & Children's Agencies.  
 Association of Programs for Rural Independent Living.  
 Association of University Centers on Disabilities (AUCD).  
 Association on Higher Education & Disability.  
 Attention Deficit Disorder Association.  
 Auditory Sciences.  
 Autism National Committee.  
 Autistic Self Advocacy Network.  
 Autism Speaks.  
 Bay Area People First.  
 Bay Cove Human Services, Inc.  
 Bazelon Center for Mental Health Law.  
 Bender Consulting Services, Inc.  
 Best Buddies International, Inc.  
 BlazeSports America.  
 BlueLaw International.  
 Boston Center for Independent Living.  
 Brain Injury Association of America.  
 Bridge II Sports.  
 Bridgewell.  
 Burton Blatt Institute at Syracuse University.  
 California Association of the Deaf—River-side Chapter.  
 CA State Council on Developmental Disabilities, Area Board 5.  
 California Foundation for Independent Living Centers.  
 California State Council on Developmental Disabilities.  
 Californians for Disability Rights, Inc.  
 CBM.  
 Center for Disability Rights.  
 Center for Independent Living of South Florida, Inc.  
 Center for Leadership in Disability.  
 Center on Disability and Community Inclusion.  
 Challenged Conquistadors, Inc.  
 Check and Connect Program—Central Lakes College.  
 Citizens for Patient Safety.  
 Community Access Project Somerville.  
 Community Access Unlimited.  
 Community Alliance for the Ethical Treatment of Youth.  
 Community Resources for Independent Living.  
 Conference of Educational Administrators of Schools and Programs for the Deaf Council of Parent Attorneys and Advocates.  
 Consortium for Citizens with Disabilities.  
 Consumer Advisory Committee.  
 Council for Exceptional Children.  
 Council of State Administrators of Vocational Rehabilitation.  
 CUNY Coalition for Students with Disabilities.  
 Daniel Jordan Fiddle Foundation.  
 DAWN Center for Independent Living.  
 Deaf and Hard of Hearing Alliance.  
 Deaf Education And Families Project.  
 Delaware Developmental Disabilities Council.  
 Delaware Family Voices.  
 Depression and Bipolar Support Alliance.  
 Developmental Disabilities Institute, Wayne State University.  
 Disability Connection/West Michigan.  
 Disability Help Center.  
 Disability Law Center.  
 disABILITY LINK.  
 Disability Partners.  
 disABILITY Resource Center.  
 Disability Rights Coalition.  
 Disability Rights Education and Defense Fund.  
 Disability Rights Fund.  
 Disability Rights International.  
 Disability Rights Legal Center.  
 disAbility Solutions for Independent Living.  
 Disabled In Action of Metropolitan NYC.  
 Disabled Rights Action Committee.  
 Disabled Sports USA.  
 Division for Early Childhood of the Council for Exceptional Children.  
 Down Syndrome Association of Snohomish County.  
 Down Syndrome Association of West Michigan.  
 Dream Ahead the Empowerment Initiative.  
 Dynamic Independence.  
 East Texas Center for Independent Living.  
 Easter Seals.  
 ED101 Inc.  
 Equal Rights for Persons with Disabilities International, Inc.  
 Employment & Community Options.  
 Epilepsy Foundation.  
 Family Voices.  
 Fearless Nation PTSD Support.  
 Federal Employees with Disabilities (FEDs).  
 FESTAC-USA (Festival of African Arts and Culture).  
 FHI n360.  
 Fiesta Christian foundation Inc.  
 504 Democratic Club.  
 Foundations For Change, PC.  
 Four Freedoms Forum.  
 Fox River Industries.  
 FREED Center for Independent Living.  
 Friedman Place.  
 G3ict.  
 Gallaudet University.  
 GlobalPartnersUnited.  
 Goodwill Industries International.  
 Greater Haverhill Newburyport.  
 Handicap International.  
 HEAL.  
 Hearing Loss Association of America.  
 Hearing Loss Association of Los Angeles.  
 Hesperian Health Guides.  
 Higher Education Consortium for Special Education.  
 Human Rights Watch.  
 IDEA Infant Toddler Coordinators Association.  
 Independent Living, Inc.  
 Independent Living Center of the Hudson Valley, Inc.  
 Independent Living Center of the North Shore & Cape Ann, Inc.  
 Institute for Community Inclusion: U. MA Boston.  
 Institute for Human Centered Design.  
 Institute on Human Development and Disability.  
 Institute on Disability and Public Policy (IDPP).  
 Inter-American Institute on Disability.  
 International Ventilator Users Network.  
 Iowa Statewide Independent Living Council (SILC).  
 Johnson County Board of Services.  
 Joint National Association of Persons with Disabilities.  
 Just Advocacy of Mississippi.  
 KEY Consumer Organization, Inc.  
 KIDZCARE School.  
 L.E.A.N. On Us.  
 Lakeshore Foundation.  
 Lakeside Curative Systems, Inc.  
 LINC.  
 Little People of America.  
 Living Independence For Everyone (LIFE) of Mississippi.  
 Long Island Center for Independent Living, Inc. (LICIL).  
 Loudon ENDeependence.  
 Mainstay Solutions LLC.  
 Maryland Disability Law Center.  
 Massachusetts Down Syndrome Congress.  
 Massachusetts Families Organizing for Change.  
 Medical Whistleblower Advocacy Network.  
 Medicol Inc.  
 Mental Health Action.  
 Mental Health America.  
 MI Developmental Disabilities Council.  
 MindFreedom International.  
 Mobility International USA.  
 Montana Independent Living Project.  
 Multiethnic Advocates for Cultural Competence, Inc.  
 National Alliance on Mental Illness.  
 National Association for Children's Behavioral Health.  
 National Association of Councils on Developmental Disabilities.  
 National Association of County Behavioral Health and Developmental Disability Directors.  
 National Association of Law Students with Disabilities (NALSWD).  
 National Association of School Psychologists.  
 National Association of Social Workers.  
 National Association of State Directors of Developmental Disabilities Services.  
 National Association of State Directors of Special Education.  
 National Association of State Head Injury Administrators.  
 National Association of State Mental Health Program Directors.  
 National Association of States United for Aging and Disabilities.  
 National Association of the Deaf.  
 National Black Deaf Advocates, Inc.  
 National Center for Environmental Health Strategies.  
 National Center for Learning Disabilities.  
 National Coalition for Mental Health Recovery.  
 National Council on Independent Living.  
 National Council for Community Behavioral Healthcare.  
 National Disability Rights Network.  
 National Down Syndrome Congress.  
 National Down Syndrome Society.

National Dysautonomia Research Foundation.  
 National Federation of the Blind.  
 National Federation of Families for Children's Mental Health.  
 National Health Law Program.  
 National Minority AIDS Council.  
 National MS Society—Ohio Chapters.  
 National MS Society, Pacific South Coast Chapter.  
 National Multiple Sclerosis Society.  
 National Multiple Sclerosis Society, National Capital Chapter.  
 National Rehabilitation Association.  
 New York State Independent Living Council.  
 Next Step.  
 NHMH—No Health without Mental Health.  
 Noble County ARC, Inc.  
 Northeast Arc.  
 Not Dead Yet.  
 Ohio Association of County Boards Serving People with Developmental Disabilities.  
 Ohio Statewide Independent Living Council.  
 Ohio Valley Goodwill Industries.  
 Oklahoma Association of Centers for Independent Living.  
 Optimal Beginnings, LLC.  
 Osteogenesis Imperfecta Foundation.  
 PA Mental Health Consumers' Association.  
 Paralyzed Veterans of America.  
 Parent to Parent of NYS.  
 Parent to Parent USA.  
 Peer Assistance Services, Inc.  
 Peppermint Ridge.  
 Perkins.  
 PhilanthropyNow.  
 Pineda Foundation for Youth.  
 Polio Survivors Association.  
 PPI.  
 Purity Care Investments.  
 PXE International.  
 Raising Special Kids.  
 REACH Resource Centers On Independent Living.  
 Recovery Empowerment Network.  
 Rehabilitation International.  
 RESNA.  
 Rolling Start Inc.  
 Rose F. Kennedy University Center for Excellence in Developmental Disabilities.  
 Sandhills Post-Polio Health Group.  
 Schizophrenia and Related Disorders Alliance of America.  
 School Social Work Association of America.  
 Self Advocacy Council of Northern Illinois.  
 Sindh Disabled Development Society.  
 SoCal APSE.  
 Social Assistance and Rehabilitation for the Physically Vulnerable (SARPV).  
 Socio Economic Development Alliance (SEDA).  
 Southeast Alaska Independent Living.  
 SPEAK Consulting LLC.  
 Special Needs Advocacy Network.  
 Special Olympics.  
 Spina Bifida Association.  
 Statewide Independent Living Council.  
 TASH.  
 Team of Advocates for Special Kids (TASK).  
 Teacher Education Division of the Council for Exceptional Children.  
 Tennessee Disability Coalition.  
 Tri-State Downs Syndrome Society.  
 The Ability Center of Greater Toledo.  
 The Arc-Jefferson, Clear Creek & Gilpin Counties.  
 The Arc Arapahoe & Douglas.  
 The Arc California.  
 The Arc Cedar Valley.  
 The Arc Michigan.  
 The Arc Noble County Foundation.  
 The Arc of Bristol County.  
 The Arc of Colorado.  
 The Arc of Dickinson.

The Arc of Fort Bend County.  
 The Arc of Greater Pittsburgh.  
 The Arc of Illinois.  
 The Arc of Iowa.  
 The Arc of Massachusetts.  
 The Arc of Northern Virginia.  
 The Arc of Opportunity in North Central Massachusetts.  
 The Arc of the US.  
 The Arc of Virginia.  
 The Arc of Toombs County.  
 The Arc Western Wayne.  
 The California Institute for Mental Health.  
 The Center for Rights of Parents with Disabilities.  
 The Jewish Federations of North America.  
 The Joseph P. Kennedy, Jr. Foundation.  
 The National Council on Independent Living.  
 The National Center of The Blind Illinois.  
 The Starkloff Disability Institute.  
 Three Rivers Center for Independent Living.  
 Topeka Independent Living Resource Center.  
 Touchpoint Group, LLC.  
 Tourette Syndrome Association.  
 Treatment Communities of America.  
 Tri County LLC.  
 Tri-County Association of the Deaf, Inc.  
 Twin Ports Post Polio Network.  
 United Cerebral Palsy.  
 United Spinal Association.  
 U.S. Business Leadership Network.  
 U.S. International Council on Disabilities.  
 Utah Assistive Technology Foundation.  
 Vermont Center for Independent Living.  
 Vermont Family Network.  
 Voices of the Heart Inc.  
 Whirlwind Wheelchair International.  
 Women's Refugee Commission.  
 WORK, Inc.  
 World Institute on Disability.  
 Wyoming Institute for Disabilities.

Mr. KERRY. Mr. President, across the developing world, persons with disabilities face remarkable indignities and prejudice on a daily basis. They are prevented from attending schools, they are subject to discriminatory hiring practices, they are often unable to enter a public building, unable to safely cross a street, unable to even ride a public bus. There are an estimated 650 million people in the world today who live with a disability. Some 36 million of our fellow Americans are disabled, and veterans are filing disability claims at an unprecedented level. There is a challenge in these statistics, and it is a challenge to the decency and humanity of every Member of the Senate.

When a disabled child in a developing country is killed at birth because of their disability, that is a challenge to every single one of us, as Americans and as citizens of the world.

When a pervasive cultural stereotype forces disabled people to abandon their dreams and toil away in crushing poverty, it should offend the sensibilities of everybody in the Senate, and we have a chance to do something about that. When our wounded warriors are prevented from living, working, studying, or traveling abroad because of a lack of basic physical access, that violates our sacred oath.

I urge my colleagues to go to the report and read the testimony of people who have talked about how things have changed in certain countries because

countries signed on to this treaty to try to reach the American gold standard. Each of these episodes that denies people those opportunities takes a little piece of our humanity.

I think our identity, I think our exceptionalism is personally on the line in this vote. I know some have said we don't need this treaty. Some have even argued it requires a change in law when it doesn't require any change in the law.

To paraphrase Senator Moynihan, who reminded us often, everybody is entitled to his or her opinion, but you are not entitled to your own facts. I simply say to my colleagues, there are basic facts with respect to this treaty, and we will argue them over the course of the next hour and perhaps days.

I want to share the most important facts right upfront. I said this earlier, and I am going to repeat it. This treaty—I hope we won't hear this debate on the floor of the Senate, because the text, the legal and documentary text of the report language and the treaty and the transmittal language and the interpretations of the Justice Department all make it clear, this treaty does not require any change in American law. None. Testimony from everybody, including former Republican Attorney General Thornburgh, makes that clear.

In addition to that, to make certain we address the concerns of our colleagues so that we reinforce that notion, the Foreign Relations Committee included additional, multiple reservations, understandings, and declarations in the resolution of advice and consent, including one that ensures that the treaty cannot be relied on as a cause of action in State or Federal courts. When we ratify this, we will ratify it with a clear understanding that there is no right of action in America's State or Federal courts.

We have also heard the argument that the convention could somehow change U.S. domestic law with respect to abortion. Again, let me make it as clear as I know how: This is absolutely, positively, factually inaccurate. The convention does not mandate or prohibit any particular medical procedure, heart surgery, brain surgery, abortion, or anything else, and we made that crystal clear in the understandings of ratification.

What it does require is something very simple. It requires that governments do not discriminate against the disabled in anything that they do allow or prohibit. If you allow a procedure, you must allow it for the disabled and the nondisabled alike. If you prohibit a procedure, you must prohibit it for the disabled and the nondisabled alike. That is all this treaty does, but it is powerful and critical to those millions of people who are discriminated against otherwise. The Foreign Relations Committee included language in the resolution of advice and consent to clarify what I just said.

Some have also tried to make the argument that the disabilities committee

created by this treaty—there is a committee that is created—is somehow going to intrude on the lives of Americans. Again, our good President John Adams once said that facts are stubborn things. Well, they are stubborn, they don't go away. The facts are that this treaty, in this committee that it creates, has no power, except to make a report to put people on notice so they can then consider what they might want to do. It doesn't require any action, it doesn't compel any action, it has no authority to do so. It simply sheds the light of day on what may or may not be happening somewhere so people can then nudge and push and jawbone and use the pressure of public scrutiny to hopefully change behavior.

By terms of the treaty, this committee has exceedingly limited powers. It can simply accept and review a country report and make a recommendation. That is it—that recommendation—nothing else.

The fact is, here in the United States we are blessed because we already live up to the principles of this treaty. Our laws, including the ADA, are more than sufficient to compel compliance with this treaty from day one. That is why nothing is going to change here at home except for those people with disabilities who can turn to their family and say, you know, I can go take that job over here or I can travel over there or I could go study over there, because the standards are going to rise and people will be able to do that.

For decades, I am proud to say, the world has looked to the United States as a leader on disability rights, and it is hard to believe that actually some people are now beginning to question our resolve on something that we were the leader on. That is disappointing, I think, to everybody who has been affiliated with this effort over the years.

Let me quote John Lancaster. John is a disabled Vietnam veteran who testified in support of this treaty and who challenged us all to do the right thing. His words are stark and simple. He said:

As someone who volunteered and laid my life on the line for freedom, rights, dignity . . . now to have this whole debate that we're not willing to espouse [the Disabilities Convention] to the rest of the world? That we're not willing to walk the talk in international circles? To step up to the forum and advocate . . . We aspire to what's in this Convention. That is what we are about as a nation: including people, giving them freedom, giving them rights, giving them the opportunity to work, to learn, to participate. Isn't that what we are about? Isn't that what we want the rest of the world to be about? Well, if we aren't willing to say that is a good thing and to say it formally, what are we about?

That is a powerful statement from a man who served his country.

The Convention on the Rights of Persons with Disabilities is more than a piece of paper. It is not an empty promise. It is a reflection of our values as a nation. It is a lever, it is an inspiration, it is a diplomatic tool. It creates

the ability to change life for people in many other countries, and that is what America is about.

John Lancaster closed out his testimony saying:

From a veteran perspective, I think we have much to gain from the improved accessibility of the world. Today some disabled soldiers and Marines remain on active duty in spite of their disability, continuing to serve their country. These servicemembers should be afforded the same rights outside the United States as they enjoy here. For a disabled veteran working abroad, the adoption of disability rights and implementation of disability laws allows them to do their jobs more effectively and reaffirms what they served for: liberty and the opportunity to participate.

He closed by saying we have a moral obligation to one another to serve our great country and to show what we represent to all mankind.

When he returned from Vietnam, John struggled for years with environmental obstacles, employment discrimination. I think we owe it to him and to millions of Americans facing a similar plight today to fulfill our constitutional responsibilities and get the job done.

When George H.W. Bush signed the Americans with Disabilities Act into law, he did so with the hope that it was going to foster full and equal access to civic, economic, and social life for people with disabilities in America. Senator Kennedy, who played an important role, said, "This act has the potential to become one of the great civil rights laws of our generation . . . It is a bill of rights for the disabled, and America will be a better and fairer nation because of it."

That was the spirit that animated the passage of the ADA, and it is the same spirit that has inspired a bipartisan group of Senators to work tirelessly to pass this convention.

For far too long persons with disabilities have been left in the shadows or left to fend for themselves. We must resolve again as Senators and as citizens to fight for our principles. It isn't a question of time. It is a question of priorities—a question of willpower, not capacity. This treaty reflects our highest ideals as a nation, and now is the time to act.

In closing, I say to colleagues: When there is an opportunity for change, America must be there to help—to keep faith, and to use our voice to support those who are striving for reform.

This really is one of those moments the Senate was intended to live up to—and it demands leadership and a willingness to find the common ground.

If discrimination against persons with disabilities is to stop—and it must—then we must stop it. We all know that restoring the full measure of rights to persons with disabilities is not just a lofty goal. It's a core value here at home and an imperative abroad. But it is not enough to know how things ought to be. Our job is to ask how we can make them so.

After all, if the American people said anything in this election year, it is

that Members of Congress need to work not just on their side but side by side. It is the only way we can fully complete our constitutional duties. It is the only way—in a divided country, at a time of heightened partisan tensions—that ideology will yield to common sense. And it is the only way that we will approve the disabilities convention and live out the truth behind those timeless and inimitable words: that all of us are created equal.

I yield to the Senator from Indiana.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, the chairman of our committee, the distinguished Senator from Massachusetts, has expressed the case well and strongly. Let me say in simplicity that as we enjoyed hearing of the rights of persons with disabilities, we have learned that essentially the United States has an opportunity for leadership for an expression of our idealism with regard to the care and treatment and concern for disabled persons in our country and the world.

If we ratify this treaty, we will join with other nations who meet annually and will receive every 4 years reports from the various countries that are involved as to the progress they have made. They compare notes. They learn really how the disabled are treated. Our belief is that we are the gold standard and that there are many countries that would like to know technically how people are treated in the United States and what sort of investment would be required in those countries.

Having said that, we should also say, very frankly, that the committee or this governing aspect has no ability whatsoever to create law—either State, local, or Federal—in the United States of America or to compel Americans to do anything, literally. So we have an opportunity to be advocates of our idealism, and we have an opportunity to listen to others and perhaps to gain new insight in this body about how, along with our fellows in the House, to proceed. I think that is very important.

Now, having said all that, I would say that likewise the committee did understand there are considerable anxieties in our country about this situation. I would say it is conceivable the debate we have today will illustrate that some Members of our body have valid concerns about the convention. I think it is clear that we will cite again and again our domestic legislation, such as the ADA and the IDEA, which constitutes the most comprehensive and effective standards to advance the rights and provide equal opportunities for individuals with disabilities.

One of the arguments by the administration in support of Senate ratification is that by becoming a member we will be able to increase our global credibility. It is argued this increased credibility with other countries will be beneficial in exporting and promoting

standards. The executive branch also argued that when officials have bilateral conversations advising other governments about improving standards for their disabled citizens, officials often question why the United States is not a party now to the convention. Opponents of the convention have argued we should only accede to the convention if it advances the national interest of the United States, especially in an area where the United States is a global leader.

There have been questions raised regarding the binding nature of the convention. The response has been that the convention is nonbinding, and the committee formed by the treaty has no compulsory authority. This also addresses the concerns of opponents who have cited instances of overreach by such committees established by human rights treaties in the past.

Most major veterans groups, as has been cited, and disability rights groups have all written in support and, as a matter of fact, turned out by the hundreds for the hearings and the markup of this legislation in the Senate Foreign Relations Committee. As I indicated, it would be very important from the perspective of making the world a more accessible place for U.S. citizens, including disabled citizens and veterans who are disabled. And improving a global standard for all segments of the disabled community should be our goal. Although accession to the treaty will not instantly achieve that goal, it may provide another avenue through which we might achieve the goal.

I want to mention specifically now some technical aspects of our committee consideration. Article 34 of the convention creates the committee we have talked about—the committee on the rights of persons and disabilities. It consists of 18 persons, elected by state parties to the convention, and they are required to submit periodic reports to the committee concerning measures taken to give effect to the obligations under the convention and the progress made in that regard. The convention provides the committee shall make such suggestions and general recommendations on the report as it may consider appropriate and shall forward those to the state party concerned. The committee recommendations are advisory only and are not binding on the state parties, including the United States of America.

Now, the United States has recognized the rights of individuals with disabilities through constitutional and statutory protections—the Americans with Disabilities Act of 1990, which has been cited. As such, many of the general requirements of the convention for protection of disability rights already exist in Federal law. The provisions of the convention can be grouped generally into the following categories: Accessibility, education, equality, employment, and health.

Now, the committee closely reviewed the “best interest of the child” stand-

ard as set forth in article 7 of the convention, including whether the ratification of the convention by the United States could negatively impact parental rights with respect to disabled children, including parents who opt for home schooling of disabled children. The Department of Justice testified unequivocally that parental rights would not be hindered in any way.

In response to written questions for the record, Senior Counselor to the Assistant Attorney General for Civil Rights, Eve Hill, stated:

In light of the Federalism and private conduct reservations, among others, there would be no change to Federal, State or local law regarding the ability of parents in the United States to make decisions about how to raise or educate their children as a result of ratification.

Mention has been made by the chairman about article 25 of the convention. The state parties recognize that individuals with disabilities have the same right as others to enjoyment of the highest attainable standards held. They must be offered the same range, quality, and standard of care that is available to other persons in their countries. Health care professionals must provide care on the same basis they would provide if the individual seeking care did not have a disability. Article 25 also prohibits discrimination based on disability related to the provisions of health and life insurance.

The convention does not provide any additional or different rights on matters of abortion. It also provides that people with disabilities not be treated any differently than others. Existing U.S. rules on abortion would still apply to U.S. citizens.

The administration has recommended the Senate include certain reservations, declarations, and understandings in any resolution of advice and consent. The administration has stated, with the following reservations, understandings, and declarations; that the United States would be able to implement its obligations under the convention using its vast existing network of laws affording protection to persons with disabilities. Therefore—and I stress this—no new legislation would be required to ratify and implement the convention.

I shall not go through all the details of the reservations, but they do specifically mention federalism: The convention shall be implemented by the Federal Government of the United States of America to the extent it exercises the legislative and judicial jurisdiction over the matters covered therein and otherwise by the State and local governments to the extent that State and local governments exercise jurisdiction over such matters.

I would say, secondly, there is non-regulation of certain private conduct. This is a reservation suggested by the administration, adopted by the committee. The Constitution and laws of the United States establish extensive protection against discrimination,

reaching all forms of government activity as well as significant areas of nongovernment activity. Individual privacy and freedom from government interference in certain private conduct is also recognized as being among fundamental values of our free and democratic society.

The United States understands that by its terms the convention can be read to require broad regulation of private conduct. To the extent it does, the United States of America does not accept any obligation—any obligation—under the convention to enact legislation or take other measures with respect to private conduct except as mandated by the Constitution and laws of the United States of America.

I would mention, in addition to proposed reservations of the administration adopted by the committee, there were numerous proposed understandings all of which were adopted by the committee. They protect essentially the first amendment of the United States, economic, social, and cultural rights in our country, equal employment opportunity, uniformed employees of the United States, military departments, and definition of disability. In other words, U.S. law, State and local government law apply in all of these cases without exception and cannot be countermanded by anything with regard to this treaty. Likewise, there have been proposed declarations offered by the State Department, and these were adopted by the committee.

I would simply say, Mr. President, without reiterating each of the reservations, they all attempt to meet any conceivable objection or question raised by citizens of the United States who have testified, who have written to the committee, or Members of this body who have visited with members of the committee as we were preparing for this obligation today. This is a treaty, in essence, that states our idealism. We would be a part of an organization in which we have a forum to do that. We are under no obligation to adopt any of the suggestions of the other committee members, although we will listen respectfully to them.

As a matter of fact, the treaty is important because we have such a gold standard that others have simply raised the question: Why are you not a part of a picture that might make this available, thoughtfully, to the rest of the world? And there is no good answer to that if in fact we espouse these ideals with regard to all of humanity and hope they might be adopted by others. But, specifically, and one reason veterans organizations and other organizations trying to help the disabled in our country advocate this treaty is that we would like to see improvement in other countries.

Sometimes our warfighters, as a matter of fact, are forced by all sorts of conditions to live in other countries. We hope they are receiving proper treatment, the best treatment. As a matter of fact, if they have any sort of



life in those countries, we hope there is improvement for them. We hope, as they come back to America and then find it necessary to travel abroad again for any number of purposes, that the treatment for their disabilities will be there and, hopefully, of the same quality. We need to be advocates of this convention, advocates for our veterans and for other Americans who have disabilities.

So for these reasons, Mr. President, I am grateful to the majority leader for bringing this legislation to the floor at this time. We are very hopeful that at least the bipartisan debate we had in our committee and the strong vote for ratification will find at least some resonance in this overall debate in the Senate.

It has been a privilege on my part to work with our leader and to have had an excellent set of hearings and to have enjoyed the comments of our veterans. There are many in this body who have served this country in the military services. They have distinguished records. I had only a modest 3 years and 4 months of Active Duty after volunteering for the Navy, but that was sufficient for me to learn what was important for those with whom I was serving and those in veterans organizations, such as the American Legion, headquartered in Indianapolis, IN, about what is vital to the quality of life for those constituents.

So I am hopeful we will have success in this effort tonight.

I yield the floor.

Mr. KERRY. Mr. President, I thank the Senator from Indiana, not just for his comments now but for his many years of leadership on these issues and for his wonderful partnership in all of this. I will have more to say about that as the days go on, but we are going to miss his vision and wisdom over the course of the years.

Mr. KERRY. Mr. President, I suggest the absence of a quorum and ask that the time be equally divided under the quorum call. I would hope colleagues would come to the floor and use the time as they desire.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. LUGAR. I would like to recognize Senator VITTER on our side.

The PRESIDING OFFICER. The Senator from Louisiana.

#### DETENTION OF ELTON "MARK" MCCABE

Mr. VITTER. Mr. President, I rise to note grave concern on behalf of a constituent of mine and his family. Elton "Mark" McCabe, a businessman from Slidell, LA, has been held against his will in the custody of South Sudanese officials since October 14—for several weeks now, going on a month, through Thanksgiving.

Mark McCabe was in Africa, South Sudan, with business partners pursuing business opportunities, doing everything by the book, legally, ethically, and apparently, for reasons we don't yet fully understand, business competitors or business enemies of his had some sway with South Sudanese officials in a particular portion of the government with the security force, and he was taken into custody. He was charged with vague, very serious crimes and has been held against his will for these many weeks. I won't go into all the details, but it has been a long torturous experience.

I have been on the phone constantly, virtually every day, with State Department officials, with the South Sudanese Ambassador to the United States, with others, trying to demand basic due process and basic justice.

Things have gotten a little better in the last week, and a few days ago there was a hearing before a judge regarding these trumped-up charges. When the prosecution had basically no facts and no evidence to present, the judge virtually laughed in their face with regard to this lack of a case. Nonetheless, the prosecution asked for 3 more days to get its house in order, to get its notes in order, possibly just to try to save face by dropping these trumped-up charges against Mr. McCabe rather than having them thrown out against their will by the judge. We hope that is the case, we pray that is the case, but we don't know yet.

The next hearing before this same judge is going to be this Thursday. So I come to the Senate floor to urge that judge and the South Sudanese Government to do the right thing, to do justice and immediately release Mark McCabe, who, again, has been held against his will, with no evidence, with no meaningful charges against him, since October 14.

I want to repeat what I said directly to the South Sudanese Ambassador to the United States. For many years we have built a strong, positive, bilateral relationship, but that relationship depends on appropriate trust between the parties and appropriate action. And we are looking at this case very seriously. We are looking at this case as a test of their judicial system, as a test of their appropriate intentions. If this completely unjustified detention continues, I vow that I will personally make sure there are consequences and repercussions to that relationship because there should be. They have violated basic fundamental legal and human rights of U.S. citizens.

I am hopeful based on what happened in South Sudan a few days ago, but, to quote President Ronald Reagan, trust but verify. And we are going to verify one way or the other come Thursday. The matter is very simple: Even though Mark McCabe has been held against his will for weeks and weeks, finally, at this late date, we fully expect this sorry state of affairs to end on Thursday. And if these trumped-up,

frivolous charges continue, if he continues to be held against his will, I promise I will make those statements to the South Sudanese Ambassador ring true. I promise I will follow up and take action because this is absolutely outrageous.

I know we all join to pray for justice, to pray for Mr. McCabe's safekeeping. He has a serious heart condition. Indications are that he actually suffered a mild heart attack while in the custody of South Sudanese officials. So we pray for him, and we very much expect and look forward to his quick return to his home in the United States.

Mr. President, I yield the floor.

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

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

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Iowa.

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

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

Mr. HARKIN. Madam President, I rise to support the ratification of the U.N. Convention on Rights of Persons with Disabilities or, as it is known, the CRPD.

First, I wish to thank Chairman KERRY of the Senate Foreign Relations Committee for his diligence and for his leadership on this issue. He has carried it through the committee; he has brought it to the floor. In fact, I was reminded earlier today, we were both on the committee back in the 1980s when we first started working on the Americans with Disabilities Act under the tutelage, really, of Senator Lowell Weicker, who remains a great friend to this day and is still a great leader on the issues of people with disabilities. So we go back that far working together on these issues.

I thank Senator KERRY for his great leadership in bringing us to this point and, hopefully, the point being that we are going to ratify this wonderful treaty.

I thank Senator LUGAR again for all of his efforts through so many years on so many different issues, and on this issue especially, going back to the beginning of the Americans with Disabilities Act. If I might divert from this just for one brief moment to thank Senator LUGAR for his leadership in making the world safer by getting rid of nuclear weapons in the Soviet Union. What a singular effort that has been. Senator LUGAR has done much to make the world a better place for us and for our kids and grandkids. So I salute him for his wonderful leadership in that area.

Senator MCCAIN, of course, was here and worked with us on the Americans with Disabilities Act back in 1989 and 1990. He was very much involved in it; Senator DURBIN, Senator BARRASSO, Senator MORAN, Senator UDALL, and

Senator COONS, I guess all of whom worked very hard to secure the ratification of this important convention.

As the chairman of the Committee on Health, Education, Labor and Pensions and as the lead Senate author of the Americans with Disabilities Act, I want the United States to become a party to this convention so we can apply the expertise we have developed under the ADA and help the rest of the world remove barriers to full participation and to honor the human rights of citizens with disabilities. One of my greatest joys in the Senate has been my work with so many Senators on the Americans with Disabilities Act of 1990.

The ADA stands for a simple proposition: that disability is a natural part of the human experience and that all people with disabilities have an inherent right to make choices to pursue meaningful careers and to participate fully in all aspects of society. So thanks to the ADA, our country is a more welcoming place not just for people with a variety of disabilities but for everyone.

Twenty-two years ago, on July 26, 1990, President Bush gathered hundreds of Americans with disabilities on the White House lawn for the ADA signing ceremony, and here is what he said. It is wonderful.

This historic act is the world's first comprehensive declaration of equality for people with disabilities—the first. Its passage has made the United States the international leader on this human rights issue.

Well, thanks to the ADA and other U.S. laws, America is showing the rest of the world how to honor the basic human rights of children and adults with disabilities, how to integrate them into society, how to remove barriers to their full participation in activities that most Americans just take for granted.

Our support for disability rights inspired a global movement that led the United Nations to adopt the CRPD. In fact, I might just add parenthetically that after the Americans with Disabilities Act was adopted, we had people from many countries come here. I can think of, first, Russia. Then it was Greece, Ireland, Great Britain, as well as a number of people from other countries who came here to learn what we had done and then to pick it up and move forward in their own countries. Our legal framework influenced the substance of the convention and is informing its implementation in the 125 countries, I think, that have ratified it along with the European Union.

My staff was involved in 2002 when the U.N. first broached this subject of coming up with a convention and, in turn, provided to them the substance of the Americans with Disabilities Act, its history, its provisions, and what had been done from its adoption in 1990 until 2002 and the changes that it had brought about in our own country. So, really, I think the Americans with Disabilities Act informed and laid the

basis for what the U.N. began to do in 2002 and completed in 2006.

So, again, I am very grateful for the leadership of Senator KERRY, Senator MCCAIN, as well as Senator Dole, who I know is not able to be with us right now, but I thank them for all of their support for the ratification of the CRPD. I also appreciate that former President George H.W. Bush, his White House Counsel Boyden Gray, Attorney General Dick Thornburg, former Congressman Steve Bartlett, and Tony Coelho have all been actively supporting this ratification.

I am also grateful for the support from the U.S. business community, including, clearly, the U.S. Chamber of Commerce and the Information Technology Industry Council for ratification of this treaty. Because of their experience with the ADA, American businesses have developed expertise they can apply in the global marketplace in a way that gives them a competitive advantage. If we are a party to the convention, the U.S.-based companies with this expertise will be on much more solid footing when they are seeking to help other countries write and implement domestic legislation consistent with the convention and consistent with U.S. standards for accessibility and equal opportunity.

Like the Americans with Disabilities Act, the CRPD enjoys widespread support in the disability, civil rights, business, veterans, and faith-based communities. I could be off a little bit, but as of the writing of this statement we have letters of support from more than 250 American disability organizations, 21 veterans service organizations—and I caught some of the comments made by our distinguished chairman, Senator KERRY, in talking about veterans and our wounded warriors as they travel around the world and being able to access in other parts of the world what they can access here in America; a very good point—and 26 faith organizations also in support of the CRPD. These entities all realize the critical importance of America's position as a global leader on disability rights. They want our country to have a seat at the table and to share that expertise as the States Parties to the Convention work to implement it around the world.

I might add here, under the convention a committee will be established to assist and to help other countries in implementing and changing their laws and conforming. If we are a party to this, we get a seat at the table. If we are not a party to it, we will not have a seat at the table. Why shouldn't we have a seat at the table? We have been the world leaders. So by ratifying this convention, the United States will be reaffirming our commitment to our citizens with disabilities. Americans with disabilities should be able to live and travel, study and work abroad with the same freedoms and access they enjoy here in this country. Again, as other countries that have been signatories to this treaty grapple with how to

change their systems and to make their systems more accessible, we can be at the table helping them to implement this treaty and to learn from our experience.

The administration has submitted reservations, understandings, and declarations that make clear that U.S. ratification will not require any change in U.S. law and will have no fiscal impact. The Senate Foreign Relations Committee has modified these reservations, understandings, and declarations to address concerns that were raised in the committee markup.

Although U.S. ratification of the CRPD will not require changes in U.S. law and will not have a fiscal impact, I think it is very clear that U.S. ratification will have a clear moral impact. It will send a signal to the rest of the world that it is not OK to leave a baby with Down Syndrome on the side of the road to die, it is not OK to warehouse adults with intellectual and psychiatric disabilities in institutions, chained to the bars of a cell, when their only "crime" is having a disability, it is not OK to refuse to educate children because they are blind, deaf, or use a wheelchair, it is not OK to prevent disabled people from voting, getting married, owning property, or having children, it is not OK to rebuild infrastructures in Iraq or Afghanistan or Haiti or other war-torn or disaster-stricken areas without improving the accessibility of the infrastructure at the same time.

Former President Reagan frequently talked about America as a city on a hill, a shining example for the world of a nation that ensures opportunity and freedom for all its people. Thanks to our country's success in implementing the ADA, advancing that law's great goals of full inclusion and full participation, America, indeed, has become a shining city on a hill for people with disabilities around the globe. By ratifying the CRPD, we can affirm our leadership in this field. We can give renewed impetus to those striving to emulate us. We can give them that renewed impetus by our example and by sitting down with them and working with them only if we are a signatory to this treaty.

Again, you think about American exceptionalism. We are a pretty exceptional country, when you think about it, in many ways. We are not just exceptional because we have the most tanks and guns and bombs and things such as that, but we are exceptional in what we have done in terms of civil rights and human rights and to include all in our family—our family being our citizenship. We took great strides. America has always been evolving as a country to expand civil rights and human rights, and one of the latest, of course, was to extend those rights to people with disabilities in our society, making sure people with disabilities had all the rights and opportunities that anyone enjoys in our society.

It seems to me that this is the kind of exceptionalism we ought to be promoting around the globe. We ought to be proud. We should be proud of what we have done as a country in this regard. We should not be afraid—not be afraid—to join in a convention to extend to the rest of the world what we have done here, basically, and to be helpful in making sure that other countries can also attain that kind of a standard that does not exclude anyone because of a disability from their society.

I know there were some who were not part of the bipartisan vote to support ratification in the committee. I understand that. But my hope is that in the intervening time, in the course of Senate debate, we will have addressed any remaining concerns, move forward with a strong bipartisan vote to provide our advice and consent, and pass the resolution supporting U.S. ratification of the CRPD with overwhelming bipartisan support.

When we voted on the ADA in 1990, it was a vote where only 6 people in the Senate voted against it—91 to 6. It was a historic law. My hope is we can achieve the same kind of strong bipartisan statement of support for the human rights of 1 billion people with disabilities around the world.

As to those of us who travel a lot around the world—maybe I see it more because of my involvement in this issue—I cannot begin to describe how often it is people come up and ask us how we can help, help them change so that people with disabilities can have more access, be more involved. Many times I have been to countries where someone comes up and may not know of my involvement in this issue, but through the course of conversation—maybe it is someone in business, maybe it is someone in government, in education—they mention this: They mention accessibility because they have a brother, a sister, a friend, someone who has a disability, and they talk about how easy it is for them in America to get around, to move around, to go to school, to do business, and they would hope that maybe their country could do the same. It happens a lot. Here we are, we have the opportunity to be a key player in this global effort.

It was important for us as a country for the first 10 to 20 years to focus on our own internal problems in terms of advancing the cause of people with disabilities, when you think about all the changes that have come about in the last 22 years. And now we take a lot of it for granted in terms of accessibility, mobility, education, health care, job accessibility. It is just not unusual any longer to walk into a business and see someone with a physical disability or an intellectual disability working there. We kind of do not even think about it much anymore. We do not think about kids with disabilities mainstreamed in schools.

I remember when our oldest daughter was in grade school and IDEA was just

coming into force and effect, the Individuals with Disabilities Education Act, and a child with a disability was integrated into the classroom. There was this big hue and cry from a lot of the parents about: Oh, this kid was going to be disruptive. And how are the other kids going to learn?

Well, we got through that. Now we have a whole generation, what I call the ADA generation, kids who were mainstreamed in school, and kids without disabilities do not think anything about being their friends, going to a ball game with them, going to the theater with them, working alongside them. So we have this whole new generation where you do not think about it any longer. It is a normal aspect of life.

That is not so in other countries. In other countries, it is still, quite frankly, a sign of disgrace when a family has a child with a disability. Well, it is time to get over that. By being a country signing on to this, we can help them in so many ways. It is not just kids or young people with physical disabilities; it is people with intellectual disabilities. For how long have we looked down on people with Down Syndrome, for example, and said: Well, they cannot do anything? We segregate them in society. We send them to special schools. We give them occupations that do not challenge them. Now we have broken that down. Now so many people with intellectual disabilities, we find, can do a lot of things, and they can be challenged. And, yes, they can do competitive employment. They do not need sheltered workshops. They can be in competitive employment, with just a little support and a little training.

So many things have changed for the better in this country. It would be a shame—be a shame—if all this good we have done through all sectors of society—the business community, government, transportation, education; all these things we have done to make sure people with disabilities are not discriminated against and they have full opportunities, all the opportunities that anyone else has in our society—it would be a shame to say that somehow we are not going to support a convention, an international convention that basically takes what we have done and says: Here, world, this is what we should be doing globally.

To have 125 countries already signed up to it, and here we are—those who took the leadership in this area, everyone from the White House to, as I say, the Chamber of Commerce, that was supportive of the ADA, the business community that worked so hard on this—it would be a shame if we did not ratify this and become players in this and have a seat at the table to help the rest of the world attain what we have attained in this country.

Again, I thank Senator KERRY and Senator LUGAR, and so many others, Senator MCCAIN and others—I am probably forgetting to mention someone—

but so many people who have worked so hard to bring this issue to this point.

I have to believe—yes, I know there are some Senators who have some problems, and I do not question anyone's motives or anything like that. I think some people do have, maybe, some concerns about this. Hopefully, through the amending process, we can allay those concerns. I hope we get resounding—resounding—support for the ratification of this treaty and show the world that we are proud of what we have done, and we want to join with the rest of the world in making sure they too can advance and progress and have the same kind of support and accessibility and opportunity for people with disabilities as we have had in America.

Again, I thank my colleague and my classmate and my longtime friend Senator KERRY for his leadership on this issue, and I hope we have a resounding, overwhelming vote, just as we did for the Americans with Disabilities Act 22 years ago.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Madam President, I thank the Senator from Iowa and I want to comment quickly before I yield the floor to the Senator from Minnesota. I also have a unanimous consent request.

I heard the Senator pay appropriate tribute to Senator LUGAR for his accomplishments in terms of making the world safer. I say to my friend, without any question whatsoever in reserve that the accomplishment of the ADA is one of those singular moments in the career of any U.S. Senator and it made the world better here at home, and a lot of other places if we get this done. The Senator from Iowa helped set that gold standard, so I thank him for that and for the pleasure—there are only three of us left from our class, so it is good to stand up with him today, and I appreciate it enormously.

I ask unanimous consent that the time for debate only on the treaty be extended until 6:30 p.m., with the time equally divided as provided under the previous order; further, that at 6:30 p.m., the majority leader be recognized.

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

I yield to the Senator from Minnesota.

Ms. KLOBUCHAR. I rise to discuss the importance of the Convention on the Rights of Persons with Disabilities. I wish to thank Senator KERRY and Senator LUGAR for their outstanding leadership on this important treaty, as well as Senator HARKIN, my neighbor to the south, for all he has done for people with disabilities.

For many years I have served on the advisory board of Pacer, which is one of the Nation's greatest organizations for parents of kids with disabilities, and saw firsthand what so many families go through every day, the incredible courage and the love they show for

their children and the inspiration so many people with disabilities bring to our country.

To paraphrase Minnesota's own "happy warrior," Hubert Humphrey, the moral test of a government isn't just how it treats the young, the healthy, and the able bodied, it is also how it treats the sick, the elderly, and the disabled—those in need of a little extra support.

That may be the moral test of a government, but I believe it is also the moral test of a people and the moral test of a country. Today, I call on all my colleagues to vote to ratify the Convention on the Rights of Persons with Disabilities for two simple reasons. First of all, ratifying this treaty is about protecting the rights of U.S. citizens who are living with disabilities overseas.

Right now, thousands of Americans with disabilities, including our men and women in uniform, live, work, study, and travel abroad. I believe these Americans deserve the same rights and protections they would enjoy if they were living in the United States. This treaty is about ensuring those rights and protections.

Second, ratifying this treaty is about advancing a core moral value we all share as Americans, the idea that all people are created equal and that we are all endowed by our Creator with certain inalienable rights. Our country has long led the world as a beacon for equality and human dignity. This treaty would elevate our role in promoting human rights around the globe.

These are American values, but they are especially near and dear to my heart as a Senator from Minnesota, where we have a long and proud tradition of working to ensure that people with disabilities have access to the same basic resources and opportunities as everyone else. After all, it was the Minnesota Ramp Project that introduced a new American model for building statewide standardized wheelchair ramps.

We are the State that sent Paul Wellstone to the Senate, where he fought long and hard for mental health parity, something that finally passed in the Senate and was signed into law after he died—but it was signed into law. We are home to some of the most innovative centers for the disabled in the country, including Pacer, that I already mentioned, the Courage Center, and ARC.

We even have one of the most accessible baseball stadiums in the country. We are looking forward to a better season for the Twins next year, and we are so proud of our new stadium and how accessible it is for people with disabilities. In many foreign countries, not even schools and hospitals can meet these standards for people with disabilities. When a person is not even able to get an education or access to health care they need because of a disability, that is a very big problem.

Even more troubling is the fact that some foreign countries lack laws for

protecting the disabled against discrimination, meaning they have no recourse after being denied a job or an education or the use of public services. Remember, these inequities do not just affect foreign citizens, they affect Americans who are living in those countries.

So this is what is at stake: protecting our own citizens when they travel to other countries and extending the values of equality and justice we so cherish in our own country. It is important to note that ratifying this treaty will not require any changes to U.S. law, nor will it impact American sovereignty, nor will it incur costs to taxpayers.

It has been endorsed by every major disabled person's rights organization, every major veteran's service organization, the Chamber of Commerce, and several Republican and Democratic administrations. Protecting the rights of the most vulnerable among us is not a partisan issue. It is an issue of decency and an issue of dignity. I believe it is an issue we must all stand behind as Americans.

I urge my colleagues to ratify this treaty and move us forward in advancing the rights of disabled people around the world.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Madam President, I wanted to thank the Senator from Minnesota so much for taking time to come over. I know she did not intend to earlier, but she cares about the issue and took the time to come and share her thoughts with us. We are very appreciative. We obviously hope the Twins do whatever they want, second only to the Red Sox in the future.

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

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

Mr. MCCAIN. Madam President, before us for advice and consent is the Convention on the Rights of Persons with Disabilities, the CRPD. I support the treaty and urge my colleagues on both sides of the aisle to support it.

In America, I do not believe anyone considers someone with a disability to have any less rights or protections than people without disabilities. I would suggest this reality is partly due to our values but also due to bipartisan efforts to codify in law that persons with disabilities are afforded equal access and protection from discrimination.

Over 22 years ago members of both parties came together to pass the Americans with Disabilities Act. It is not only the law of the land but it is the template for the CRPD in countries around the world that are moving to

update their laws. Both the ADA and the ADA amendments of 2008 were passed with wide bipartisan margins. They are examples that from time to time we can engage in a bipartisan effort in this body.

In many countries accessibility to public spaces is not available to persons with disabilities. They are still discriminated against or cast aside in societies across the globe. Horrifically, infanticide occurs in many countries where children are born with disabilities. Protecting the rights of persons with disabilities, all persons, is not a political issue, it is a human issue.

Regardless of where in the world a disabled person strives to live a normal, independent life, where basic rights and accessibilities are available, disability rights and protections have always been a bipartisan issue. Ratifying this treaty should be no different.

Senator DURBIN and I and Senator KERRY began months ago—with Senator HARKIN, Senator LUGAR, many others. We had been discussing months ago how we could work together in a bipartisan manner and build support for ratification of the treaty.

As I mentioned, we have worked closely with Senators MORAN, BARRASSO, COONS, TOM UDALL, HARKIN, and others. I wish to thank them for their support and efforts to get us to this point. Senator KERRY deserves special recognition for scheduling a Foreign Relations Committee hearing and a markup that favorably reported the measure out of the committee. I also wish to thank the majority leader for scheduling this treaty for consideration today.

I think my colleagues should appreciate that this treaty is supported by over 300 disability organizations, at least 21 U.S. military veterans service organizations, the U.S. Chamber of Commerce, and many other organizations. It is not an accident that literally every veterans organization in this country supports this treaty because it is our veterans, many of whom are coming home as we speak, who will live and travel abroad and will benefit from this treaty.

As I have been traveling around the world where conflict is ever present, I have seen that so many people will benefit from the principles embodied in the treaty. So I would argue this effort is probably more important today in the world than it has been in the past. Another strong supporter of this treaty is one of my closest friends and heroes, Bob Dole. As you know, Bob has dedicated nearly his entire life to this country, through his military service and, following that, many years in public service.

He has dedicated the past several months to encourage support in the Senate for this treaty. Earlier, I read a statement from Bob. I would like to mention some parts of the statement. I will point out rather poignantly he says:

It was an exceptional group I joined during World War II, which no one joins by personal

choice. It is a group that neither respects or discriminates by age, sex, wealth, education, skin color, religious beliefs, political party, power, prestige. That group, Americans with disabilities, has grown in size ever since. So, therefore, has the importance of maintaining access for people with disabilities to mainstream American life, whether it is access to a job, an education, or registering to vote.

I will not go through Bob Dole's entire statement. I would point out there are still thousands and thousands and thousands of his comrades who came home disabled in some respect—Bob, of course, in the most painful way. We all recall, with some nostalgia and appreciation, that he and our other wonderful hero Senator INOUE spent time in the same hospital following World War II going through very difficult periods of rehabilitation, a friendship that was forged there that has lasted ever since.

I can assure you there is nothing Bob Dole would want more than to be here on the floor of this Senate delivering his own speech before the Senate and urging colleagues to consider this treaty based on facts and on our values that ensure, protect, and advance the rights of persons with disabilities, whether on U.S. soil or around the globe where we can make a difference.

I received a letter today from—it is very difficult for me to pronounce his name, but I will try—from one individual, Chen Guangcheng. He is an individual who is a blind Chinese activist who recently came to the United States of America thanks to the efforts of many of the leaders in our administration, including the Secretary of State.

I wish to quote from his letter. This is an individual who is blind, who fought for human rights in his country, in China, and now, thank God, is in the United States of America. His letter says:

Dear Senators, I am writing you to personally ask for your support for the Convention on the Rights of Persons with Disabilities. As you know, my work on civil rights began with trying to ensure that people with disabilities in my home country of China were afforded the same rights as everyone else. The CRPD is making this idea real in significant ways around the world. Today, worldwide there are over 1 billion people with disabilities, and 80 percent of them live in developing countries. Disability rights is an issue that the world cannot afford to overlook.

When the United States enacted the Americans with Disabilities Act over twenty years ago, the idea of true equality for people with disabilities became a reality. Many nations have followed in America's footsteps and now are coming together under shared principles of equality, respect, and dignity for people with disabilities as entailed in the CRPD. The U.S.—which was instrumental in negotiating the CRPD—can continue to advance both its principles and issues of practical accessibility for its citizens and all people around the world, and by ratifying the treaty, so take its rightful place of leadership in the arena of human rights.

As I continue my studies in the United States, it is a great pleasure to now learn firsthand how the U.S. developed such a comprehensive and strong system of protection for its citizens with disabilities. I am so

hopeful that you will support ratification and allow others to benefit from these triumphs. Thank you for your leadership.

That is a very moving letter from a man who risked his very life, a man who is blind but still risked his life for the freedom of others, including rights in his country for individuals with disabilities.

There is a letter we have from former Attorney General Dick Thornburgh and White House Counsel Boyden Gray. They wrote to the Foreign Relations Committee to address issues being raised by opponents, particularly homeschool advocates who believe parental rights to homeschool or make decisions for their children will be impaired. I take it that my colleague, the Senator from Massachusetts, addressed this aspect of the concerns the homeschoolers have.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. If I might just say to my colleague, the resolution actually does address it, but I have not, so I think it would be important, if the Senator wishes to address that.

Mr. McCAIN. Here is what they wrote, the former Attorney General—I have been blessed to live and know many Attorneys General, but I think all of us on both sides of the aisle would agree that Dick Thornburgh ranks up there at the top. This is what they write concerning the issue of homeschooling:

Nothing in this treaty prevents parents from homeschooling or making decisions for their children. This treaty embraces IDEA, the ADA, and all of the disability non-discrimination legislation that has made the United States a leader on disability rights. The specific provisions on women and children state that women and children with disabilities cannot be the victims of illegal discrimination—as is the case under U.S. law. Furthermore, the CRPD recognizes and protects the important role of the family and specifically protects children from being separated from their parents on the basis of a disability. We take a back seat to no one in our defense of the rights of parents to raise their children or in our support for our federalist system of government with sovereignty at both the Federal and State levels of government.

Some opponents are also suggesting that somehow the U.S. law or existing parental rights would be impacted by supporting the treaty. Attorney General Thornburgh and White House Counsel Gray address this as well:

We understand that some are claiming that changes in U.S. law would be necessary to implement the obligations the U.S. will undertake as a result of ratifying the treaty, or that the RUDs that the Senate will approve will not have the force of law. Such claims are not correct and, quite simply, extraordinary. When the U.S. Senate attaches conditions to its consent to a treaty, they are binding on the President, and the President cannot proceed to ratify a treaty without giving them effect. The Senate has a long tradition of careful consideration and frequent adoption of limited RUDs, as is the case here. Any claims that such limited conditions do not have the force of law, or are inconsistent with the object and purpose of a treaty on disabilities that U.S. laws inspired

in the first place, is contrary to the long-held position articulated by the Senate—regardless of which party is in control (and in spite of whatever theories that may momentarily exist in academic circles).

Administrations of both parties have also uniformly held this view. In 1995 the U.S. stated that “reservations are an essential part of a State's consent to be bound. They cannot simply be erased. This reflects the fundamental principle of the law of treaties: obligation is based on consent. A State which does not consent to a treaty is not bound by that treaty. A State which expressly withholds its consent from a provision cannot be presumed, on the basis of some legal fiction, to be bound by it.”

Furthermore, the CRPD protects the critical role of the family by specifically recognizing the role of parents in raising children with disabilities, and prohibits the dissolution or separation of families because one or both of the parents are persons with disabilities. Article 23, entitled “Respect for home and family,” provides that “children with disabilities have equal rights with respect to family life,” that nations ratifying the treaty have an obligation to “undertake to provide early and comprehensive information, services, and support to children with disabilities and their families, and that “(i) in no case shall a child be separated from parents on the basis of a disability of either the child or one or both of the parents.” Finally, the CRPD will provide much-needed protection in other countries where there is no provision for birth certificates or birth registration for children with disabilities. In particular, it will help protect against the horrible practice of infanticide of children born with disabilities—a practice that can be facilitated through the denial of birth certificates or registration to disabled babies.

Every action we have ever taken on disability policy has been bipartisan. Being able to live independently is a basic human dignity we support, and it is a value we can help advance internationally by supporting this treaty.

I would like to say in closing that I thank both of my colleagues, Senator LUGAR and Senator KERRY.

I think we might think just for a moment, in conclusion, about the fact that there are various conflicts going on around the world. In Syria, we have seen 40,000 killed, and I don't know how many—100,000, 200,000 who have been wounded, many of them innocent women and children, because of the ferocity and barbaric conduct of this conflict. I don't know how many people today in China are subject to infanticide because there is not a birth certificate available. And we know that practice, not only in China but in other parts of the world—a lot of it in Asia—goes on. We live in a very troubled and turbulent world. Not only will we have the normal, usual situation—and I mean normal—there are people who are born with disabilities from time to time. I have had the honor of knowing children, as all of us have, and there are no more loving and caring people in the world than our children and our citizens who have disabilities. There are going to be a lot more because of the conflicts that are going on in various places in the world. They might deserve our special attention because they are living in countries that will have a lot less of the rule of law, a lot

less ability to care for them, particularly in the short term. Whether it be Libya, whether it be Syria, whether it be Iraq, or whether it be Afghanistan, all of these countries, we are going to have citizens who have been the victims of the violence of war. I believe the best thing we can do for them in the short term is take whatever action we can to see that they are not discriminated against, that they receive the same protections we guarantee our Americans with disabilities, and that they are afforded an opportunity to live full and beautiful lives.

Finally, I would like to say that my two friends and I have been around this place for quite a while—in the view of many, perhaps too long—but the fact is that one of the highlights of our shared experiences was on the lawn of the White House when a guy, Holmes Tuttle—remember one of the leaders of the disabilities movement, Mr. Tuttle—and others from the disabilities community were there, and the President of the United States at the time, President Herbert Walker Bush, and our beloved Bob Dole were there. It was a great moment for all of us. It was a great moment for America. It was all of us doing something, contributing in a small way to make better the lives of people who otherwise may have had great challenges in having the kinds of lives we want every American citizen to lead.

I believe that this treaty, this action is an adequate and important followup because I don't think there is anybody who denies—yes, there are problems with any legislation of the sweeping magnitude and scope of the ADA, but I don't know of anybody who doesn't believe it was a magnificent success and an enormous contribution to making the lives of our citizens with disabilities better than they otherwise would have been. So wouldn't we want that same thing to happen to everyone in the world? Wouldn't we want these children who are going through such difficult times in their lives and wouldn't we want those who have been wounded and maimed to have an opportunity for a better life? Wouldn't we want to, as Americans, be proud that we blazed the trail with the ADA in a really remarkable shift and change and an act of almost miraculous benefit to so many of our citizens, wouldn't we want that also to apply to the other citizens of the world? I think most of us would, and I think most of the American people who are paying attention to this believe that. That is why so many of our veterans organizations are in support. That is why so many in the disabilities community are in support. That is why there are so many charitable organizations that are in support.

So I again thank both of my colleagues and tell them that I certainly hope we can convince all of our colleagues that one of the nicest things we could do as a Christmas present for people around the world is to ratify this treaty.

Madam President, I yield the floor.  
Mr. KERRY. Madam President.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Madam President, I wish to thank the Senator from Arizona. I thank him for his comments just now, but most importantly I really appreciate his extraordinary leadership on this issue and a lot of human rights issues, issues of conscience. He speaks with a very important voice, and I think he knows I am always happier when he is working with me than against me on any issue on the floor. I know he used to pride himself in his fight occasionally with Senator Kennedy, but he also prided himself enormously when they were able to get together and work together.

I have certainly enjoyed the many things Senator McCain and I have done together—most notably, I think, joining hands across a certain belief divide to help end the war in Vietnam, the real war that kept raging in the minds of a lot of people, and that was a 10-year journey we made together. I am certainly proud of that and grateful to him.

But I want to come back to this treaty for a moment and Senator McCain's efforts on it. I would say to my colleagues who have raised in the minority report a couple of concerns—and none of us are dismissive of those concerns—every Senator has the right to express their beliefs, but I can't think of a Senator more compelled. He has been the ranking member and chair of the Armed Services Committee and for years has been one of the leading voices on defense issues and now the defense of our Nation. Everybody knows his record in terms of personal service. I think there is no Senator who comes to the floor arguing more consistently the prerogatives of the United States of America with respect to defending our Nation and upholding the Constitution.

I would ask my colleagues who are finding some reason to doubt this treaty or to have some sense that it presents a threat to our country to take appropriate note of Senator McCain's fervent commitment to this and to the comments he made about former Attorney General Dick Thornburgh. I knew the Attorney General when he was Attorney General. I have enormous respect for him and for his career, and I think Senator McCain was 100 percent correct when he quoted him in the record as saying that nothing in this treaty will require any initiative by the United States to change a law or to reduce any capacity of our courts to uphold the Constitution of the United States. I think he did an important service in his comments with respect to that. I thank him for his contribution. Our fight is not over. We have some work to do in the next days, and I look forward to working with him.

The PRESIDING OFFICER (Mr. CASEY). The Senator from Indiana.

Mr. LUGAR. Mr. President, I join the chairman in thanking JOHN MCCAIN for

his testimony, his courage, his eloquence, and his mention of those on our side of the aisle who have historically fought for the disabled. That is a very important fact today, and his presence, his strength and determination are very inspiring. We appreciate so much his support.

Mr. KERRY. Mr. President, I suggest the absence of a quorum, and ask that time be logged to both sides.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DURBIN. Mr. President, we are in the process of considering the ratification of the Convention on the Rights of Persons with Disabilities. The United States has led the world in creating the legal framework, building an infrastructure and designing facilities that ensure inclusion and opportunities for those living with disabilities.

This year the Senate Foreign Relations Committee, under the leadership of Chairman JOHN KERRY and ranking minority member Senator RICHARD LUGAR, celebrated the 22nd anniversary of the Americans with Disabilities Act by favorably reporting the Convention on the Rights of Persons with Disabilities on a strong bipartisan basis. I want to personally thank Senator KERRY and Senator LUGAR for moving the treaty through the committee process. It was a hectic time—campaigns were going on—but they made a point of making certain we brought this issue forward.

A personal thanks to my friend Senator JOHN MCCAIN, who is on the Senate floor at this moment, for making this a bipartisan effort. I also want to thank Senators BARRASSO, HARKIN, TOM UDALL, MORAN, and COONS for their bipartisan support and dedication to the passage and ratification of this important treaty.

Now is the time for the full Senate to affirm our Nation's leadership on disability issues by ratifying this important treaty. We should do so with the strong bipartisan support that has always characterized the efforts we have had on disabilities.

The support for this treaty is extremely broad and deep and bipartisan. It is supported by 165 disability organizations, including the U.S. International Council on Disabilities, the American Association of People with Disabilities, the Disability Rights Education and Defense Fund, and the National Disability Rights Network.

In addition, it is supported by 21 different veterans groups, including the Wounded Warrior Project, the American Legion, Disabled American Veterans, and Veterans of Foreign Wars.

President George H.W. Bush, who signed the Americans with Disabilities Act into law, has called for ratification



of this treaty. But there has been no more passionate advocate—and I am so honored that he would consider devoting his energies and good name to our effort for ratification of the treaty—than Senator Bob Dole, a lifelong advocate for disability rights. We need to pass this treaty in a tribute to Bob Dole for his life of service to the State of Kansas and to the Nation, as well as his heroic efforts on behalf of the disabled in the Senate.

These organizations and people of different backgrounds have come together to support ratification of the treaty because they know it is critical for those living with disabilities in the United States and around the world. Thanks to the ADA and similar laws, the United States has been so successful providing opportunities, accessibility, and protection of the rights of those living with disabilities that our Nation is already in full compliance with all terms of the treaty. Before transmitting this treaty, the Obama administration conducted an exhaustive comparison of the treaty's requirements to current U.S. law. Here is what they found: The United States does not need to pass any new laws or regulations in order to fully meet the terms of the treaty. The fact that we have already met or exceeded the treaty's requirements is a testament to our Nation's commitment to equality and opportunity for the disabled.

But there are still important reasons to ratify this treaty. There are more than 5½ million veterans living with disabilities in the United States. They travel all over the world, often with their families. Ratifying this treaty will help move toward the day when wherever they travel they will be treated with accessibility, with the kind of respect that every person would expect to have in traveling around the world.

Ratifying this treaty will also give the United States a seat at an international table that we currently can't occupy. The United States can sit at the table on disability rights worldwide and provide guidance and expertise based on our experience and leadership. It just stands out like a sore thumb our country hasn't ratified this treaty when over 120 other nations have.

This treaty would also level the playing field for American businesses. American businesses have invested time and resources to comply with the ADA. Businesses in some countries are not required to comply with similar standards. Compliance with the treaty levels the playing field by requiring foreign businesses to meet accessibility standards similar to those of the United States. It will open new markets for new technologies when it comes to disability.

Mr. President, I know you have been a visitor at Walter Reed and Bethesda Naval Center, and you have seen our returning veterans, many who come home after losing a limb. They go through a period of the best rehabilita-

tion, and then they are brought into a laboratory with the latest technology.

A new Congresswoman from Illinois, named TAMMY DUCKWORTH—I am so proud of her election victory on November 6—lost both legs in Iraq when she was piloting a helicopter that was shot down. She was a member of the Illinois National Guard, and there was a question whether she would even survive the terrible incident where a rocket-propelled grenade was fired into the fuselage of her helicopter. She survived and has since used Walter Reed Hospital and Bethesda to make certain that she has the very best new prosthetic legs. They were good enough to carry her through a campaign successfully, and now she will be sworn in to the U.S. House of Representatives in just a few weeks.

That kind of technology is being developed for our veterans, as it should be. Ultimately, it will be available to everyone across the United States and around the world. As companies make this new technology enabling amputees a full life, this technology becomes a part of the export of the United States. So there are opportunities here for the United States, as other countries comply with the treaty and develop new prosthetics and other things for their disabled, to have some business opportunities with new and good ideas. American businesses will be able to export their expertise and their products in new markets serving the hundreds of millions of people living with disabilities around the world.

Let me tell you why it is important for us, even though our standards are good and high in helping the disabled, to worry about those with disabilities in other countries. There are estimates that 10 percent of the world's population lives with disabilities. Not only do these people courageously live each day, they live with many challenges and hurdles that could be removed with the right laws and policies that are contained in this convention.

It is hard to believe, but 90 percent of children with disabilities in developing countries never attend school. Less than 25 percent of the countries in the United Nations have passed laws to even prohibit discrimination on the basis of disability. Studies indicate that women and girls in developing countries are more likely than men to have a disability.

Unemployment is dramatically higher for those living in other countries with disabilities. This treaty will help provide the framework so countries around the world can help their own citizens with disabilities live productive, healthy lives. Just like we did by enacting the ADA 22 years ago, ratifying this treaty will send the world a message that people with disabilities deserve a level playing field.

While this treaty will ensure inclusion and access for those living with disabilities, it is also important to note what the treaty will not do. The treaty will not require the United States to

appropriate any new funding or resources to comply with its terms—not a single dollar. The treaty will not change any U.S. law or compromise U.S. sovereignty. The treaty will not lead to any new lawsuits because its terms do not create any new rights, and it cannot be enforced in any U.S. court. For families who choose to educate their children at home, the treaty will not change any of the current rights and obligations under American law. I was pleased that in the Foreign Relations Committee they adopted an amendment I worked on with Senator DEMINT, a bipartisan amendment, to further clarify this issue.

I also want to address the issue of abortion, which was raised yesterday by one of our former colleagues. Leading pro-life groups, such as the National Right to Life Committee, confirm the treaty does not promote, expand access or create any right to an abortion.

When we tried to move this treaty earlier this year, some objected on the basis the Senate shouldn't ratify a treaty during a lameduck session. Well, we did a little study. I want to note for the record that since 1970, in the last 42 years the Senate has ratified at least 19 treaties during lameduck sessions. There is no procedural or substantive justification for not ratifying this treaty which has broad bipartisan support and could mean so much to those living with disabilities.

Thanks to decades of bipartisan cooperation, our country embodies the worldwide gold standard for those living with disabilities.

In closing, I again salute Senator Bob Dole. He has been on the phone and working it, and I hope in tribute to his Senate career we will ratify this treaty.

I also want to salute a former colleague of mine from the U.S. House of Representatives, Tony Coelho. Tony was the whip of the Democratic caucus when I was first elected, and he has been an amazing advocate for the disabled throughout his public career in the House and ever since. He came to me and asked to help in this effort, and I was happy to say yes to Tony, as I did so many times when I served with him in the House.

I want to add one other person—Marca Bristo. Marca is the leading disability advocate in the city of Chicago. This wonderful young woman was tireless in her wheelchair, wheeling from office to office, begging Members and their staffs to consider voting for this treaty. If and when we pass it—and I hope that is soon—I am going to remember Marca and Tony, and certainly Senator Dole, for all the work they put into this.

When the Senate ratifies this treaty, we can be proud our coworkers, friends, family members, and courageous veterans will soon enjoy the same access and opportunity when they travel abroad that they have come to expect right here in the United States.

Mr. President, I yield the floor, and 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. CARDIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. CARDIN. Mr. President, I take this time to urge my colleagues to vote for the ratification of the Convention on the Rights of Persons with Disabilities.

I have the honor of serving on the Senate Foreign Relations Committee and was present during the hearings we had with regard to the ratification of the treaty. I listened to the witnesses who testified and listened to all the arguments that always have been made about treaties. I must tell you, it was overwhelmingly supportive of the ratification of the treaty.

I want to acknowledge the work of Senator LUGAR, who is on the floor. He has been a real champion on basic human rights issues and advancing it through treaties on which the United States has taken leadership. I applaud his unstinting commitment to advancing the rights of people with disabilities.

I also want to acknowledge our chairman Senator KERRY, and the work he has done in regard to this treaty; Senator HARKIN, and many others, have been involved in the United States' participation in this treaty. To put it directly, we were responsible for this treaty moving forward because the United States has been in the leadership of protecting people with disabilities. The way we treat people with disabilities is a civil rights/human rights issue.

We know the history of America was not always what it is today, and we know the struggles people with disabilities have had in getting access to services that we sometimes take for granted.

Many years ago I visited our State institution for children with developmental disabilities. I saw in one large room literally 100 children receiving no care at all, most of them not clothed. I knew we could do better in this country, and today our access to health services for people with disabilities is remarkably better.

I remember when if you had a physical disability and were confined to a wheelchair, it was basically impossible to get use of public transportation. We have changed those policies in our country, recognizing that every American has the right to basic services. I remember when it was difficult for people to get public education in traditional schools if they had disabilities. We have changed those laws in America. We have changed our public accommodation laws. We have changed our employment laws. We have led the world in saying that it is a basic right,

and people with disabilities have the same protections as every one of us.

I am proud of the progress we have made here in the United States. I was part of the Congress in 1990 that passed the Americans With Disabilities Act. I am very proud to be part of the Congress that passed that law. I remember two of our colleagues who have been in the forefront of this work: Senator Dole, whose name has been mentioned, has been one of the great leaders in this body in protecting the rights of people with disabilities, and Congressman Tony Coelho, with whom I served in the other body, the House, took on a leadership position to bring to the public attention for us to do what was right for people with disabilities.

The United States has provided international leadership. The year after we passed the Americans With Disabilities Act, my colleague in the House, Congressman STENY HOYER, took that effort in the United States internationally. In 1991, in the Organization for Security and Cooperation in Europe, we passed the Declaration on the Rights of Persons With Disabilities because of the U.S. leadership. It is now known as the Moscow Document. We have provided international aspirations to make sure that we treat people with disabilities as we would treat anyone else.

We have in America the strongest protections of any country. We have improved our laws. We have led the world in providing the right legal framework, the right policies, and the right programs so people with disabilities can gain access to all services.

The ratification of this treaty is particularly important to the United States. I say that because it further demonstrates our leadership on this issue. We have added language in this treaty; we don't have to change any laws if we ratified this treaty. We are in full compliance. There is no need for America to take any further steps. All this treaty ratification does is reaffirm America's leadership on this issue and provides protection for our citizens internationally. We made that very clear with amendments we added to this treaty during the committee markup. We don't have to change any laws. Yet it helps U.S. citizens abroad. The rights of the disabled should not end at our border. They should have the same protections when they travel to another country or when they work in another country or when they temporarily live in another country. We want to make sure American citizens are treated fairly.

A witness testified at our hearing on the ratification of this treaty about how she was in a wheelchair in another country and she was not permitted to use her wheelchair to get access to an airplane. That is wrong. This treaty will protect an American who happens to be in another country and who happens to have a disability to make sure that person can get reasonable access to transportation, reasonable access to

public accommodations, and that the person is not discriminated against because of her or his disability. This helps advance globally the basic human rights of people with disabilities. Other countries will learn from the United States. Until we ratify, we can't participate in the international discussions taking place to protect people with disabilities. Yet we have the most advanced laws. By our ratification of this treaty, we are in a position to help other countries advance the rights of people with disabilities, and that is exactly what we should be doing in America.

Our Nation was founded on the principle that we are all created equal and each of us has the right to life, liberty, and the pursuit of happiness regardless of our abilities. Ratifying this treaty is a strong act of diplomacy and a symbol of America's continued commitment to equal justice for all. The history of our Nation has been the continued expansion of rights, opportunities, and responsibilities to more and more Americans. It is in our interests and in the interests of all humankind to see that the expansion happens in other countries as well.

I urge my Senate colleagues to vote for the ratification of this treaty. It is the right vote to take for the United States. Standing up for basic human rights is right. It is right to protect our citizens when they travel internationally. I urge my colleagues to vote for ratification.

With that, I yield the floor and 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. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent to speak as in morning business for such time as I may consume.

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

#### HOUSE AND SENATE ACTION

Mr. WHITEHOUSE. Mr. President, I just wished to address two things. The first is that we are having a continuing discussion about the budget of our country and about the taxes of our country and indeed about the unfair and often upside down nature of our current Tax Code that allows people making hundreds of millions of dollars a year to pay a lower tax rate than a family who earns \$100,000 a year.

In the context of that discussion, there is one thing that I think we can do right now that would be important and helpful to the vast majority of Americans, indeed to 98 percent of American families and 97 percent of American small businesses; that is, to assure them that their taxes are not going to go up on January 1.

Assuming we cannot get to a budget agreement before January, then automatically all the Bush tax cuts will end. The Senate has actually passed a law that will allow those tax cuts to be curtailed, to be protected for families who earn \$250,000 a year and less. That bill has passed the Senate. It is now over at the House awaiting action by the House.

The Republican-controlled House is in a position, anytime the Speaker chooses to call up that bill, to pass a guarantee of protection from tax increases that will protect 98 percent of American families and 97 percent of American small businesses. I think they should do that. It is simply awaiting their action. There is nothing more we can do in the Senate. We have already passed that bill. It is one step away—Speaker BOEHNER allowing it to be called up and having it voted on—from becoming law and protecting 98 percent of families and 97 percent of small businesses from a tax increase on January 1.

There is a real likelihood we will have to go beyond January 1 because so many of our colleagues have sworn that oath to Grover Norquist that they will not let taxes go up. He maintains the Bush tax cuts should last into eternity and anything above that would be a tax increase and violate the pledge.

So we may have to wait until January 1, until the actual expiration of the Bush tax cuts vitiates that baseline and allows Republicans to enter into the very same deal they could have before, only now it is a tax decrease from the current rate that would presumably not get them in trouble with Mr. Norquist versus a tax increase from his—I think at this point—illogical and irrational projection of the Bush tax cuts into the indefinite future. So I call on our friends in the House of Representatives to pass that bill and give the vast majority of Americans relief from whatever uncertainty there might be about going beyond the January 1 deadline.

The second issue I wished to address is to respond briefly to my friend from Arizona Senator KYL, who spoke about the filibuster and the rules changes that are being discussed in this Chamber. He spoke this morning. I had the chance to watch a good part of his remarks on the television.

I wanted to respond in a couple ways. First of all, I have the highest regard for Senator KYL. We worked closely together trying to get a cyber security compromise. We worked together years ago on the immigration compromise. I have seen him in action on the Senate floor. He is very able. When he has reached an agreement with his colleagues, he is unshakeable and his word is good. I think very highly of him, although we do not agree politically on a great number of issues.

But I did, in an atmosphere of great respect for him, wish to respond in a couple ways. The first is that I believe, at least, that there is a difference be-

tween what we are considering with this rules change and the so-called nuclear option that was threatened were respect to judges.

The reason I think that is the case is that I have read the old opinions from previous Presiding Officers in the Senate and Vice Presidents in the past who have said that the way the Senate rules work is that although we are a continuing body, the way in which the rules continue from Senate to Senate is that we are impliedly readopting the rules as soon as we take any business under the rules each new session.

The House behaves differently. The House has new rules each session. It is an entirely new reelected body each session. So they have to open by creating a new set of rules and adopting them. They do that at the beginning of every session. We virtually never do that. The rules continue. How is it that the rules continue? The ruling is that that continue because they are deemed to continue as soon as the Senate takes action under those rules, whatever it is. As soon as they take action under those rules at the beginning of a session, those rules are then deemed to be back in place, and we do not need to readopt them.

But that does mean, at the beginning of each session, there is an opportunity, under the Constitution, to change the rules by a simple parliamentary majority of 51. I do not think that is breaking the rules to change the rules. That is part of the rule. That is how the rules actually work in the Senate, at least that is my belief and my opinion.

Given that, I think arguing that this is somehow breaking the rules or the same as the nuclear option is not quite accurate. This and the nuclear option share the similarity of allowing the Senate to proceed with a simple majority. They do share that similarity. But this is different because we can only do that one early, first moment, as each new Senate comes into session. Some could say that is actually there as a safety valve for situations just like this where one party is consistently, regularly determinedly abusing a rule, but because the other party cannot get to 67 votes, they cannot change or correct the rule to restore the Senate to its proper behavior.

I would note that I think there is virtually nobody in this Chamber who thinks the Senate is operating the way the Senate should. We have had literally hundreds of filibusters, and they are not the old-fashioned filibuster people remember from “Mr. Smith Goes to Washington,” when Senator Jefferson Smith stood at a desk, probably about there in their mockup of the Senate floor, and talked himself to exhaustion, reading from the Bible, reading from the Constitution. He may have even read from the dictionary. I remember there was an old reporter up in the press gallery speaking about this. He talked about it being one of the great examples of American democ-

racy, one lone Senator able to speak until he is exhausted on a point that matters to him.

People may have been frustrated by that kind of filibuster, but there was at least a kind of nobility to it. The filibuster of today is very different. It is a threat from the minority party to bombard something with amendments so it cannot be managed on the floor. It is a threat to filibuster, to which the majority leader has to respond by filing cloture, and when the majority leader is forced to file cloture, the minority gets the benefit. They get 30 hours of debate.

Of course, as we have seen in the Senate, that 30 hours of debate is never used. It just consumes 30 hours of floor time, most of it spent, as the distinguished Presiding Officer and I and others who preside in the Senate notice, in quorum calls, in endless deadly quorum calls with the poor old clerk having to call off the names slowly and quietly in the Chamber and nothing going on.

People who are looking at this on C-SPAN and who dial into the Senate very often see that nothing is going on. That nothing going on is usually the hallmark of the modern filibuster. It is a colossal waste of time. It is intended to be a colossal waste of time. Because if we do that hundreds of times, as our minority has, multiply those hundreds of filibusters by 30 hours each, and they have ruined thousands of hours of Senate floor time.

That disables this institution, and it puts the majority under immense pressure to do the basic business of passing appropriations bills, the very simple operations of government. Very often we hear our colleagues on the other side criticize that we have not passed those. Those are complaints that are made with real crocodile tears because it is the consistent, relentless filibuster that puts the Senate in a position where it does not have floor time to do that work.

I think, first of all, that what we are proposing is slightly different than the nuclear option, even though it shares that characteristic of getting to 51 votes, that it is unique to the rule function of the Senate, that it happens just that once, and that one could argue it is a safety valve that protects against situations like this.

My second point is this is not a good situation for the Senate. We waste immense amounts of time. The filibuster is used constantly. It used to be that Senators filibustered bills that they violently opposed. Now the minority filibusters everything. How often have we had the experience that something is filibustered and we finally break the filibuster and when we actually get to the vote on the actual merits of the bill, it passes with 95 or 98 Senators supporting it.

What do we conclude if you filibuster something that 98 percent of Senators are going to support when it finally gets to the floor? We can only conclude

that it is being used to obstruct and delay. There is too much of that. We have too much business to be done. So I do not think there is anybody who can say the Senate is working in a way that it should under the present practices. If it takes changing a rule to change those practices, I think it will be better for everyone.

I also wish to point out that nobody is saying there should be an end to the filibuster. What we are saying is those who want to filibuster should carry the burden of being on the floor expressing their concerns and actually doing the filibuster. It is one of the great frustrations of those who have to defend against the filibuster that very often the members of the minority party do not even have to show up for the vote. The rule of the filibuster is that we have to get to 60 votes or it fails.

Whether the vote is 60 to 1 or 60 to 40 does not matter. So we get thrown into having to show up and vote on filibusters, and the minority party does not even have to be here. We have heard a Senator say: Well, you know, you guys, you will be here on Monday because you have this vote you have to take. But we do not have to be here, so I am not coming back.

We have had Senators who have actually forced a vote on cloture themselves go away when it came time for the vote, go home, and the rest of us had to be here to do it at that point. The filibuster is just being used to harass colleagues and to create difficulty, and I think that is a real problem and that it is worth pressing through it.

Another concern that Senator KYL raised is that people's voices would be silenced if the majority leader had the authority to go directly to a bill without allowing for amendments. Two points on that: First, I, for one, am perfectly open to a rule change that provides for some kind of an amendment process. As the majority leader said earlier, we have our proposal out there, where is yours? If we are going to negotiate, make a counterproposal. If the counterproposal contains a requirement that certain amendments be considered, a certain number of amendments—germane amendments, one would hope—I think that is something that a great number of Senators on our side would look at with sympathy and, perhaps, with approval.

That is an argument. I don't think it is a sufficient one because I do believe we can address that question, every question.

I would conclude, because I see the distinguished Senator from New Hampshire here, that I think this is an issue we can work out and that we can work out together. I think we can make the Senate a better place, a place where there is more actual debate and more progress and more gets accomplished rather than just this relentless filibuster, this filibuster at all times, of all bills, all appointments, over and over, nonstop, completely jamming up this body and creating these enormous

periods of delay while we go through procedural hoops and around procedural circles. We should be better than this, and the American people deserve better than this.

I hope this discussion about changing the rules moves us from where we are right now—which is just wrong; it just isn't working—to a place where we can be a Senate again that requires people who want to filibuster to get up on their feet in this Chamber and say what they have to say until they are exhausted. So be it. I think that would be an improvement on the matters where I would feel strongly enough to filibuster, and I am confident that I would be willing to take that step in the event we were someday in the minority.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. COONS. I ask unanimous consent to speak for up to 5 minutes on the topic of the Convention on the Rights of Persons with Disabilities.

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

Mr. COONS. Mr. President, I rise today as not just the Member from Delaware but also as a member of the Senate Foreign Relations Committee to speak to the topic before us of the convention and whether the United States should ratify a convention on the rights of persons with disabilities.

Our country has long been a global leader in recognizing and protecting the basic rights, the human rights of all people, including those with disabilities, and of working hard to be at the forefront of a global movement to improve access to the basic and essential aspects of productive daily life for those with disabilities. Today we have the opportunity to help extend those rights, the same rights that disabled Americans have to other people around the world. If we have that opportunity to promote freedom and human rights, why wouldn't we ensure these protections that apply to Americans apply to them abroad as well and to others, some of the nearly 1 billion fellow citizens of the world who live with disabilities.

This treaty that is before us today was adopted by the United Nations in 2006 with 153 nations as signatories and so far 116 as ratifying parties. It has been 6 long years that the United States has not joined as a ratifying party. This treaty has passed with strong bipartisan support through the Foreign Relations Committee by a vote we took back in July after hearings, and it is been nearly 6 months since that vote. Yet this treaty, sadly, faces opposition on the floor of the Senate.

This Convention on the Rights of Persons with Disabilities was negotiated during the Bush administration, and it enjoys strong bipartisan support. I am proud to join Senators MCCAIN, BARRASSO, MORAN, DURBIN, HARKIN, UDALL, and many others who have been advocating for its passage

since March. It would, as has been said, not require any changes to U.S. law and would have no impact on our Federal budget. It would instead promote U.S. business interests by creating a level playing field for U.S. companies by equalizing accessibility requirements that foreign businesses must meet, and it would create new markets for innovative U.S. businesses with expertise in standards and technologies that would help ease the lives of those with disabilities. At least as importantly, it would promote access, mobility, and inclusion for disabled Americans abroad, especially wounded veterans.

Last but not least, it would protect the right of families to homeschool their children if they choose to do so, a topic on which my office received many concerned calls from constituents. We heard directly from the Justice Department during our hearing on the Foreign Relations Committee on this convention that ratification of this treaty will not in any way erode the rights of parents with disabled children to educate their children at home if they so choose.

In short, Mr. President, ratification only benefits the United States and protects Americans. The world has long looked to us as a global leader, as a moral compass, as a defender of freedom and human rights. In my view, we owe a great debt to many who have served in this Chamber before us, including, principally among them, Senator Bob Dole, who, along with many others, led the initial fight for the ratification of the Americans with Disabilities Act.

The least we can do for people with disabilities all around the world is to step to the plate, to ratify this Convention on the Rights of Persons with Disabilities without delay. It is my hope this Senate, in a bipartisan way, can come together in the spirit of unity to protect dignity and human rights for all.

I urge my colleagues to join me in voting for the ratification of this most important treaty.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I also ask unanimous consent to speak for about 5 minutes on the Convention on the Rights of Persons with Disabilities.

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

Mrs. SHAHEEN. I am here to join my colleagues, as I had the great pleasure of being in the chair for a while this afternoon to hear some of the expression of support for the Convention on the Rights of Persons with Disabilities. It was very eloquent, and it was bipartisan. I begin by thanking Senators KERRY and LUGAR for their efforts in the Foreign Relations Committee to not only pass the treaty in committee but to bring it to the Senate floor for this consideration.

I certainly support ratification of the Disabilities Convention because it is

the right thing to do and because it puts the United States back where we belong: as leaders of the international community and defending, protecting, and promoting the quality of rights of all people in our world, regardless of their situation. From equality and nondiscrimination to equal recognition before the law, to access to justice, this convention touches on all these issues that Americans have long held near and dear to our hearts.

Ratifying this convention would reaffirm our leadership, leadership that was established under the landmark Americans with Disabilities Act legislation that this Congress passed in 1990. This was the first of its kind, domestic legislation that addressed the barriers faced by individuals with disabilities. It sent a message to the world that we would support the principles of equal treatment and nondiscrimination with respect to those with disabilities.

I want to recognize Senator TOM HARKIN for his leadership in getting that legislation passed, and it had strong bipartisan support when it was passed back in 1990. That legislation still stands as a model for those who want to replicate our commitments and defend the rights of the disabled in their countries.

I have had a personal opportunity to see what a difference the Americans with Disabilities Act could make in the lives of people, to see the impact this convention could have around the world, because I grew up before ADA was passed and my grandmother was disabled. She couldn't speak or hear. I remember in those days, when she would come to visit us—which wasn't very often because she lived a long way away—we didn't have any technology to allow her to watch television or to answer the phone, the kind of technology that now is available as the result of passing the ADA, technology that I would hope, along with the human rights that come with passing this convention, will soon be available to people in all parts of the world.

We in the United States are already the gold standard when it comes to defending the rights of the disabled. So why would we not want to demonstrate to the world our intention to continue to fight for those less fortunate?

This treaty is not only about ending discrimination against people with disabilities around the world, it is also about protecting the millions of U.S. citizens who travel or live abroad. Ratification will provide the United States with a platform from which we can encourage other countries to adopt and implement the convention standards and to work to end discrimination against people with disabilities.

Let me just respond to some of the concerns we have heard, and some of these have been addressed already. I want to talk about what the treaty does not do.

It in no way, shape, or form infringes on America's sovereignty as a nation. It does absolutely nothing to change

American law. The treaty doesn't impose any legal obligations on the United States, and these facts were confirmed by the U.S. Department of Justice during our consideration of the measure.

The convention has overwhelming support from across the political spectrum. Over 165 disability organizations support the treaty, as do 21 major veterans and military service organizations, including the VFW, the American Legion, and the Wounded Warrior Project. I can't imagine why, at a time when more of our warriors are returning home with injuries and disabilities, we would not want to stand in support of ensuring their rights and protections at home and around the globe.

In closing, I want to quote from John Lancaster, who is a disabled veteran and the former executive director of the National Council on Independent Living, which is one of the oldest disability grassroots organizations run by and for people with disabilities. Mr. Lancaster testified at the Senate Foreign Relations Committee in support of the treaty. I think his message was one of the most powerful, and it is one that I hope all of our colleagues will heed in thinking about consideration of this treaty.

At the hearing he said:

I'm appalled with some of the conversation that has been going on here today.

He was referring to some of the testimony at that hearing. He said:

As a veteran and as someone who volunteered, laid my life on the line for freedom, rights, dignity, and now, to have this whole debate that we're not willing . . . to walk the talk in international circles? To step up in a forum where they advocate these things and to say "We're not afraid to sign this thing?"

We aspire to what's in this convention. This is what we are about as a nation—including people, giving them freedom, giving them rights, giving them the opportunity to work, to learn, to participate. Isn't that what we're about? Isn't that what we want the rest of the world to be about? Well, if we aren't willing to say this is a good thing and to say it formally, what are we about, really?

I think Mr. Lancaster put it very powerfully, and I couldn't agree more with his assessment. This is exactly what we are about as a nation. We should ratify this treaty. We should remind the world why defending the rights of the disabled is a principle that should be at the heart of every civil society.

Mr. President, I hope when we get to the vote on this convention we will see the required votes to ratify this treaty and send to the entire world Mr. Lancaster's message.

Mr. President, I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. 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.

#### LEGISLATIVE SESSION

Mr. REID. Mr. President, I ask unanimous consent that the Senate resume legislative session.

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 permitted to speak for up to 10 minutes each.

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

#### PREVENTING GUN VIOLENCE

Mr. LEVIN. Mr. President, as the 112th Congress returns after the election, we should consider this important question: Have we done our share to help prevent gun violence? Statistics from the Brady Campaign to Prevent Gun Violence give a clear answer—no. Almost 100,000 people die as the result of gun violence in America every single year. This statistic includes 12,000 people who are murdered, 18,000 who commit suicide, and 20,000 under the age of 20. On average, 270 people are shot in the United States every single day.

Our society faces an epidemic of gun violence. Consider stories that have gone largely unreported in recent months: Near Chicago, a 16-year-old was shot twice in the head while riding in a car on her way home. A staff member on a prominent university's medical campus accidentally discharged his handgun at work and injured two people. And on election day, a parolee in California walked into the plant where he worked, methodically murdered two of his coworkers, and wounded another two before shooting himself.

Stories like these flash across newspapers for a few days or weeks, and then the national spotlight moves on. But we cannot forget that while reporters may leave, the tragic effects of gun violence linger. They forever alter the lives of good, talented young people, like Ashley Moser, who lost her 6-year-old daughter in the horrific movie theater attack in Aurora, CO. She is partially paralyzed now and faces significant health problems and medical bills. But even after this nightmare, Congress did nothing to prevent guns from falling into the hands of would-be killers.

Congress has the power to act to prevent more of these tragedies. We can take up and pass legislation like S.32, which would prohibit the purchase of the same types of high-capacity magazines that allowed the shooter in Aurora to hurt so many people, so quickly. We could enact S.35, the Gun Show Loophole Act of 2011, which would close the "gun show loophole" by requiring

all gun sellers at gun shows to conduct a Brady criminal background check on prospective purchasers. We could take up and pass S.34, the Denying Firearms and Explosives to Dangerous Terrorists Act of 2011, which would close the “terror gap” by authorizing the Attorney General to deny the transfer of a firearm when an FBI background check reveals that the prospective purchaser is a known or suspected terrorist. These are commonsense measures that would protect the American people by reducing firearm violence in our society.

Mr. President, it was over a month ago that a woman named Nina Gonzalez stood at the second Presidential debate and asked President Obama and Governor Romney a simple question: What would they do to keep assault weapons out of the hands of criminals?

So, as the 112th Congress returns, we have some important unfinished business. There are few tasks before us more important than enacting measures that would help prevent tragedies like the ones occurring far too often around our Nation.

### HONORING OUR ARMED FORCES

SERGEANT JOSEPH A. RICHARDSON

Mr. GRASSLEY. Mr. President, the Nation has lost a brave patriot who died defending freedom. Sergeant Joseph A. Richardson, who grew up in Algona, IA, was killed during a patrol in Paktika province, Afghanistan on November 16, 2012. He was clearly an accomplished, professional soldier as evidenced by his numerous awards, including: the Bronze Star Medal, Purple Heart, Army Commendation Medal, Army Good Conduct Medal, National Defense Service Medal, Afghanistan Campaign Medal with Campaign Star, Iraq Campaign Medal with Campaign Star, Global War on Terrorism Service Medal, Army Service Ribbon, Overseas Service Ribbon, NATO Ribbon, and the Combat Infantry Badge.

SGT Richardson's family released a statement that described Joe as someone who “lived his life full of energy and with passion for everything he did.” They also said that, “He loved his job; he loved fighting for his country and our freedom.” In fact, he demonstrated this by re-enlisting for six more years in the Army shortly before his untimely death. His love of country and willingness to serve marks Joseph Richardson as one of our nation's finest citizens, and his noble sacrifice immortalizes him among the ranks of our most honored war dead. We owe SGT Richardson and all those like him who have fallen in the name of liberty our infinite gratitude.

We ought also to remember his family in our prayers, including his wife Ashley, his mother, Ginette, his father, Greg, and many other family and friends who will feel his loss very deeply. As those closest to Joseph Richardson remember the life of their loved one, it is incumbent on all Americans to preserve his memory and to reflect

on the enormous price he and other like him have paid to preserve our free way of life.

### VERMONT'S CITIZEN OF THE YEAR, ANTONIO POMERLEAU

Mr. LEAHY. Mr. President, today, the Vermont Chamber of Commerce will recognize the philanthropic contributions of a longtime Vermonter: Antonio Pomerleau. Businessman, community developer, humanitarian all these terms apply to one of Vermont's most celebrated citizens. As I said in a statement to the Senate earlier this month, Marcelle and I are also fortunate to call him family.

But Tony's family extends beyond the Pomerleaus. It has come to encompass the State of Vermont, and his generosity has touched the lives of thousands of Vermonters.

This weekend, The Burlington Free Press published a story about Tony's legacy. His is a quintessential success story. From stockboy to economic magnet, Tony has become one of Vermont's most prominent businessmen. Along the way, he has donated millions of his own money to help Vermonters recover in the wake of such natural disasters as Tropical Storm Irene, to help renovate and restore mobile home parks for residents, and, notably, to celebrate the contributions and sacrifices of the many members of the Vermont National Guard and their families.

Few Vermonters have had such a footprint on Vermont's economic and social landscape. Antonio Pomerleau's contributions make him a Vermonter of the Year in 2012, but his legacy will benefit generations of Vermonters to come.

I ask unanimous consent that The Burlington Free Press article, “Tony Pomerleau: The Art of the Dealmaker,” be printed in the RECORD.

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

[The Burlington Free Press, Nov. 25, 2012]

#### TONY POMERLEAU: THE ART OF THE DEALMAKER

(By Candace Page)

NEWPORT—Tony Pomerleau leans on his cane and steps into Mill River Furniture on Main Street, just in time for its grand opening ceremony. A dozen people converge on him, filings drawn to a magnet.

The mayor greets him. City councilors introduce themselves. Two local reporters quiz him about the fate of the city's only grocery store if plans go forward to redevelop his strip mall into a hotel and convention center. The head of the downtown association calls him over for a ribbon-cutting photo. “We need you Tony, right in the middle,” she says.

The 95-year-old, white-maned shopping center king of Vermont is in his element, back in his native town with a captive audience. He holds court for nearly an hour while the furniture store owner whose event this is left in the background.

“I was 12 when I started work here,” Pomerleau begins by recalling his days as a stockboy and window dresser when this

building was a J.J. Newberry's five-and-dime. “I had a knack for windows. This is where I started my success. I learned the customer has to see the merchandise if you want to sell.”

Today, he owns the building. “I put \$400,000 into it to fix it up,” he says, his words carrying the French-Canadian inflection he has never lost.

He jokes that store owner Skip Gray was “kinda chicken” about moving to Main Street from a much smaller store in the Pomerleau shopping center. His eyes sparkle. He laughs along with the audience at his own jokes.

In a voice graveled by age, he detours into stories that have become his stock in trade. The anecdotes reel off as if from a tape recorder, told and retold in almost exactly the same words.

“It's not what you pay for something, it's what you can get for it,” he tells the cluster of people, citing a real estate deal 40 years in the past. “I made \$237,000 in 90 days” he says of a tract of farmland bought, subdivided and sold for three times what he paid.

He laments the just-announced closing of the Eveready battery plant in St. Albans. The company's problem, he says with finality, is that they didn't change with the times by developing new products.

“You gotta do something different from the other fellow,” he says. “There's a time limit on everything—except me.” The line draws a chuckle from his clutch of listeners, as it always does.

Grace, the youngest of Pomerleau's 10 children, glances up from browsing among bedroom sets.

“He does love an audience,” she says.

“See the smoke coming out?”

On a late November night, the outside of Pomerleau's big house on DeForest Heights in Burlington is a neon carnival of Christmas.

Light-bulb-lit reindeer charge across the west lawn pulling a sleigh of presents. Shoulder-high candy canes stick from the north lawn. Christmas lights cling to the eaves and swathe the trees in all directions.

Pomerleau opens the door for guests and pads down a hallway in his slippers to point through the windows of his home office.

“That's a new one this year,” he says with childlike pleasure, pointing to a lighted train on the north lawn.

“See, the wheels go around,” he says, as lights on the train blink to mimic movement. “See the smoke coming out there. Isn't that cute?” More lights blink.

As a very young child, Pomerleau spent four or five years—the time varies in the telling—in a kind of iron corset after a bad fall when he was two. His father's Barton farm burned. The family moved to Newport. The Depression struck. His father's grocery burned.

In his telling, young Tony went to work barely out of elementary school, making deals, subcontracting the mowing of lawns and washing of cars to other kids or out-of-work men and taking a hefty cut of the pay.

His stories of childhood Christmases are happy ones, of horses and sleighs lined up outside the church for midnight Mass, the bells as the sleighs jingled home, the sound of carols.

But there is another memory as well. He walks into the living rooms and leans against the piano, its top invisible under the rows of photos of his children.

“I was 12 or 13. One day I heard my father say to my mother, ‘This is the first Christmas I can't afford any presents.’ I went down to the bank and took out \$25—that was money in those days—to give him.”

“I came from nothing,” he often says, setting the backdrop for stories of his successes.



The big living room where an army of kids once played seems empty on a pre-Thanksgiving evening. Country station WOKO plays loudly on the radio.

In the kitchen, an aide is helping Pomerleau's 93-year-old wife, Rita, with her dinner. Alzheimer's disease has slowly claimed her.

"It's the worst damn disease," he says. She speaks very little, but still holds his hand and kisses him, he says.

"Come back tomorrow night," he says as he ushers out his visitors. "We're putting up more lights. It's going to look even better."

"This business doesn't happen by itself"

Antonio B. Pomerleau made his first million before he was 45 and has made millions more since. His supermarket-anchored strip malls dot nearly two dozen towns in Vermont and upstate New York. He and his son Ernie have a staff of 25 to help run their real estate businesses.

But here is the patriarch, spending a sunny November afternoon in the artificial light of a windowless Newport bowling alley two hours drive from his Burlington home, talking intently and at length to a tenant whose lease payment cannot amount to more than loose change in the Pomerleau business.

There are gumball machines along the wall, a Nascar-themed light over the pool table and an echoing feel to the place. A lone father and son hurl heavy balls down one of the 10 lanes.

"How's it going?" Pomerleau asks as he lowers himself carefully into a plastic chair beside a row of bowling balls.

"About like last year," Yvan Parenteau, the alley's owner, says.

"That wasn't too good," Pomerleau says.

In fact, the business is struggling. Parenteau has trouble making the rent. He is worried about his fate if the mall is converted to a convention center. Pomerleau makes no promises, only says no deal has been signed yet. "I never skin a bear until I've shot it," he's been telling everyone he meets today.

After an hour, Pomerleau pushes himself up and says goodbye. He climbs into his Mercedes for the trip back to Burlington.

"Now you see my life. This business doesn't happen by itself," he says of his real estate empire.

He lists communities where bowling alleys, some of which he built, have closed. Changing times, he says. He has adjusted Parenteau's rent, allowing him to pay more in the winter, less in summer. He has suggested prize-giving gimmicks to draw in customers, and arranged for the bowling alley to have a more prominent sign on the road. Later, Parenteau will say of Pomerleau, "You couldn't have a better landlord."

Still, Pomerleau says, "If he can't pay the rent, he won't be here next year."

"I'm the boss"

A stairlift descends almost noiselessly from the third floor at Follett House, the elegant 19th-century Burlington mansion the Pomerleaus saved and restored as their offices. Tony Pomerleau climbs off the lift, which he has used since a knee injury.

"Hello, hello, hello," he greets a visitor and leads the way into his office. He is surrounded by signs of success, from the million-dollar view of Lake Champlain outside the window, to the picture of himself with President Reagan.

He rises each day, puts on a suit and tie and goes to the office. He takes business calls over breakfast and into the dinner hour.

The Pomerleau family owns shopping centers in 18 Vermont communities and four in New York. Most are strip malls anchored by a supermarket. They are small by comparison with a University Mall or the Williston

big-box stores. Pomerleau's single largest holding is the Shelburne Road Plaza in Burlington, valued at \$14.6 million.

"What the hell would I want a mall for?" he says. "I make a lot of money the way I do things."

He spotted the attraction of shopping malls early, understood the importance of location, pinched pennies, negotiated hard with his lenders, gave up higher rents for a percentage of a store's gross.

He has transferred ownership of many of his holdings to his children, about \$50 million worth, he says. Ernie Pomerleau, 65, runs the day-to-day operations of the family businesses and does many of his own deals.

So what is the elder Pomerleau's role?

"I'm the boss," Tony Pomerleau insists. "I'm doing deals every day . . . moving that furniture store to Main Street in Newport. I got the Merchants Bank moving into my building in South Burlington . . . lots of deals."

His speech occasionally stutters. "And and and so so . . ." he growls. It's not clear whether he's lost his train of thought, or is simply determined to hold the floor until he's ready for the next sentence.

He still calculates dollars and cents in his head and appears never to have forgotten a number.

"Now Price Chopper," he begins, and outlines precisely what the CEO of the grocery chain expected to gross at a new store in Champlain, N. Y., and what Pomerleau told him he would gross—and just how wrong Price Chopper was and just how right Tony Pomerleau was: many million dollars right—"but don't put that in the paper," he says of the exact figure he names. "Price Chopper wouldn't like it."

"I make more money today than I ever made in my life, and I don't need it. I give it away," he says. "I'm not old, I'm here every day making all kinds of deals. Everybody has a time limit—except me."

No regrets, no failures, no mistakes

It is a long drive from Burlington to Newport and back. Grace drives, but her father is in control.

"Turn here," he says. As the miles pass by: "Don't go that way . . . go this way . . . don't miss the turn . . . keep going, I'll show you where to stop."

It's a long enough trip for dozens of familiar anecdotes starring Tony Pomerleau: The "\$237,000 profit in 90 days" story. The "I probably opened the first self-service supermarket in the country" story. The "how I beat two sharp guys from Boston in a real estate deal and made a couple million" story.

The car passes White's Tree Farm on Vermont 15 in Essex. Hundreds of tiny Christmas trees grow in long rows.

"There's a guy looking 20 years ahead," he says and notes that he recently bought 18 acres across from the family's expanding shopping center in Milton. Sometime in the future "it'll be worth two, three times what I paid."

"There's a time limit on everything—except me," he says.

A reporter, probing, asks about him about failures, deals that didn't work out.

"I don't remember any," he says. Earlier, it was suggested that his proposal for high rises on the Burlington waterfront—rejected by the city in the early 1980s—might be considered a failure. He brushed the thought aside.

Big regrets in his 95 years?

"No regrets," he says.

His biggest mistake?

There is a long pause.

"The toughest was the wholesale business, but I made a success of it," he says.

"I'm not quite as young as you"

It's 8:30 in the morning when Pomerleau walks into the conference room at the

Shelburne town offices. Town Manager Paul Bohne and Selectman Al Gobeille stand up. They greet him enthusiastically.

Around this town, Pomerleau is the hero of the moment. The future of the little Shelburnewood mobile home park in the center of town has been in limbo for nearly a decade as the park's owner tried to sell.

Pomerleau stepped in earlier this year. His wife's two caregivers live at Shelburnewood and asked him for advice. They were worried about the future of their modest homes.

He decided to buy the mobile home park, replace the aging and inadequate water and sewer lines and give the park it to its residents. He will retain another six acres of the 18-acre parcel for possible future development.

It is one of many acts of charitable giving that have become a bigger part of what people know about Pomerleau. There are the annual children's Christmas parties in Burlington and Newport, the party for 1,200 Vermont National Guardsmen and their spouses. There have been million-dollar gifts to St. Michael's College, the YMCA and to a fund to help mobile home residents rebuild after last year's tropical storm.

He is scornful of businesspeople who, their fortunes made in Vermont, move their official residence to Florida to avoid higher taxes. "It's wrong," he'll say. "You made your money here and Vermont needs you. I pay very big taxes and I never complain."

Now, he sits down with Bohne and Gobeille.

"First of all, I never went into a deal in my life knowing I was going to lose money," he says. "The main reason I'm doing this, these people didn't know where the hell they were going to go."

He's in the driver's seat. He has agreed in principle to give the town a right-of-way for a new road through the Shelburnewood property. The town has a change in configuration to suggest. Bohne and Gobeille deploy arguments.

Pomerleau immediately makes clear he is not interested. Making changes would mean a longer time line for getting the project done.

"This would cause a lot of delay and I'm not quite as young as you," he tells them.

"You've got another 10 years," Gobeille joshes.

"Oh no question, no question," Pomerleau says and changes tack. "No question your idea is good, but I don't want to do it. I don't want to delay it for those people. It would kill them."

Bohne and Gobeille make one more pitch, then accept his refusal and drop their proposal.

Pomerleau repeats his objections anyway, one last time.

"For me, I think I'd rather stay with my plan. I might live another 10 years. Five, no question, but 10. . . ."

"Everybody has a time limit"

Pomerleau pushes open the gate in the wrought-iron fence that surrounds the family plot at Resurrection Park Cemetery in South Burlington. "Plot" seems an inadequate word for this cemetery within a cemetery.

A colonnade of pointed cedars leads to a backless façade modeled on a Greek temple, its columns also recalling those at Follett House.

"I like columns," he says. He guides two visitors past the statue of the Virgin Mary, past a bird bath, granite planters, stone benches, all carefully swathed in plastic for the winter. The flowers are beautiful in summer, he says.

"This was all my idea. I didn't ask anybody. Didn't want them to tell me what to do," he says. He jokes, "My kids would probably put me in the woods."

"This is my father here, and my mother," he says, stopping by a row of five stones where he has moved the bodies of his parents, an uncle and an aunt. In an opposite line are the stones for the two daughters, Anne Marie and Ellen, he lost to cancer.

"Go over there," he says, "Look at that one." In a little nook off the main lawn, sits a stone for Jay Lefebvre, the family's housekeeper of 40 years.

"I told her before she died, you are part of the family, you are going to be here with us," he says.

He walks slowly toward the line of columns that serves as a dramatic backdrop. He climbs up three steps. Here, at the head of the family, a bit above them all, a pair of massive, polished slabs are set in the ground. Pomerleau's name is carved on one, his wife's on the other.

The man who constantly jokes that St. Peter has forgotten him has nevertheless prepared.

But Tony, one of his visitors asks, what about "everybody has a time limit—except me"?

"This is just in case," he says.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO MAJOR ALISON KAMATARIS

• Ms. AYOTTE. Mr. President, today I want to honor my Air Force legislative fellow, active duty MAJ Alison "Babs" Kamataris. For the past year, Babs has been an invaluable member of my legislative team.

Babs has served with honor and distinction in the United States Air Force for nearly 15 years. She is an accomplished Air Force intelligence officer—representing the best our military has to offer. Her career has included a tour in Turkey and two tours in South Korea, as well as six deployments to Iraq and Afghanistan. In Congress, she has been a critical asset to my legislative team, where she has used her tremendous knowledge and experience to help me in my efforts to serve those who serve us, and ensure that our brave servicemembers have the resources they need to carry out their missions and protect our country.

Babs was a natural fit for our office. She grew up in Belmont, NH and attended Norwich University in Vermont. She possesses that rugged, hard-working, do-it-yourself attitude for which Granite Staters are known. We also share a personal connection as Air Force families. Not only has Babs served our country in the Air Force with distinction, but her husband has too. Like my husband Joe, Babs' husband Andy is an A-10 pilot. In fact, Andy deployed to Afghanistan for 4 months this year while Babs worked in my office and served as a conscientious mother to her beautiful 3-year-old daughter, Taylor. Babs and her family deserve our deep admiration and gratitude for their service to our country.

As Babs' tenure in our office comes to a conclusion, we are sad to see her go. We will always consider Babs and her entire Air Force family as part of our team. Babs will continue to serve

our Nation well in positions of increasing responsibility. I look forward to watching her career closely. Babs and Andy are truly the best our country has to offer. I and my staff wish her the very best in her next assignment and beyond.●

##### TRIBUTE TO DUANE BEESON

• Mrs. BOXER. Mr. President, I would like to take this opportunity to commend the renowned attorney Duane Beeson, who is being honored this year with the Peggy Browning Fund Award in recognition of his tireless efforts and outstanding achievements on behalf of working men and women in the San Francisco Bay area.

As senior partner in the law firm of Beeson, Tayer & Bodine, Duane Beeson is one of the Nation's leading practitioners of public and private sector labor law, including representation of employee benefit plans. He is a member of the California State Bar, the Supreme Court of the United States Bar, and several United States District Courts and Courts of Appeal Bars.

Duane Beeson was born in Berkeley, CA in 1922 and graduated from Berkeley High School, where he met his future wife, Coni. After serving in the U.S. Army in the European theater in World War II, Duane graduated summa cum laude from Lafayette College and earned his LL.B. at Harvard Law School in 1948.

Following law school, Mr. Beeson served as clerk for Judge William E. Orr at the United States Court of Appeals for the Ninth Circuit and was an instructor at the University of San Francisco Law School. As a leading expert on labor law, he has also taught at Hastings College of the Law, George Washington Law School, the University of California Extension, and the University of San Francisco Labor Management School.

In 1950, Mr. Beeson moved to Washington, DC, where he worked for 11 years as an attorney for the National Labor Relations Board, handling appellate and Supreme Court litigation. In 1961, the Beesons had the opportunity to return to their beloved California when Duane was hired by Joseph Grodin, the great labor lawyer and later California Supreme Court Justice, to represent teachers unions in the Bay area. Mr. Beeson became a partner in the firm, which was then known as Brundage Neyhart Grodin & Beeson and is now Beeson, Tayer & Bodine.

In the 1970s and 80s, Joe Grodin and Duane Beeson led their firm into the areas of employment benefits covered by ERISA and related fields in which labor organizations are involved. More recently, the firm has become active in employment law of all kinds—including mediation and negotiation-facilitation services along with representation of individual employees in wage and hour, discrimination, harassment, and other types of cases—and has also de-

veloped a specialty in education law as an outgrowth of representing teacher unions.

I have known and respected Duane Beeson for many years, since my husband Stewart went to work at Duane's firm as a young attorney. As Duane turns 90 and is honored with the Peggy Browning Fund Award, it is my pleasure to salute and celebrate his long and distinguished career representing the working people of California. He is truly one of a kind.●

##### TRIBUTE TO DR. KNOX MELLON

• Mrs. BOXER. Mr. President, I wish to take this opportunity to recognize the extraordinary service of Dr. Knox Mellon who is retiring from the California Missions Foundation after 8 years as its executive director. Though he will be missed, his contributions to the field of historic preservation will benefit generations to come.

Dr. Mellon has had a long and distinguished career in the field of historic preservation. In 1977, he was appointed as California's first professional State Historic Preservation Officer by Governor Jerry Brown. He served in that position until 1983 and then branched out on his own, starting Knox Mellon and Associates, a consulting firm specializing in historic preservation, oral history, historic research, and strategic planning. Dr. Mellon's firm worked on a number of historic buildings in Southern California, including the Downtown Central Library in Los Angeles, Los Angeles City Hall, the Beverly Hills Hotel, and the L.A. Coliseum. During the same time, Dr. Mellon also found time in his busy schedule to serve as an Adjunct Professor of History at the University of California, Riverside, as well as the Director of the Mission Inn Foundation. In 2000, Dr. Mellon was appointed to a second term as California's State Historic Preservation Officer, this time by Governor Gray Davis. In 2004, he retired from State service and became the executive director of the nonprofit California Missions Foundation.

Founded in 1998, the California Missions Foundation is the only organization dedicated solely to the long-term preservation and restoration of California's 21 missions. Early in Dr. Mellon's tenure as executive director, we worked together with Congressman SAM FARR and Senator DIANNE FEINSTEIN to pass the California Missions Preservation Act. At a 2005 event to celebrate this new law, Dr. Mellon eloquently discussed the historic value of California's missions, which are the most visited historic attractions in the State:

The missions are California's Pyramids. They are a part of our past. They help symbolize the nation's western beginnings. Of all the institutions that define California's heritage, none has the historic significance and emotional impact of the chain of Spanish missions that stretch from San Diego to Sonoma. The missions are an important part of the state's cultural fabric and must be preserved as priceless historic monuments.

During Dr. Mellon's tenure as executive director, the California Missions Foundation received a number of grants to preserve and restore California's missions, including four grants from the Department of Interior totaling \$2.28 million. With those funds, the California Missions Foundation was able to repair some of the extensive earthquake damage at Mission San Miguel; complete a seismic retrofit at Mission San Luis Rey; and stabilize buildings and preserve artwork and artifacts at the Carmel and Santa Barbara missions.

California's residents and visitors alike benefit from Dr. Mellon's hard work, expertise, and vision each time they visit one of California's beautiful and historic missions.

I thank Dr. Mellon for his service to the State of California, and wish him and his wife Carlotta the very best as they embark on the next exciting phase of their lives.●

#### REMEMBERING RUTH SINGER MEYERS

● Mrs. BOXER. Mr. President, today I rise in memory of my dear friend Ruth Singer Meyers, who died in Los Angeles last month after a brief but valiant fight with cancer.

Ruth was a philanthropist, a community leader, and a champion of Israel and a strong U.S.-Israel relationship. She was also a kind, warm, and caring human being who had countless good friends and deeply loved her husband, children, and grandchildren.

Born Ruth Lazarus in Wilmington, DE, Ruth moved to California as a girl with her family. After graduating from Beverly Hills High School and UCLA, she married and had two sons, Rick and Anthony. When her boys grew up and went off to college, Ruth dedicated herself to charitable work, the Jewish community, and Israel.

Ruth's energy, dedication, and fundraising abilities were legendary in charitable circles. She served on the Board of Governors of Cedars-Sinai Hospital, the Board of Directors of the Venice Family Clinic, the International Board of Governors of Tel Aviv University, and the National Board of the United Jewish Appeal. As missions chairman for the Jewish Federation of Los Angeles, she led dozens of community trips to Israel. She also served as the Los Angeles chairman of the American Israel Public Affairs Committee and became a national officer in the organization.

On behalf of the people of California, who have benefited so much from Ruth's life and work, I send my deepest gratitude and condolences to her husband, Mickey Meyers, as well as her sons and grandchildren. I know they and many others will miss this wonderful woman, as will I. ●

#### TRIBUTE TO MAL MOORE

● Mr. SESSIONS. Mr. President, today I wish to pay tribute to the athletic di-

rector for the University of Alabama, Mal Moore.

Coach Moore was born in Dozier, AL in 1939. He was recruited and awarded an athletic scholarship by the legendary coach Paul "Bear" Bryant. He played for the Crimson Tide from 1958-1962, including on the undefeated 1961 national championship squad—ranked #1 by the Associated Press and considered by many to be one of the best ever. He graduated from the University of Alabama in 1963, and began his coaching career as an assistant at Montana State.

Having displayed leadership that clearly impressed Coach Bryant, Coach Moore was hired away from Montana State to serve as a graduate assistant at his alma mater, where he received his master's degree. From there he embarked on a highly successful 31 year coaching career, which included stints at Notre Dame, the NFL and for national championship teams under both Coach Bryant and Coach Gene Stallings at Alabama. In 1999, he was named the Crimson Tide's athletics director, a position he still holds.

Coach Mal Moore is a champion. He has been a part of nine national championships—1961, 1964, 1965, 1973, 1978, 1979, 1992, 2009 and 2011—with the first coming as a player, the next six during his coaching career and the most recent two during his time as athletics director. During his tenure as athletic director, Alabama has gone on to win seven national championships in four different sports: football in 2009 and 2011; gymnastics under Coach Sarah Patterson in 2002, 2011 and 2012; women's golf in 2012 and women's softball in 2012.

In addition to the success the university has seen on the fields, courses and arenas under Coach Mal Moore, he has transformed the University of Alabama's athletics program, improving the University for all students and student-athletes. Coach Moore has raised more than \$200 million for capital improvements to make the Capstone's facilities among the best in the Nation; improving Bryant-Denny Stadium, Coleman Coliseum, John and Ann Rhoads Softball Stadium as well as the soccer and tennis stadiums. His efforts to improve student-athlete academics have led the Crimson Tide to high graduation rates and have made Alabama athletes among the most competitive academically.

Coach Moore's sizable contributions to University of Alabama athletics and academics have been noticed and recognized by the University of Alabama, the State of Alabama and nationally. In 2007, the Alabama football building was renamed the Mal M. Moore Athletic Facility. The Alabama Sports Hall of Fame named Coach Moore the Distinguished Alabama Sportsman in 2007 for his efforts as athletics director, and inducted him into the Hall of Fame in 2011. Recently, the National Football Foundation recognized Coach Moore with the John L. Toner Award,

which is presented annually by the foundation to an athletic director who has demonstrated superior administrative abilities and shown outstanding dedication to college athletics and particularly college football.

Coach Mal Moore has been part of the University of Alabama and Crimson Tide football as a student-athlete, coach and administrator for more than 50 years. He has left an indelible mark at the Capstone, and his leadership will be felt by Alabama students and staff for generations to come.

It's a pleasure and honor for me to recognize a great leader, a great athletic director and a great man from the heartland of my State of Alabama. I look forward to enjoying the fruits of his labors for years to come. Roll Tide!●

#### 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

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.)

#### MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 3637. A bill to temporarily extend the transaction account guarantee program, and for other purposes.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-8092. A communication from the Deputy Bureau Chief, Public Safety and Homeland Security Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Part 90 of the Commission's Rules; Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band; Service Rules for the 698-746; 747-762 and 777-792 MHz Bands; Fourth Report and Order, FCC 12-61" (FCC 12-61) received in the Office of the President of the Senate on November 13, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8093. A communication from the Chief of Staff, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of the Amateur Service Rules Governing Qualifying Examination Systems and Other Matters, et. al."

(FCC 12-121) received in the Office of the President of the Senate on November 13, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8094. A communication from the Chief, Public Safety and Homeland Security Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Implementing Public Safety Broadband Provisions of the Middle Class Tax Relief and Job Creation Act of 2012" received in the Office of the President of the Senate on November 13, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8095. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Seafood Festival Fireworks Display, Marquette, MI" ((RIN1625-AA00) (Docket No. USCG-2012-0765)) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8096. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Tom Lyons Productions Fireworks, Long Island Sound, Sands Point, NY" ((RIN1625-AA00) (Docket No. USCG-2012-0618)) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8097. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Boston Harbor's Rock Removal Project, Boston Inner Harbor, Boston, MA" ((RIN1625-AA00) (Docket No. USCG-2012-0767)) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8098. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Swim Around Charleston, Charleston, SC" ((RIN1625-AA00) (Docket No. USCG-2012-0137)) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8099. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Apache Pier Labor Day Fireworks; Myrtle Beach, SC" ((RIN1625-AA00) (Docket No. USCG-2012-0727)) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8100. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Bostock 50th Anniversary Fireworks, Long Island Sound; Manursing Island, NY" ((RIN1625-AA00) (Docket No. USCG-2012-0385)) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8101. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled

"Safety Zone; Wedding Reception Fireworks at Pier 24, San Francisco, CA" ((RIN1625-AA00) (Docket No. USCG-2012-0661)) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8102. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Cleveland National Air Show, Cleveland, OH" ((RIN1625-AA00) (Docket No. USCG-2012-0814)) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8103. 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" (FRL No. 9365-1) received in the Office of the President of the Senate on November 14, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8104. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "1,4-Dimethylnaphthalene; Amendment to an Exemption from the Requirement of a Tolerance" (FRL No. 9368-2) received in the Office of the President of the Senate on November 14, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8105. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Flonicamid; Pesticide Tolerances" (FRL No. 9368-7) received in the Office of the President of the Senate on November 14, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8106. A communication from the Assistant Secretary of Defense (Global Strategic Affairs), transmitting, pursuant to law, a report relative to the obligation and expenditure of funds for the implementation of Cooperative Threat Reduction (CTR) program activities (DCN OSS-2012-1698); to the Committee on Armed Services.

EC-8107. A communication from the Assistant Secretary of Defense (Legislative Affairs), transmitting, pursuant to law, a report of the submission of a certification of renewal pertaining to a collection of photographs assembled by the Department of Defense that were taken in the period between September 11, 2001 and January 22, 2009; to the Committee on Armed Services.

EC-8108. A communication from the General Counsel of the Federal Housing Finance Agency, transmitting, pursuant to law, the report of a rule entitled "2012-2014 Enterprise Housing Goals" (RIN2590-AA49) received in the Office of the President of the Senate on November 15, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-8109. A communication from the Administrator and Chief Executive Officer, Bonneville Power Administration, Department of Energy, transmitting, pursuant to law, the Administration's Annual Report for fiscal year 2012; to the Committee on Energy and Natural Resources.

EC-8110. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Inservice Inspection of Prestressed Concrete Containment Structures with Grouted Tendons" (Regulatory Guide 1.90, Revision 2) received during adjournment of the Senate in the Office of the President of the Senate on November 19, 2012; to the Committee on Environment and Public Works.

EC-8111. 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; Tennessee; Regional Haze State Implementation Plan; Best Available Retrofit Technology Requirements for Eastman Chemical Company" (FRL No. 9752-5) received in the Office of the President of the Senate on November 14, 2012; to the Committee on Environment and Public Works.

EC-8112. A communication from the Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the annual report of the Fish and Wildlife Service on reasonably identifiable expenditures for the conservation of endangered and threatened species by Federal and State agencies for fiscal year 2011; to the Committee on Environment and Public Works.

EC-8113. 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; Medicare Part B Monthly Actuarial Rates, Premium Rate, and Annual Deductible Beginning January 1, 2013" (RIN0938-AR16) received during adjournment of the Senate in the Office of the President of the Senate on November 19, 2012; to the Committee on Finance.

EC-8114. 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; Part A Premiums for CY 2013 for the Uninsured Aged and for Certain Disabled Individuals Who Have Exhausted Other Entitlement" (RIN0938-AR15) received during adjournment of the Senate in the Office of the President of the Senate on November 19, 2012; to the Committee on Finance.

EC-8115. 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; Inpatient Hospital Deductible and Hospital and Extended Care Services Coinsurance Amounts for CY 2013" (RIN0938-AR14) received during adjournment of the Senate in the Office of the President of the Senate on November 19, 2012; to the Committee on Finance.

EC-8116. 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 and Medicaid Programs; Electronic Health Record Incentive Program—Stage 2" (RIN0938-AQ84) received during adjournment of the Senate in the Office of the President of the Senate on August 27, 2012; to the Committee on Finance.

EC-8117. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act (Transmittal No. DDTC 12-149); to the Committee on Foreign Relations.

EC-8118. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 12-120, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Foreign Relations.

EC-8119. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to Cooperative Threat Reduction Programs (DCN OSS-2012-1697); to the Committee on Foreign Relations.

EC-8120. A communication from the Acting General Counsel, National Indian Gaming Commission, transmitting, pursuant to law, the report of a rule entitled "Facility License Notifications and Submissions" (RIN3141-AA48) received during adjournment of the Senate in the Office of the President of the Senate on November 16, 2012; to the Committee on Indian Affairs.

EC-8121. A communication from the Director of Congressional Affairs, Central Intelligence Agency, transmitting, pursuant to law, a report relative to a vacancy in the position of Director of the Central Intelligence Agency, received during adjournment of the Senate in the Office of the President of the Senate on November 19, 2012; to the Select Committee on Intelligence.

EC-8122. A communication from the Acting Assistant Attorney General, Department of Justice, transmitting, pursuant to law, the Annual Report to Congress on the implementation, enforcement, and prosecution of registration requirements under Section 635 of the Adam Walsh Child Protection Act of 2006; to the Committee on the Judiciary.

EC-8123. A communication from the Secretary of Education, transmitting, pursuant to law, the report of a rule entitled "Federal Perkins Loan Program, Federal Family Education Loan Program, and William D. Ford Federal Direct Loan Program" (RIN1840-AD05) received in the Office of the President of the Senate on November 15, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC-8124. A communication from the Chairman of the Securities and Exchange Commission, transmitting, pursuant to law, the Uniform Resource Locator (URL) for the Securities and Exchange Commission's fiscal year 2012 Agency Financial Report; to the Committee on Homeland Security and Governmental Affairs.

EC-8125. A communication from the Chairman of the National Credit Union Administration, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from April 1, 2012 through September 30, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-8126. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the fiscal year 2012 Agency Financial Report for the Department of the Treasury; to the Committee on Homeland Security and Governmental Affairs.

EC-8127. A communication from the President and Chief Executive Officer, Overseas Private Investment Corporation, transmitting, pursuant to law, a report relative to its audit and investigative activities; to the Committee on Homeland Security and Governmental Affairs.

EC-8128. A communication from the Commissioner, Social Security Administration, transmitting, pursuant to law, the Administration's Performance and Accountability Report for fiscal year 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-8129. A communication from the Director, National Gallery of Art, transmitting, pursuant to law, the Gallery's Performance and Accountability Report for the year ended September 30, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-8130. A communication from the Chief Financial Officer, Department of Homeland Security, transmitting, pursuant to law, the

Department's fiscal year 2012 Annual Financial Report; to the Committee on Homeland Security and Governmental Affairs.

EC-8131. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Correction" (RIN0648-BC06) received during adjournment of the Senate in the Office of the President of the Senate on October 3, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8132. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; Lifting Trade Restrictive Measures" (RIN0648-BC16) received during adjournment of the Senate in the Office of the President of the Senate on October 3, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8133. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Temporary Rule to Establish Management Measures for the Limited Harvest and Possession of South Atlantic Red Snapper in 2012" (RIN0648-BC32) received during adjournment of the Senate in the Office of the President of the Senate on October 3, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8134. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Main Hawaiian Islands Deep 7 Bottomfish Annual Catch Limits and Accountability Measures for 2012-13" (RIN0648-XC089) received during adjournment of the Senate in the Office of the President of the Senate on October 3, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8135. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Spiny Lobster Fishery of the Gulf of Mexico and South Atlantic; Amendment 11; Correction" (RIN0648-BB44) received during adjournment of the Senate in the Office of the President of the Senate on October 3, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8136. A communication from the Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for the Commonwealth of Massachusetts" (RIN0648-XC176) received during adjournment of the Senate in the Office of the President of the Senate on October 3, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8137. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher/Processors Using Trawl Gear in the Western Regulatory Area of the Gulf of Alaska" (RIN0648-XC211) received during adjournment of the Senate in the Office of the President of the Senate on October 3, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8138. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United

States; Bluefish Fishery; Commercial Quota Harvested for the Commonwealth of Massachusetts" (RIN0648-XC236) received during adjournment of the Senate in the Office of the President of the Senate on October 3, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8139. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries" (RIN0648-XC162) received during adjournment of the Senate in the Office of the President of the Senate on October 3, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8140. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Biennial Specifications and Management Measures; Inseason Adjustments" (RIN0648-BC36) received during adjournment of the Senate in the Office of the President of the Senate on October 3, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8141. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Scup Fishery; Adjustment to the 2012 Winter II Quota" (RIN0648-XC163) received during adjournment of the Senate in the Office of the President of the Senate on October 3, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8142. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; 'Other Flatfish' in the Bering Sea and Aleutian Islands Management Area and Greenland Turbot in the Aleutian Island Subarea of the Bering Sea and Aleutian Islands Management Area" (RIN0648-XC082) received during adjournment of the Senate in the Office of the President of the Senate on October 3, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8143. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Snapper-Grouper Fishery of the South Atlantic; Accountability Measures and Commercial Closures for Two Snapper-Grouper Species and Two Snapper-Grouper Species Complexes in the South Atlantic" (RIN0648-XC132) received during adjournment of the Senate in the Office of the President of the Senate on October 3, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8144. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; New Free Trade Agreement-Panama" (RIN0750-AH79) (DFARS Case 2012-D044) received in the Office of the President of the Senate on November 13, 2012; to the Committee on Armed Services.

EC-8145. A communication from the Acting Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Christopher D. Miller, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-8146. A communication from the Acting Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness),

transmitting a report on the approved retirement of Vice Admiral David J. Venlet, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC-8147. A communication from the Acting Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Vice Admiral John T. Blake, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC-8148. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Burma that was declared in Executive Order 13047 of May 20, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC-8149. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to the stabilization of Iraq that was declared in Executive Order 13303 of May 22, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-8150. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to the Republic of Ghana (Ghana); to the Committee on Banking, Housing, and Urban Affairs.

EC-8151. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Australia; to the Committee on Banking, Housing, and Urban Affairs.

EC-8152. A communication from the President of the Federal Financing Bank, transmitting, pursuant to law, the Bank's Annual Report for Fiscal Year 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-8153. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Debris Removal: Eligibility of Force Account Labor Straight-Time Costs under the Public Assistance Program for Hurricane Sandy" ((44 CFR Part 206) (Docket No. FEMA-2012-0004)) received in the Office of the President of the Senate on November 26, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-8154. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64) (Docket No. FEMA-2012-0003)) received in the Office of the President of the Senate on November 26, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-8155. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64) (Docket No. FEMA-2012-0003)) received in the Office of the President of the Senate on November 26, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-8156. A communication from the Secretary, Division of Investment Management, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Purchase of Certain Debt Securities by Business and Industrial Development Companies Relying on an Investment Company Act Exemption" (RIN3235-AL02) received in the Office of the President of the

Senate on November 26, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-8157. A communication from the Attorney, Legal Division, Bureau of Consumer Financial Protection, transmitting, pursuant to law, the report of a rule entitled "Consumer Lending (Regulation M)" ((RIN3170-AD94) (Docket No. CFPB-2012-0042)) received in the Office of the President of the Senate on November 26, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-8158. A communication from the Attorney, Legal Division, Bureau of Consumer Financial Protection, transmitting, pursuant to law, the report of a rule entitled "Delayed Implementation of Certain New Mortgage Disclosures" ((RIN3170-AA32) (Docket No. CFPB-2012-0045)) received in the Office of the President of the Senate on November 26, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-8159. 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 "Yemen Sanctions Regulations" (31 CFR Part 552) received in the Office of the President of the Senate on November 13, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-8160. A communication from the Attorney, Legal Division, Bureau of Consumer Financial Protection, transmitting, pursuant to law, the report of a rule entitled "Truth in Lending (Regulation Z)" (Docket No. CFPB-2012-0044) received in the Office of the President of the Senate on November 26, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-8161. A communication from the Attorney, Legal Division, Bureau of Consumer Financial Protection, transmitting, pursuant to law, the report of a rule entitled "Truth in Lending (Regulation Z)" (Docket No. CFPB-2012-0043) received in the Office of the President of the Senate on November 26, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-8162. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act (Transmittal No. DDTC 12-103); to the Committee on Foreign Relations.

EC-8163. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act (Transmittal No. DDTC 12-066); to the Committee on Foreign Relations.

EC-8164. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act (Transmittal No. DDTC 12-066); to the Committee on Foreign Relations.

EC-8165. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act (Transmittal No. DDTC 12-152); to the Committee on Foreign Relations.

EC-8166. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act (Transmittal No. DDTC 12-148); to the Committee on Foreign Relations.

EC-8167. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursu-

ant to sections 36(c) and 36(d) of the Arms Export Control Act (Transmittal No. DDTC 12-137); to the Committee on Foreign Relations.

EC-8168. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2012-0152—2012-0167); to the Committee on Foreign Relations.

EC-8169. A communication from the Director of Congressional Affairs, Office of Nuclear Reactor Regulation, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Guidance on Performing a Seismic Margin Assessment in Response to the March 2012 Request for Information Letter" (JLD-ISG-2012-04) received in the Office of the President of the Senate on November 26, 2012; to the Committee on Environment and Public Works.

EC-8170. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Colorado: Final Authorization of State Hazardous Waste Management Program Revisions" (FRL No. 9753-6) received during adjournment of the Senate in the Office of the President of the Senate on November 20, 2012; to the Committee on Environment and Public Works.

EC-8171. 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; Florida; Section 128 and 110(a)(2)(E)(ii) and (G) Infrastructure Requirements for the 1997 8-hour Ozone National Ambient Air Quality Standards; Correction" (FRL No. 9754-5) received during adjournment of the Senate in the Office of the President of the Senate on November 20, 2012; to the Committee on Environment and Public Works.

EC-8172. 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; Ohio; PBR and PTIO" (FRL No. 9753-7) received during adjournment of the Senate in the Office of the President of the Senate on November 20, 2012; to the Committee on Environment and Public Works.

EC-8173. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Withdrawal of Approval of Air Quality Implementation Plans and Findings of Failure to Submit Required Plans; California; San Joaquin Valley; 1-Hour and 8-Hour Ozone Extreme Area Plan Elements" (FRL No. 9753-4) received during adjournment of the Senate in the Office of the President of the Senate on November 20, 2012; to the Committee on Environment and Public Works.

EC-8174. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval of Air Quality Implementation Plans; California; San Joaquin Valley and South Coast; Attainment Plan for the 1997 8-hour Ozone Standards; Technical Amendments" (FRL No. 9753-3) received during adjournment of the Senate in the Office of the President of the Senate on November 20, 2012; to the Committee on Environment and Public Works.

EC-8175. A communication from the Director of the Regulatory Management Division,



Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Final Authorization of State-initiated Changes and Incorporation by Reference of State Hazardous Waste Management Program" (FRL No. 9745-1) received during adjournment of the Senate in the Office of the President of the Senate on November 20, 2012; to the Committee on Environment and Public Works.

EC-8176. 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 State Implementation Plans; State of New Mexico; Regional Haze Rule Requirements for Mandatory Class I Areas" (FRL No. 9755-6) received during adjournment of the Senate in the Office of the President of the Senate on November 20, 2012; to the Committee on Environment and Public Works.

EC-8177. 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 Limitations Adjusted As Provided in Section 415(d), etc." (Notice 2012-67) received during adjournment of the Senate in the Office of the President of the Senate on November 20, 2012; to the Committee on Finance.

EC-8178. A communication from the Director, Directorate of Construction, Occupational Safety and Health Administration, transmitting, pursuant to law, the report of a rule entitled "Revising the Exemption for Digger Derricks in the Cranes and Derricks in Construction Standard" (RIN1218-AC75) received in the Office of the President of the Senate on November 26, 2012; to the Committee on Health, Education, Labor, and Pensions.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

S. 2178. A bill to require the Federal Government to expedite the sale of underutilized Federal real property (Rept. No. 112-241).

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. HUTCHISON (for herself, Mr. KYL, and Mr. MCCAIN):

S. 3639. A bill to amend the Immigration and Nationality Act to provide secure borders and to give long-term resident youth the ability to contribute to the safety and economic growth of the United States and for other purposes; to the Committee on the Judiciary.

By Mr. TOOMEY:

S. 3640. A bill to amend title 49, United States Code, to direct the Assistant Secretary of Homeland Security, Transportation Security Administration, to transfer unclaimed clothing recovered at airport security checkpoints to local veterans organizations and other local charitable organizations, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. LAUTENBERG (for himself and Mrs. GILLIBRAND):

S. 3641. A bill to amend the Public Health Service Act with regard to research on asthma, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEAHY (for himself and Mr. KOHL):

S. 3642. A bill to clarify the scope of the Economic Espionage Act of 1996; considered and passed.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SCHUMER:

S. Res. 601. A resolution commending the people of Albania on the 100th anniversary of the declaration of their independence from the Turkish Ottoman Empire on November 28, 1912, and commending Albanians in Albania and Kosovo for protecting and saving the lives of all Jews who either lived in Albania or sought asylum there during the Holocaust; to the Committee on Foreign Relations.

By Mr. AKAKA (for himself, Mr. INHOFE, Mr. UDALL of Colorado, and Mr. CHAMBLISS):

S. Res. 602. A resolution designating 2012-2013 as the "Year of the Korean War Veteran" and recognizing the 60th anniversary of the Korean War; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 392

At the request of Mr. UDALL of New Mexico, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 392, a bill to support and encourage the health and well-being of elementary school and secondary school students by enhancing school physical education and health education.

S. 426

At the request of Mr. SANDERS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 426, a bill to strengthen student achievement and graduation rates and prepare young people for college, careers, and citizenship through innovative partnerships that meet the comprehensive needs of children and youth.

S. 1245

At the request of Mr. BLUNT, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 1245, a bill to provide for the establishment of the Special Envoy to Promote Religious Freedom of Religious Minorities in the Near East and South Central Asia.

S. 1301

At the request of Mr. LEAHY, the names of the Senator from New Mexico (Mr. UDALL) and the Senator from Hawaii (Mr. INOUE) were added as cosponsors of S. 1301, a bill to authorize appropriations for fiscal years 2012 through 2015 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in persons, and for other purposes.

S. 1460

At the request of Mr. BAUCUS, the name of the Senator from Georgia (Mr.

CHAMBLISS) was added as a cosponsor of S. 1460, a bill to grant the congressional gold medal, collectively, to the First Special Service Force, in recognition of its superior service during World War II.

S. 1880

At the request of Mr. BARRASSO, the name of the Senator from Indiana (Mr. COATS) was added as a cosponsor of S. 1880, a bill to repeal the health care law's job-killing health insurance tax.

S. 2212

At the request of Mrs. FEINSTEIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2212, a bill to clarify the exception to foreign sovereign immunity set forth in section 1605(a)(3) title 28, United States Code.

S. 2347

At the request of Mr. CARDIN, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 2347, a bill to amend title XVIII of the Social Security Act to ensure the continued access of Medicare beneficiaries to diagnostic imaging services.

S. 2474

At the request of Mr. AKAKA, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2474, a bill to improve the health of minority individuals, and for other purposes.

S. 2620

At the request of Mr. SCHUMER, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 2620, a bill to amend title XVIII of the Social Security Act to provide for an extension of the Medicare-dependent hospital (MDH) program and the increased payments under the Medicare low-volume hospital program.

S. 3244

At the request of Mr. FRANKEN, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 3244, a bill to amend the Higher Education Opportunity Act to add disclosure requirements to the institution financial aid offer form and to amend the Higher Education Act of 1965 to make such form mandatory.

S. 3430

At the request of Mrs. SHAHEEN, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 3430, a bill to amend the Public Health Service Act to foster more effective implementation and coordination of clinical care for people with pre-diabetes and diabetes.

S. 3441

At the request of Mr. MCCAIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 3441, a bill to provide for the transfer of excess Department of Defense aircraft to the Forest Service for wildfire suppression activities, and for other purposes.

S. 3477

At the request of Mrs. BOXER, the name of the Senator from Vermont

(Mr. LEAHY) was added as a cosponsor of S. 3477, a bill to ensure that the United States promotes women's meaningful inclusion and participation in mediation and negotiation processes undertaken in order to prevent, mitigate, or resolve violent conflict and implements the United States National Action Plan on Women, Peace, and Security.

S. 3512

At the request of Mr. HOEVEN, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 3512, a bill to amend subtitle D of the Solid Waste Disposal Act to facilitate recovery and beneficial use, and provide for the proper management and disposal, of materials generated by the combustion of coal and other fossil fuels.

S. 3539

At the request of Mr. KERRY, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 3539, a bill to encourage the adoption and use of certified electronic health record technology by safety net providers and clinics.

S. 3542

At the request of Ms. KLOBUCHAR, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 3542, a bill to authorize the Assistant Secretary of Homeland Security (Transportation Security Administration) to modify screening requirements for checked baggage arriving from preclearance airports, and for other purposes.

S. 3551

At the request of Mr. DEMINT, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. 3551, a bill to require investigations into and a report on the September 11–13, 2012, attacks on the United States missions in Libya, Egypt, and Yemen, and for other purposes.

S. 3560

At the request of Mr. WHITEHOUSE, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 3560, a bill to provide for scientific frameworks with respect to recalcitrant cancers.

S. 3574

At the request of Mr. BLUNT, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 3574, a bill to amend section 403 of the Federal Food, Drug, and Cosmetic Act to improve and clarify certain disclosure requirements for restaurants, similar retail food establishments, and vending machines.

S. 3617

At the request of Mr. CARDIN, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 3617, a bill to ensure sufficient sizing of the civilian and contract services workforces of the Department of Defense.

S. 3635

At the request of Mr. COONS, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 3635, a bill to provide incentives for States to invest in practices and technology that are designed to expedite voting at the polls and to simplify voter registration.

S. RES. 150

At the request of Mr. INHOFE, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. Res. 150, a resolution calling for the protection of religious minority rights and freedoms in the Arab world.

S. RES. 518

At the request of Ms. LANDRIEU, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. Res. 518, a resolution congratulating the Southern Baptist Convention for electing Reverend Fred Luter, Jr., as the president of the Southern Baptist Convention, acknowledging Reverend Luter's unique role as the first African-American leader of the Southern Baptist Convention, and honoring the commitment of the Southern Baptist Convention to an inclusive faith-based community and society.

S. RES. 599

At the request of Mrs. GILLIBRAND, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. Res. 599, a resolution expressing vigorous support and unwavering commitment to the welfare, security, and survival of the State of Israel as a Jewish and democratic state with secure borders, and recognizing and strongly supporting its right to act in self-defense to protect its citizens against acts of terrorism.

AMENDMENT NO. 2928

At the request of Mrs. MCCASKILL, the names of the Senator from Virginia (Mr. WEBB) and the Senator from West Virginia (Mr. MANCHIN) were added as cosponsors of amendment No. 2928 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2929

At the request of Mrs. MCCASKILL, the names of the Senator from Virginia (Mr. WEBB) and the Senator from West Virginia (Mr. MANCHIN) were added as cosponsors of amendment No. 2929 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2940

At the request of Mr. BLUMENTHAL, the names of the Senator from New

Mexico (Mr. UDALL), the Senator from Maine (Ms. SNOWE) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of amendment No. 2940 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## SUBMITTED RESOLUTIONS

SENATE RESOLUTION 601—COMMENDING THE PEOPLE OF ALBANIA ON THE 100TH ANNIVERSARY OF THE DECLARATION OF THEIR INDEPENDENCE FROM THE TURKISH OTTOMAN EMPIRE ON NOVEMBER 28, 1912, AND COMMENDING ALBANIANS IN ALBANIA AND KOSOVO FOR PROTECTING AND SAVING THE LIVES OF ALL JEWS WHO EITHER LIVED IN ALBANIA OR SOUGHT ASYLUM THERE DURING THE HOLOCAUST

Mr. SCHUMER submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 601

Whereas, in 1934, the United States Ambassador to Albania Herman Bernstein wrote that "there is no trace of any discrimination against Jews in Albania, because Albania happens to be one of the rare lands in Europe today where religious prejudice and hate do not exist, even though Albanians themselves are divided into three faiths";

Whereas, in 1938, approximately 300 Albanian Jews lived in the Republic of Albania, and more than 1,900 escaped to Albania from Nazi-occupied Western Europe and the former Yugoslavia during World War II;

Whereas Albanians in Albania and Kosova, based on their unique history of religious tolerance, considered it a matter of national pride and tradition to help Jews during the Holocaust, and due to the actions of many individual Albanians, the entire native and refugee Jewish community in Albania during World War II survived the Holocaust;

Whereas Albanians sheltered and protected Jews in Albania and in Kosova, even at the risk of Albanian lives, beginning with the invasion and occupation of Albania by Italian fascists led by Benito Mussolini in 1939;

Whereas, after Nazi Germany occupied Albania in 1943 and the Gestapo ordered Jewish refugees in the Albanian capital of Tirana to register, Albanian leaders refused to provide a list of Jews living in Albania, and Albanian clerks issued false identity papers to protect all Jews in the country;

Whereas, in June 1990, Jewish-American Congressman Tom Lantos and former Albanian-American Congressman Joe DioGuardi were the first United States officials to enter Albania in 50 years and received from the Communist Party leader and Albanian President Ramiz Alia a thick file from the archives containing hundreds of news clippings and personal letters sent by Jews to their Albanian rescuers after World War II, but that the Communist government prevented from being delivered for 45 years;

Whereas Congressman Joe DioGuardi, upon returning to the United States in June 1990,

sent the file for authentication to Elli Streit in Tel Aviv for delivery to appropriate officials at Yad Vashem, the Holocaust Martyrs' and Heroes' Remembrance Authority, in Jerusalem;

Whereas Josef Jakoele and his eldest daughter, Felicita, both Albanian Jews, led the emigration of almost all Albanian Jews to Israel in 1991 as the Communist regime was collapsing;

Whereas Yad Vashem has designated 69 Albanians as "Righteous Persons" and Albania as one of the "Righteous among the Nations";

Whereas, based on the information authenticated by Yad Vashem, Jewish-American author and philanthropist Harvey Sarnier published "Rescue in Albania" in 1997 to call international attention to the unique role of the Albanian people in saving Jews from the Holocaust;

Whereas, in October 1997, the Albanian American Civic League and the Albanian American Foundation began the distribution of 10,000 copies of "Rescue in Albania", with forewords by Congressmen Tom Lantos and Benjamin Gilman, to bring to the attention of the Jewish people and their leaders the plight of Albanians in Kosovo living under a brutal occupation at the hands of Serbian dictator Slobodan Milosevic, in order to forestall another genocide in Kosovo;

Whereas, in a statement at the "Salute to Albanian Tolerance, Resistance, and Hope: Remembering Besa and the Holocaust" held by the Albanian American Civic League and the Albanian American Foundation in 2005 on the occasion of the 60th anniversary of the liberation of the Nazi death camps, Dr. Mordechai Paldi, then Director for the Righteous at Yad Vashem, commemorated the heroism of Albanians as "the only ones among rescuers in other countries who not only went out of their way to save Jews, but vied and competed with each other for the privilege of being a rescuer, thanks to besa", the code of honor that requires an Albanian to save the life of anyone seeking refuge, even if it means sacrificing one's own life;

Whereas, in 2006, Shirley Cloyes DioGuardi, Balkan Affairs Adviser to the Albanian American Civic League and Executive Director of the Albanian American Foundation, published "Jewish Survival in Albania & the Ethics of 'Besa'" in the journal of the American Jewish Congress to document the saving role of Albanians and how that role was revealed, in spite of the Communist effort to suppress it;

Whereas, on December 2, 2008, Arslan Rezniki and his son, Mustafa, were the first Kosovar Albanians recognized by Yad Vashem's "Righteous among Nations Department", for leading 400 Jewish families from Decan, Kosova, into safety in Albania;

Whereas Arif Alickaj, the Secretary of the Municipality of Decan, risked his job and his life helping the Rezniki's rescue Jews in Nazi-occupied Kosova by issuing false identity papers to ensure their safe passage to Albania and who, like so many Albanians from Kosova and Albania, died before Jewish survivors could validate his role at Yad Vashem;

Whereas Shirley Cloyes DioGuardi addressed the 2010 International Oral History Association Conference in Prague, and brought Leka Rezniki, the grandson of Mustafa Rezniki, to join her in revealing the "underground railroad" between Albanians in Kosova and Albania that was essential to the rescue of Jews; and

Whereas Albania is the only nation in Europe that had more Jewish residents after World War II than before World War II: Now, therefore, be it

*Resolved*, That the Senate—

(1) commends the people of Albania and Kosova for protecting and saving the lives of Jews who either lived in Albania or sought asylum there during the Holocaust;

(2) commends Yad Vashem, the Holocaust Martyrs' and Heroes' Remembrance Authority, in Israel for recognizing Albanians, who took action at great risk to themselves to protect Jews during the Holocaust, for their humanity, courage, and heroism;

(3) reaffirms, on the 100th anniversary of Albania's declaration of independence in 1912, its support for close ties between the United States and Albania and between the United States and Kosova, which declared its independence in 2008; and

(4) commends the officers, boards of directors, and members of the Albanian American Civic League and the Albanian American Foundation for their unstinting work, since 1989, to bring the plight of the Albanian people and the unique historic connection between Albanians and Jews to international attention.

#### SENATE RESOLUTION 602—DESIGNATING 2012-2013 AS THE "YEAR OF THE KOREAN WAR VETERAN" AND RECOGNIZING THE 60TH ANNIVERSARY OF THE KOREAN WAR

Mr. AKAKA (for himself, Mr. INHOFE, Mr. UDALL of Colorado, and Mr. CHAMBLISS) submitted the following resolution; which was considered and agreed to:

##### S. RES. 602

Whereas, on June 25, 1950, the Communist Democratic People's Republic of Korea began the Korean War by invading the Republic of Korea with approximately 135,000 troops;

Whereas nearly 1,800,000 members of the United States Armed Forces served along with the forces of the Republic of Korea and 20 other Allied nations in the Korean theater of operations to defend freedom and democracy in the Korean Peninsula;

Whereas, during the Korean War, 36,574 people from the United States died and 103,284 people from the United States were wounded in some of the most horrific combat and weather conditions in the history of warfare;

Whereas almost 60 years have passed since the signing of the cease-fire agreement at Panmunjom on July 27, 1953, and the Korean Peninsula still technically remains in a state of war;

Whereas the Korean War has for many years been a "Forgotten War" for people in the United States;

Whereas Korean War veterans deserve to be recognized by the people of the United States for their honorable and courageous service in defense of democracy and freedom during the Korean War;

Whereas the tide of communism on the southern ½ of the Korean Peninsula was halted, liberty triumphed over tyranny, and the Republic of Korea has developed into a modern and prosperous democracy because of the selfless sacrifice of the Korean War veterans;

Whereas the people of the United States and the Republic of Korea are eternally grateful to the Korean War veterans;

Whereas the history of the Korean War should be included in the curriculum of schools in the United States so that future generations never forget the sacrifices of the Korean War veterans and what those veterans accomplished;

Whereas the Department of Defense 60th Anniversary of the Korean War Commemora-

tion Committee will implement a national campaign to honor the Korean War veterans, remember those Korean War veterans still counted among the missing in action, and educate the people of the United States concerning the ongoing relevance of the Korean War; and

Whereas the commemorative campaign will include ceremonies in the United States and the Republic of Korea in recognition of the beginning (June 25, 1950) and the armistice ending hostilities (July 27, 1953), as well as a national media and outreach campaign for Veterans Day 2012 to honor the Korean War veterans: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates 2012-2013 as the "Year of the Korean War Veteran";

(2) recognizes the 60th anniversary of the Korean War; and

(3) honors the contributions and sacrifices made by the Korean War veterans.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 2946. Mr. PRYOR (for himself and Mr. JOHANNIS) submitted an amendment intended to be proposed by him 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; which was ordered to lie on the table.

SA 2947. Mr. PRYOR (for himself, Mr. WYDEN, Mr. BOOZMAN, and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2948. Mr. WEBB submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2949. Mr. WEBB submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2950. Mr. BEGICH (for himself and Ms. AYOTTE) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2951. Mr. BEGICH (for himself, Mr. MANCHIN, Mr. WYDEN, Mrs. HUTCHISON, and Mr. MERKLEY) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2952. Mr. BEGICH (for himself, Mr. CASEY, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2953. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2954. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2955. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2956. Mr. PORTMAN (for himself and Mr. AKAKA) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2957. Mr. WEBB submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2958. Mr. WEBB submitted an amendment intended to be proposed by him to the

SA 3018. Mrs. FEINSTEIN (for herself, Mr. LEE, Mr. COONS, Ms. COLLINS, Mr. PAUL, Mr. LAUTENBERG, Mrs. GILLIBRAND, and Mr. KIRK) submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

**SA 2946.** Mr. PRYOR (for himself and Mr. JOHANNIS) submitted an amendment intended to be proposed by him 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; which was ordered to lie on the table; as follows:

At the end of subtitle of subtitle H of title X, add the following:

**SEC. 1084. STATE CONSIDERATION OF MILITARY TRAINING IN GRANTING CERTAIN STATE CERTIFICATIONS AND LICENSES AS A CONDITION ON THE RECEIPT OF FUNDS FOR VETERANS EMPLOYMENT AND TRAINING.**

(a) IN GENERAL.—Section 4102A(c) of title 38, United States Code, is amended by adding at the end the following:

“(9)(A) As a condition of a grant or contract under which funds are made available to a State in order to carry out section 4103A or 4104 of this title for any program year, the Secretary shall require the State—

“(i) to demonstrate that when the State approves or denies a certification or license described in subparagraph (B) for a veteran the State takes into consideration any training received or experience gained by the veteran while serving on active duty in the Armed Forces; and

“(ii) to disclose to the Secretary in writing the following:

“(I) Criteria applicants must satisfy to receive a certification or license described in subparagraph (B) by the State.

“(II) A description of the standard practices of the State for evaluating training received by veterans while serving on active duty in the Armed Forces and evaluating the documented work experience of such veterans during such service for purposes of approving or denying a certification or license described in subparagraph (B).

“(III) Identification of areas in which training and experience described in subclause (II) fails to meet criteria described in subclause (I).”

“(B) A certification or license described in this subparagraph is any of the following:

“(i) A license to be a State tested nursing assistant or a certified nursing assistant.

“(ii) A commercial driver's license.

“(iii) An emergency medical technician license EMT-B or EMT-I.

“(iv) An emergency medical technician-paramedic license.

“(C) The Secretary shall share the information the Secretary receives under subparagraph (A)(ii) with the Secretary of Defense to help the Secretary of Defense improve training for military occupational specialties so that individuals who receive such training are able to receive a certification or license described in subparagraph (B) from a State.”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to a program year beginning on or after the date of the enactment of this Act.

**SA 2947.** Mr. PRYOR (for himself, Mr. WYDEN, Mr. BOOZMAN, and Ms. SNOWE) submitted an amendment intended to be proposed by him 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 pre-

scribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle of subtitle H of title X, add the following:

**SEC. 1084. PROVISION OF STATUS UNDER LAW BY HONORING CERTAIN MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES AS VETERANS.**

(a) IN GENERAL.—Chapter 1 of title 38, United States Code, is amended by inserting after section 107 the following new section:

**“§ 107A. Honoring as veterans certain persons who performed service in the reserve components**

“Any person who is entitled under chapter 1223 of title 10 to retired pay for nonregular service or, but for age, would be entitled under such chapter to retired pay for nonregular service shall be honored as a veteran but shall not be entitled to any benefit by reason of this section.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 107 the following new item:

“107A. Honoring as veterans certain persons who performed service in the reserve components.”

**SA 2948.** Mr. WEBB submitted an amendment intended to be proposed by him 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; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VI, add the following:

**SEC. 602. EXTENSION OF AUTHORITY TO PROVIDE TEMPORARY INCREASE IN RATES OF BASIC ALLOWANCE FOR HOUSING UNDER CERTAIN CIRCUMSTANCES.**

Section 403(b)(7)(E) of title 37, United States Code, is amended by striking “December 31, 2012” and inserting “December 31, 2013”.

**SA 2949.** Mr. WEBB submitted an amendment intended to be proposed by him 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; which was ordered to lie on the table; as follows:

At the end of subtitle C of title V, add the following:

**SEC. 526. EXTENSION OF TEMPORARY INCREASE IN ACCUMULATED LEAVE CARRY-OVER FOR MEMBERS OF THE ARMED FORCES.**

Section 701(d) of title 10, United States Code, is amended by striking “September 30, 2013” and inserting “September 30, 2015”.

**SA 2950.** Mr. BEGICH (for himself and Ms. AYOTTE) submitted an amendment intended to be proposed by him 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; which was ordered to lie on the table; as follows:

At the end of subtitle E of title XXVIII, add the following:

**SEC. 2844. GOLD STAR MOTHERS NATIONAL MONUMENT, ARLINGTON NATIONAL CEMETERY.**

(a) ESTABLISHMENT.—Notwithstanding section 2409(b) of title 38, United States Code, the Secretary of the Army shall permit the Gold Star Mothers National Monument Foundation (a nonprofit corporation established under the laws of the District of Columbia) to establish an appropriate monument in Arlington National Cemetery or on Federal land in its environs under the jurisdiction of the Department of the Army to commemorate the sacrifices made by mothers, and made by their sons and daughters who as members of the Armed Forces make the ultimate sacrifice, in defense of the United States. The monument shall be known as the “Gold Star Mothers National Monument”.

(b) PAYMENT OF EXPENSES.—The Gold Star Mothers National Monument Foundation shall be solely responsible for acceptance of contributions for, and payment of the expenses of, the establishment of the monument, and no Federal funds may be used to pay such expenses.

**SA 2951.** Mr. BEGICH (for himself, Mr. MANCHIN, Mr. WYDEN, Mrs. HUTCHISON, and Mr. MERKLEY) submitted an amendment intended to be proposed by him 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; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

**SEC. 1048. PROHIBITION ON DIVESTMENT, RETIREMENT, OR TRANSFER OF ARMY C-23 AIRCRAFT DURING FISCAL YEAR 2013.**

(a) PROHIBITION.—

(1) IN GENERAL.—None of the amounts authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for the Army may be obligated or expended to divest, retire, transfer, or prepare to divest, retire, or transfer, any of the 38 C-23 aircraft assigned to the Army as of October 1, 2012.

(2) SUSTAINMENT IN OPERATIONALLY VIABLE STATE.—The Army shall sustain the C-23 aircraft described in paragraph (1) in an operationally viable state during fiscal year 2013.

(b) FUNDS AVAILABLE FOR SUSTAINMENT AND OPERATION OF AIRCRAFT.—Of the amounts authorized to be appropriated for fiscal year 2013 by section 301 and available for operation and maintenance for the Army as specified in the funding table in section 4301, \$9,200,000 may be available for the sustainment and operation of the C-23 aircraft specified in subsection (a) during fiscal year 2013.

**SA 2952.** Mr. BEGICH (for himself, Mr. CASEY, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him 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; which was ordered to lie on the table; as follows:

On page 542, beginning on line 12, strike “section 2687” and all that follows through page 543, line 2, and insert the following: “section 2687 and section 993 of title 10, United States Code, and closures of military installations that are not covered by such requirements.

(b) ONE-YEAR MORATORIUM ON CERTAIN ACTIONS RESULTING IN PERSONNEL REDUCTIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), no action may be taken before October 1, 2013, that would result in a military installation covered under paragraph (1) of section 2687(a) or section 993 of title 10, United States Code, to no longer be covered by such paragraph (1) or such section 993.

(2) NATIONAL SECURITY WAIVER.—The Secretary of Defense may waive the prohibition under paragraph (1) if the Secretary certifies to the congressional defense committees that is in the national security interests of the United States.

(c) MODIFICATION OF NOTICE REQUIREMENTS IN ADVANCE OF PERMANENT REDUCTION OF SIZABLE NUMBERS OF MEMBERS OF THE ARMED FORCES AT MILITARY INSTALLATIONS.—

(1) CALCULATION OF NUMBER OF AFFECTED MEMBERS.—Subsection (a) of section 993 of title 10, United States Code, is amended by adding at the end the following new sentence: “In calculating the number of members to be reduced, the Secretary shall take into consideration both direct reductions and indirect reductions.”.

(2) NOTICE REQUIREMENTS.—Subsection (b) of such section is amended by striking paragraphs (1) through (3) and inserting the following new paragraphs:

“(1) the Secretary of Defense or the Secretary of the military department concerned—

“(A) submits to Congress a notice of the proposed reduction and the number of military and civilian personnel assignments affected, including reductions in base operations support services and personnel to occur because of the proposed reduction; and

“(B) includes in the notice a justification for the reduction and an evaluation of the costs and benefits of the reduction and of the local economic, environmental, strategic, and operational consequences of the reduction; and

“(2) a period of 90 days expires following the day on which the notice is submitted to Congress.”.

(3) TIME AND FORM OF SUBMISSION OF NOTICE.—Such section is further amended—

(A) by redesignating subsection (c) as subsection (d); and

(B) by inserting after subsection (b) the following new subsection:

“(c) TIME AND FORM OF SUBMISSION OF NOTICE.—The notice required by subsections (a) and (b) may be submitted to Congress only as part of the budget justification materials submitted by the Secretary of Defense to Congress in support of the budget for a fiscal year submitted under section 1105 of title 31.”.

(4) DEFINITIONS.—Such section is further amended by adding at the end the following new subsection:

“(e) DEFINITIONS.—In this section:

“(1) The term ‘direct reduction’ means a reduction involving one or more members of a unit.

“(2) The term ‘indirect reduction’ means subsequent planned reductions or relocations in base operations support services and personnel able to occur due to the direct reductions.

“(3) The term ‘military installation’ means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the Department of Defense, including any leased facility, which is located within any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, or Guam. Such term does not include any facility used primarily for civil works, rivers and harbors projects, or flood control projects.

“(4) The term ‘unit’ means a unit of the armed forces at the battalion, squadron, or an equivalent level (or a higher level).”.

**SA 2953.** Mr. BEGICH submitted an amendment intended to be proposed by him 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; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1084. TREATMENT OF DEPARTMENT OF DEFENSE UTILITIES PRIVATIZATION PROJECTS.**

(a) IN GENERAL.—In the case of a contract awarded under section 2688 of title 10, United States Code, all conveyances, connections, or capital improvements made pursuant to such contract shall be considered as contributions to the capital of the taxpayer for purposes of section 118 of the Internal Revenue Code of 1986.

(b) EFFECTIVE DATE.—Subsection (a) shall apply to amounts received after the date of the enactment of this Act, in taxable years ending after such date.

**SA 2954.** Mr. BEGICH submitted an amendment intended to be proposed by him 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; which was ordered to lie on the table; as follows:

On page 187, between lines 15 and 16, insert the following:

“(4) The unmarried spouses of members of the armed forces who were killed on active duty or otherwise died in the line of duty, and the unmarried spouses of former members of the armed forces who died of a combat-related illness or injury, who hold a valid Uniformed Services Identification and Privilege Card.

**SA 2955.** Mr. LEAHY submitted an amendment intended to be proposed by him 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . PUBLIC SAFETY OFFICERS’ BENEFITS PROGRAM.**

(a) SHORT TITLE.—This section may be cited as the “Dale Long Public Safety Officers’ Benefits Improvements Act of 2012”.

(b) BENEFITS FOR CERTAIN NONPROFIT EMERGENCY MEDICAL SERVICE PROVIDERS; MISCELLANEOUS AMENDMENTS.—

(1) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended—

(A) in section 901(a) (42 U.S.C. 3791(a))—

(i) in paragraph (26), by striking “and” at the end;

(ii) in paragraph (27), by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following:

“(28) the term ‘hearing examiner’ includes any medical or claims examiner.”;

(B) in section 1201 (42 U.S.C. 3796)—

(i) in subsection (a), by striking “follows:” and all that follows and inserting the following: “follows (if the payee indicated is living on the date on which the determination is made)—

“(1) if there is no child who survived the public safety officer, to the surviving spouse of the public safety officer;

“(2) if there is at least 1 child who survived the public safety officer and a surviving spouse of the public safety officer, 50 percent to the surviving child (or children, in equal shares) and 50 percent to the surviving spouse;

“(3) if there is no surviving spouse of the public safety officer, to the surviving child (or children, in equal shares);

“(4) if there is no surviving spouse of the public safety officer and no surviving child—

“(A) to the surviving individual (or individuals, in shares per the designation, or, otherwise, in equal shares) designated by the public safety officer to receive benefits under this subsection in the most recently executed designation of beneficiary of the public safety officer on file at the time of death with the public safety agency, organization, or unit; or

“(B) if there is no individual qualifying under subparagraph (A), to the surviving individual (or individuals, in equal shares) designated by the public safety officer to receive benefits under the most recently executed life insurance policy of the public safety officer on file at the time of death with the public safety agency, organization, or unit;

“(5) if there is no individual qualifying under paragraph (1), (2), (3), or (4), to the surviving parent (or parents, in equal shares) of the public safety officer; or

“(6) if there is no individual qualifying under paragraph (1), (2), (3), (4), or (5), to the surviving individual (or individuals, in equal shares) who would qualify under the definition of the term ‘child’ under section 1204 but for age.”;

(ii) in subsection (b)—

(I) by striking “direct result of a catastrophic” and inserting “direct and proximate result of a personal”; and

(II) by striking “pay,” and all that follows through “the same” and inserting “pay the same”;

(III) by striking “in any year” and inserting “to the public safety officer (if living on the date on which the determination is made)”;

(IV) by striking “in such year, adjusted” and inserting “with respect to the date on which the catastrophic injury occurred, as adjusted”;

(aa) by striking “, to such officer”;

(V) by striking “the total” and all that follows through “For” and inserting “for”; and



(VI) by striking “That these” and all that follows through the period, and inserting “That the amount payable under this subsection shall be the amount payable as of the date of catastrophic injury of such public safety officer.”;

(iii) in subsection (f)—

(I) in paragraph (1), by striking “, as amended (D.C. Code, sec. 4-622); or” and inserting a semicolon;

(II) in paragraph (2)—

(aa) by striking “Such beneficiaries shall only receive benefits under such section 8191 that” and inserting “, such that beneficiaries shall receive only such benefits under such section 8191 as”;

(bb) by striking the period at the end and inserting “; or”;

(III) by adding at the end the following:

“(3) payments under the September 11th Victim Compensation Fund of 2001 (49 U.S.C. 40101 note; Public Law 107-42).”;

(iv) by amending subsection (k) to read as follows:

“(k) As determined by the Bureau, a heart attack, stroke, or vascular rupture suffered by a public safety officer shall be presumed to constitute a personal injury within the meaning of subsection (a), sustained in the line of duty by the officer and directly and proximately resulting in death, if—

“(1) the public safety officer, while on duty—

“(A) engages in a situation involving non-routine stressful or strenuous physical law enforcement, fire suppression, rescue, hazardous material response, emergency medical services, prison security, disaster relief, or other emergency response activity; or

“(B) participates in a training exercise involving nonroutine stressful or strenuous physical activity;

“(2) the heart attack, stroke, or vascular rupture commences—

“(A) while the officer is engaged or participating as described in paragraph (1);

“(B) while the officer remains on that duty after being engaged or participating as described in paragraph (1); or

“(C) not later than 24 hours after the officer is engaged or participating as described in paragraph (1); and

“(3) the heart attack, stroke, or vascular rupture directly and proximately results in the death of the public safety officer,

unless competent medical evidence establishes that the heart attack, stroke, or vascular rupture was unrelated to the engagement or participation or was directly and proximately caused by something other than the mere presence of cardiovascular-disease risk factors.”; and

(v) by adding at the end the following:

“(n) The public safety agency, organization, or unit responsible for maintaining on file an executed designation of beneficiary or executed life insurance policy for purposes of subsection (a)(4) shall maintain the confidentiality of the designation or policy in the same manner as the agency, organization, or unit maintains personnel or other similar records of the public safety officer.”;

(C) in section 1202 (42 U.S.C. 3796a)—

(i) by striking “death”, each place it appears except the second place it appears, and inserting “fatal”; and

(ii) in paragraph (1), by striking “or catastrophic injury” the second place it appears and inserting “, disability, or injury”;

(D) in section 1203 (42 U.S.C. 3796a-1)—

(i) in the section heading, by striking “WHO HAVE DIED IN THE LINE OF DUTY” and inserting “WHO HAVE SUSTAINED FATAL OR CATASTROPHIC INJURY IN THE LINE OF DUTY”; and

(ii) by striking “who have died in the line of duty” and inserting “who have sustained fatal or catastrophic injury in the line of duty”;

(E) in section 1204 (42 U.S.C. 3796b)—

(i) in paragraph (1), by striking “consequences of an injury that” and inserting “an injury, the direct and proximate consequences of which”;

(ii) in paragraph (3)—

(I) in the matter preceding clause (i)—

(aa) by inserting “or permanently and totally disabled” after “deceased”; and

(bb) by striking “death” and inserting “fatal or catastrophic injury”; and

(II) by redesignating clauses (i), (ii), and (iii) as subparagraphs (A), (B), and (C), respectively;

(iii) in paragraph (5)—

(I) by striking “post-mortem” each place it appears and inserting “post-injury”;

(II) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively; and

(III) in subparagraph (B), as so redesignated, by striking “death” and inserting “fatal or catastrophic injury”;

(iv) in paragraph (7), by striking “public employee member of a rescue squad or ambulance crew;” and inserting “employee or volunteer member of a rescue squad or ambulance crew (including a ground or air ambulance service) that—

“(A) is a public agency; or

“(B) is (or is a part of) a nonprofit entity serving the public that—

“(i) is officially authorized or licensed to engage in rescue activity or to provide emergency medical services; and

“(ii) engages in rescue activities or provides emergency medical services as part of an official emergency response system.”;

(v) in paragraph (9)—

(I) in subparagraph (A), by striking “as a chaplain, or as a member of a rescue squad or ambulance crew;” and inserting “or as a chaplain;”;

(II) in subparagraph (B)(ii), by striking “or” after the semicolon;

(III) in subparagraph (C)(ii), by striking the period and inserting “; or”;

(IV) by adding at the end the following:

“(D) a member of a rescue squad or ambulance crew who, as authorized or licensed by law and by the applicable agency or entity, is engaging in rescue activity or in the provision of emergency medical services.”;

(F) in section 1205 (42 U.S.C. 3796c), by adding at the end the following:

“(d) Unless expressly provided otherwise, any reference in this part to any provision of law not in this part shall be understood to constitute a general reference under the doctrine of incorporation by reference, and thus to include any subsequent amendments to the provision.”;

(G) in each of subsections (a) and (b) of section 1212 (42 U.S.C. 3796d-1), sections 1213 and 1214 (42 U.S.C. 3796d-2 and 3796d-3), and subsections (b) and (c) of section 1216 (42 U.S.C. 3796d-5), by striking “dependent” each place it appears and inserting “person”;

(H) in section 1212 (42 U.S.C. 3796d-1)—

(i) in subsection (a)—

(I) in paragraph (1), in the matter preceding subparagraph (A), by striking “Subject” and all that follows through “, the” and inserting “The”; and

(II) in paragraph (3), by striking “reduced by” and all that follows through “(B) the amount” and inserting “reduced by the amount”;

(ii) in subsection (c)—

(I) in the subsection heading, by striking “DEPENDENT”; and

(II) by striking “dependent”;

(I) in paragraphs (2) and (3) of section 1213(b) (42 U.S.C. 3796d-2(b)), by striking “dependent’s” each place it appears and inserting “person’s”;

(J) in section 1216 (42 U.S.C. 3796d-5)—

(i) in subsection (a), by striking “each dependent” each place it appears and inserting “a spouse or child”; and

(ii) by striking “dependents” each place it appears and inserting “a person”; and

(K) in section 1217(3)(A) (42 U.S.C. 3796d-6(3)(A)), by striking “described in” and all that follows and inserting “an institution of higher education, as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002); and”.

(2) AMENDMENT RELATED TO EXPEDITED PAYMENT FOR PUBLIC SAFETY OFFICERS INVOLVED IN THE PREVENTION, INVESTIGATION, RESCUE, OR RECOVERY EFFORTS RELATED TO A TERRORIST ATTACK.—Section 611(a) of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (42 U.S.C. 3796c-1(a)) is amended by inserting “or an entity described in section 1204(7)(B) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b(7)(B))” after “employed by such agency”.

(3) TECHNICAL AND CONFORMING AMENDMENT.—Section 402(1)(4)(C) of the Internal Revenue Code of 1986 is amended—

(A) by striking “section 1204(9)(A)” and inserting “section 1204(10)(A)”; and

(B) by striking “42 U.S.C. 3796b(9)(A)” and inserting “42 U.S.C. 3796b(10)(A)”.

(C) AUTHORIZATION OF APPROPRIATIONS; DETERMINATIONS; APPEALS.—The matter under the heading “PUBLIC SAFETY OFFICERS BENEFITS” under the heading “OFFICE OF JUSTICE PROGRAMS” under title II of division B of the Consolidated Appropriations Act, 2008 (Public Law 110-161; 121 Stat. 1912; 42 U.S.C. 3796c-2) is amended—

(1) by striking “decisions” and inserting “determinations”;

(2) by striking “(including those, and any related matters, pending)”;

(3) by striking the period at the end and inserting the following: “: *Provided further*, That, on and after the date of enactment of the Public Safety Officers’ Benefits Improvements Act of 2012, as to each such statute—

“(1) the provisions of section 1001(a)(4) of such title I (42 U.S.C. 3793(a)(4)) shall apply;

“(2) payment (other than payment made pursuant to section 611 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (42 U.S.C. 3796c-1)) shall be made only upon a determination by the Bureau that the facts legally warrant the payment;

“(3) any reference to section 1202 of such title I shall be deemed to be a reference to paragraphs (2) and (3) of such section 1202; and

“(4) a certification submitted under any such statute (other than a certification submitted pursuant to section 611 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (42 U.S.C. 3796c-1)) may be accepted by the Bureau as prima facie evidence of the facts asserted in the certification:

*Provided further*, That, on and after the date of enactment of the Public Safety Officers’ Benefits Improvements Act of 2012, no appeal shall bring any final determination of the Bureau before any court for review unless notice of appeal is filed (within the time specified herein and in the manner prescribed for appeal to United States courts of appeals from United States district courts) not later than 90 days after the date on which the Bureau serves notice of the final determination: *Provided further*, That any regulations promulgated by the Bureau under such part (or any such statute) before, on, or after the date of enactment of the Public Safety Officers’ Benefits Improvements Act of 2012 shall apply to any matter

pending on, or filed or accruing after, the effective date specified in the regulations.”.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (1), the amendments made by this section shall—

(A) take effect on the date of enactment of this Act; and

(B) apply to any matter pending, before the Bureau of Justice Assistance or otherwise, on the date of enactment of this Act, or filed or accruing after that date.

(2) EXCEPTIONS.—

(A) RESCUE SQUADS AND AMBULANCE CREWS.—For a member of a rescue squad or ambulance crew (as defined in section 1204(7) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by this section), the amendments made by this Act shall apply to injuries sustained on or after June 1, 2009.

(B) HEART ATTACKS, STROKES, AND VASCULAR RUPTURES.—Section 1201(k) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by this section, shall apply to heart attacks, strokes, and vascular ruptures sustained on or after December 15, 2003.

**SA 2956.** Mr. PORTMAN (for himself and Mr. AKAKA) submitted an amendment intended to be proposed by him 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; which was ordered to lie on the table; as follows:

At the end of subtitle F of title V, add the following:

**SEC. 561. REPORT ON DEPARTMENT OF DEFENSE EFFORTS TO STANDARDIZE EDUCATIONAL TRANSCRIPTS ISSUED TO SEPARATING MEMBERS OF THE ARMED FORCES.**

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the efforts of the Department of Defense to standardize the educational transcripts issued to members of the Armed Forces on their separation from the Armed Forces.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the similarities and differences between the educational transcripts issued to members separating from the various Armed Forces.

(2) A description of any assessments done by the Department, or in conjunction with educational institutions, to identify shortcomings in the transcripts issued to separating members in connection with their ability to qualify for civilian educational credits.

(3) A description of the implementation plan for the Joint Services Transcript, including a schedule and the elements of existing educational transcripts to be incorporated into the Transcript.

**SA 2957.** Mr. WEBB submitted an amendment intended to be proposed by him 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 mili-

tary personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title V, add the following:

**SEC. 561. ADDITIONAL REQUIREMENTS FOR APPROVAL OF EDUCATIONAL PROGRAMS FOR PURPOSES OF EDUCATIONAL ASSISTANCE UNDER LAWS ADMINISTERED BY SECRETARY OF DEFENSE AND SECRETARY OF VETERANS AFFAIRS.**

(A) AUTOMATIC APPROVAL BY SECRETARY OF VETERANS AFFAIRS OF DEGREE PROGRAMS APPROVED BY SECRETARY OF EDUCATION.—Clause (i) of section 3672(b)(2)(A) of title 38, United States Code, is amended to read as follows:

“(i) A course that is described by section 3675(a) of this title.”.

(b) APPROVAL BY SECRETARY OF VETERANS AFFAIRS OF NON-DEGREE PROGRAMS APPROVED BY SECRETARY OF EDUCATION.—

(1) IN GENERAL.—Section 3675 of such title is amended—

(A) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively;

(B) by striking subsection (a); and

(C) by inserting before subsection (c), as redesignated by subparagraph (A), the following new subsections:

“(a) The Secretary or a State approving agency may only approve a course that leads to an associate or higher degree when such course is an eligible program (as defined in section 481 of the Higher Education Act of 1965 (20 U.S.C. 1088)) offered by an institution of higher education (as defined in section 102 of such Act (20 U.S.C. 1002)) that has entered into, and is complying with, a program participation agreement under section 487 of such Act (20 U.S.C. 1094).

“(b)(1) The Secretary or a State approving agency may approve a course that does not lead to an associate or higher degree when—

“(A) such course—

“(i) is an eligible program (as defined in section 481 of the Higher Education Act of 1965 (20 U.S.C. 1088)) offered by an institution of higher education (as defined in section 102 of such Act (20 U.S.C. 1002)) that has entered into, and is complying with, a program participation agreement under section 487 of such Act (20 U.S.C. 1094);

“(ii) in the case of a course designed to prepare individuals for licensure or certification, meets the instructional curriculum licensure or certification requirements of the State in which the institution is located; and

“(iii) in the case of a course designed to prepare an individual for employment by a State board or agency in an occupation that requires approval or licensure for such employment, is approved or licensed by such State board or agency;

“(B) such course is accepted by the State department of education for credit for a teacher's certificate; or

“(C) such course is approved by the State as meeting the requirement of regulations prescribed by the Secretary of Health and Human Services under sections 1819(f)(2)(A)(i) and 1919(f)(2)(A)(i) of the Social Security Act (42 U.S.C. 1395i-3(f)(2)(A)(i) and 1396r(f)(2)(A)(i)).

“(2)(A) An educational institution shall submit an application for approval of courses to the appropriate State approving agency. In making application for approval, the institution (other than an elementary school or secondary school) shall transmit to the State approving agency copies of its catalog or bulletin which must be certified as true and correct in content and policy by an authorized representative of the institution.

“(B) Each catalog or bulletin transmitted by an institution under subparagraph (A) of this paragraph shall—

“(i) state with specificity the requirements of the institution with respect to graduation; “(ii) include the information required under paragraphs (6) and (7) of section 3676(b) of this title; and

“(iii) include any attendance standards of the institution, if the institution has and enforces such standards.”.

(2) CONFORMING AMENDMENTS.—Such title is amended—

(A) in section 3452(g), by striking “under the provisions of section 3675 of this title”;

(B) in section 3501(11), by striking “under the provisions of section 3675 of this title”;

(C) in section 3672(b)(2)(A), by striking “3675(b)(1) and (b)(2)” and inserting “3675(c)(1) and (c)(2)”; and

(D) in the heading for section 3675, by striking “**accredited courses**” and inserting “**courses approved by Secretary of Education**”.

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 36 of such title is amended by striking the item relating to section 3675 and inserting the following new item:

“3675. Approval of courses approved by Secretary of Education.”.

(c) APPROVAL BY SECRETARY OF VETERANS AFFAIRS OF NON-DEGREE PROGRAMS NOT APPROVED BY SECRETARY OF EDUCATION.—

(1) IN GENERAL.—Subsection (a) of section 3676 of such title is amended to read as follows:

“(a) No course of education which has not been approved by the Secretary or a State approving agency under section 3675 of this title shall be approved for the purposes of this chapter unless—

“(1) the course—

“(A) does not lead to an associate or higher degree;

“(B) was not an eligible program (as defined in section 481 of the Higher Education Act of 1965 (20 U.S.C. 1088)) at any time during the most recent two-year period; and

“(C) is a course that the Secretary or State approving agency determines, in accordance with this section and such regulations as the Secretary shall prescribe and on a case-by-case basis, that approval of which would further the purposes of this chapter or any of chapters 30 through 35 of this title; and

“(2) the educational institution offering such course submits to the appropriate State approving agency a written application for approval of such course in accordance with the provisions of this chapter.”.

(2) ADDITIONAL REQUIREMENTS.—Subsection (c) of section 3676 of such title is amended—

(A) by redesignating paragraph (14) as paragraph (21); and

(B) by inserting after paragraph (13) the following new paragraphs:

“(14) Such courses providing less than 600 clock hours of instruction, or its equivalent, have verified completion and placement rates of at least 70 percent.

“(15) Courses that prepare individuals for licensure or certification have verified that the course's instructional curriculum appropriately includes the licensure or certification requirements in the State in which the institution deems such curriculum does.

“(16) Courses for which a State board or agency in the State in which the course is designed to prepare a student requires approval or licensure for employment in the recognized occupation in the State is approved or licensed by such State board or agency.

“(17) In the case of an educational institution that advertises job placement rates as a means of attracting students to enroll in a course of education offered by the educational institution, the application contains any other information necessary to

substantiate the truthfulness of such advertisements.

“(18) The educational institution does not provide any commission, bonus, or other incentive payment based directly or indirectly on success in securing enrollments or financial aid to any persons or entities engaged in any student recruiting or admission activities or in making decisions regarding the award of student financial assistance, except for the recruitment of foreign students residing in foreign countries who are not eligible to receive Federal student assistance.

“(19) The educational institution does not make any misrepresentations (as defined in section 668.71 of title 34, Code of Federal Regulations (or any corresponding similar regulation or ruling)) regarding the nature of its educational program, the nature of its financial charges, or the employability of its graduates (as defined in sections 668.72 through 668.74 of such title, respectively (or any corresponding similar regulations or rulings)).

“(20) The educational institution has provided information necessary to substantiate that it complies with the requirements set forth under section 600.9 of title 34 Code of Federal Regulations (or any corresponding similar regulation or ruling).”.

(3) REQUIREMENT THAT ADDITIONAL REQUIREMENTS IMPOSED BY STATE APPROVING AGENCIES BE APPROVED BY SECRETARY OF VETERANS AFFAIRS.—Paragraph (21) of such subsection, as redesignated by paragraph (2)(A), is amended by inserting “and approved by the Secretary” before the period at the end.

(4) CONFORMING AMENDMENTS.—Section 3676 of such title is amended—

(A) in the heading for such section, by striking “**nonaccredited courses**” and inserting “**courses not approved by Secretary of Education**”; and

(B) in subsection (c), in the matter before paragraph (1), by striking “non-accredited”.

(5) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 36 of such title is amended by striking the item relating to section 3675 and inserting the following new item:

“3676. Approval of courses not approved by Secretary of Education.”.

(d) ASSISTANCE UNDER CERTAIN DEPARTMENT OF DEFENSE EDUCATIONAL ASSISTANCE PROGRAMS AVAILABLE FOR USE ONLY AT FDSL PARTICIPATING INSTITUTIONS.—

(1) IN GENERAL.—Chapter 101 of title 10, United States Code, is amended by inserting after section 2006 the following new section:

“§ 2006a. Assistance for education and training: availability of certain assistance for use only at Federal Direct Student Loan participating institutions

“(a) IN GENERAL.—Effective as of August, 1, 2013, an individual eligible for assistance under a Department of Defense educational assistance program or authority covered by this section may, except as provided in subsection (b), only use such assistance for educational expenses incurred for an eligible program (as defined in section 481 of the Higher Education Act of 1965 (20 U.S.C. 1088)) that—

“(1) is offered by an institution of higher education that has entered into, and is complying with, a program participation agreement under section 487 of such Act (20 U.S.C. 1094);

“(2) in the case of a program designed to prepare individuals for licensure or certification, meets the instructional curriculum licensure or certification requirements of the State in which the institution is located; and

“(3) in the case of a program designed to prepare individuals for employment by a State board or agency in an occupation that

requires approval or licensure for such employment, is approved or licensed by such State board or agency.

“(b) WAIVER.—The Secretary of Defense may, by regulation, authorize the use of educational assistance under a Department of Defense educational assistance program or authority covered by this chapter for educational expenses incurred for a program of education that is not described in subsection (a) if the program—

“(1) is accredited and approved by a nationally recognized accrediting agency or association;

“(2) was not an eligible program described in subsection (a) at any time during the most recent two-year period;

“(3) is a program that the Secretary determines would further the purposes of the educational assistance programs or authorities covered by this chapter, or would further the education interests of students eligible for assistance under the such programs or authorities;

“(4) in the case of a program consisting of less than 600 clock hours of instruction, or its equivalent, has verified completion and placement rates of at least 70 percent;

“(5) in the case of a program that prepares individuals for licensure or certification, has instructional curriculum that appropriately includes the licensure or certification requirements in the State in which the institution deems such curriculum does;

“(6) in the case of a program designed to prepare a student for employment in a recognized occupation requiring approval or licensure for employment by a State board or agency, the program is approved or licensed by such State board or agency; and

“(7) the institution providing the program does not provide any commission, bonus, or other incentive payment based directly or indirectly on success in securing enrollments or financial aid to any persons or entities engaged in any student recruiting or admission activities or in making decisions regarding the award of student financial assistance, except for the recruitment of foreign students residing in foreign countries who are not eligible to receive Federal student assistance.

“(c) DEFINITIONS.—In this section:

“(1) The term ‘Department of Defense educational assistance programs and authorities covered by this section’ means the programs and authorities as follows:

“(A) The programs to assist military spouses in achieving education and training to expand employment and portable career opportunities under section 1784a of this title.

“(B) The authority to pay tuition for off-duty training or education of members of the armed forces under section 2007 of this title.

“(C) The program of educational assistance for members of the Selected Reserve under chapter 1606 of this title.

“(D) The program of educational assistance for reserve component members supporting contingency operations and certain other operations under chapter 1607 of this title.

“(E) Any other program or authority of the Department of Defense for assistance in education or training carried out under the laws administered by the Secretary of Defense that is designated by the Secretary, by regulation, for purposes of this section.

“(2) The term ‘institution of higher education’ has the meaning given that term in section 102 of the Higher Education Act for 1965 (20 U.S.C. 1002).”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 101 of such title is amended by inserting after the item relating to section 2006 the following new item:

“2006a. Assistance for education and training: availability of certain assistance for use only at Federal Direct Student Loan participating institutions.”.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on August 1, 2013.

#### SEC. 562. MANDATORY COMPLIANCE REVIEWS.

(a) IN GENERAL.—Section 3693 of title 38, United States Code, is amended by adding at the end the following new subsection:

“(c) In addition to the annual compliance surveys conducted under subsection (a), the Secretary shall also conduct a compliance review, in accordance with such regulations as the Secretary shall prescribe, of an educational institution described in such subsection whenever the Secretary finds any of the following:

“(1) The number of student enrollments at, or the rate of student enrollments of, the educational institution has increased rapidly.

“(2) The student dropout rate of the institution has increased rapidly.

“(3) The cohort default rate, as defined in section 435(m) of the Higher Education Act of 1965 (20 U.S.C. 1085(m)), of the educational institution has increased rapidly or is consistently higher than the average of cohort default rate of comparable educational institutions.

“(4) The number of substantiated complaints filed under section 3697C(a)(1) of this title with respect to the educational institution have increased rapidly or is consistently higher than the number of substantiated complaints filed with respect to other comparable educational institutions.

“(5) The educational institution is the subject of a civil lawsuit in Federal or State court, is charged with a crime under Federal or State law, or is the subject of an official investigation of a State or Federal agency for misconduct.

“(6) The educational institution has significant growth in revenue resulting from tuition, including tuition paid with assistance provided under this chapter, chapters 30 through 35 of this title, or the educational assistance programs or authorities specified in section 2006a(c)(1) of title 10, which cannot be attributed to changes made to such chapters by Acts of Congress or changes to the administration of such chapters, programs, or authorities.

“(7) Such other findings as the Secretary considers warrant conducting a compliance survey under subsection (a).”.

(b) EFFECTIVE DATE.—Subsection (c) of such section, as added by subsection (a), shall take effect on August 1, 2013.

**SA 2958.** Mr. WEBB submitted an amendment intended to be proposed by him 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; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

#### TITLE XVIII—MILITARY AND VETERANS EDUCATIONAL REFORM

##### SEC. 1801. SHORT TITLE.

This title may be cited as the “Military and Veterans Educational Reform Act of 2012”.

**SEC. 1802. ADDITIONAL REQUIREMENTS FOR APPROVAL OF EDUCATIONAL PROGRAMS FOR PURPOSES OF EDUCATIONAL ASSISTANCE UNDER LAWS ADMINISTERED BY SECRETARY OF VETERANS AFFAIRS AND SECRETARY OF DEFENSE.**

(a) AUTOMATIC APPROVAL BY SECRETARY OF VETERANS AFFAIRS OF DEGREE PROGRAMS APPROVED BY SECRETARY OF EDUCATION.—Clause (i) of section 3672(b)(2)(A) of title 38, United States Code, is amended to read as follows:

“(i) A course that is described by section 3675(a) of this title.”

(b) APPROVAL BY SECRETARY OF VETERANS AFFAIRS OF NON-DEGREE PROGRAMS APPROVED BY SECRETARY OF EDUCATION.—

(1) IN GENERAL.—Section 3675 of such title is amended—

(A) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively;

(B) by striking subsection (a); and

(C) by inserting before subsection (c), as redesignated by subparagraph (A), the following new subsections:

“(a) The Secretary or a State approving agency may only approve a course that leads to an associate or higher degree when such course is an eligible program (as defined in section 481 of the Higher Education Act of 1965 (20 U.S.C. 1088)) offered by an institution of higher education (as defined in section 102 of such Act (20 U.S.C. 1002)) that has entered into, and is complying with, a program participation agreement under section 487 of such Act (20 U.S.C. 1094).

“(b)(1) The Secretary or a State approving agency may approve a course that does not lead to an associate or higher degree when—

“(A) such course—

“(i) is an eligible program (as defined in section 481 of the Higher Education Act of 1965 (20 U.S.C. 1088)) offered by an institution of higher education (as defined in section 102 of such Act (20 U.S.C. 1002)) that has entered into, and is complying with, a program participation agreement under section 487 of such Act (20 U.S.C. 1094);

“(ii) in the case of a course designed to prepare individuals for licensure or certification, meets the instructional curriculum licensure or certification requirements of the State in which the institution is located; and

“(iii) in the case of a course designed to prepare an individual for employment by a State board or agency in an occupation that requires approval or licensure for such employment, is approved or licensed by such State board or agency;

“(B) such course is accepted by the State department of education for credit for a teacher's certificate; or

“(C) such course is approved by the State as meeting the requirement of regulations prescribed by the Secretary of Health and Human Services under sections 1819(f)(2)(A)(i) and 1919(f)(2)(A)(i) of the Social Security Act (42 U.S.C. 1395i-3(f)(2)(A)(i) and 1396r(f)(2)(A)(i)).

“(2)(A) An educational institution shall submit an application for approval of courses to the appropriate State approving agency. In making application for approval, the institution (other than an elementary school or secondary school) shall transmit to the State approving agency copies of its catalog or bulletin which must be certified as true and correct in content and policy by an authorized representative of the institution.

“(B) Each catalog or bulletin transmitted by an institution under subparagraph (A) of this paragraph shall—

“(i) state with specificity the requirements of the institution with respect to graduation;

“(ii) include the information required under paragraphs (6) and (7) of section 3676(b) of this title; and

“(iii) include any attendance standards of the institution, if the institution has and enforces such standards.”

(2) CONFORMING AMENDMENTS.—Such title is amended—

(A) in section 3452(g), by striking “under the provisions of section 3675 of this title”; (B) in section 3501(11), by striking “under the provisions of section 3675 of this title”; (C) in section 3672(b)(2)(A), by striking “3675(b)(1) and (b)(2)” and inserting “3675(c)(1) and (c)(2)”; and (D) in the heading for section 3675, by striking “**accredited courses**” and inserting “**courses approved by Secretary of Education**”.

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 36 of such title is amended by striking the item relating to section 3675 and inserting the following new item:

“3675. Approval of courses approved by Secretary of Education.”

(c) APPROVAL BY SECRETARY OF VETERANS AFFAIRS OF NON-DEGREE PROGRAMS NOT APPROVED BY SECRETARY OF EDUCATION.—

(1) IN GENERAL.—Subsection (a) of section 3676 of such title is amended to read as follows:

“(a) No course of education which has not been approved by the Secretary or a State approving agency under section 3675 of this title shall be approved for the purposes of this chapter unless—

“(1) the course—

“(A) does not lead to an associate or higher degree;

“(B) was not an eligible program (as defined in section 481 of the Higher Education Act of 1965 (20 U.S.C. 1088)) at any time during the most recent two-year period; and

“(C) is a course that the Secretary or State approving agency determines, in accordance with this section and such regulations as the Secretary shall prescribe and on a case-by-case basis, that approval of which would further the purposes of this chapter or any of chapters 30 through 35 of this title; and

“(2) the educational institution offering such course submits to the appropriate State approving agency a written application for approval of such course in accordance with the provisions of this chapter.”

(2) ADDITIONAL REQUIREMENTS.—Subsection (c) of section 3676 of such title is amended— (A) by redesignating paragraph (14) as paragraph (21); and (B) by inserting after paragraph (13) the following new paragraphs:

“(14) Such courses providing less than 600 clock hours of instruction, or its equivalent, have verified completion and placement rates of at least 70 percent.

“(15) Courses that prepare individuals for licensure or certification have verified that the course's instructional curriculum appropriately includes the licensure or certification requirements in the State in which the institution deems such curriculum does.

“(16) Courses for which a State board or agency in the State in which the course is designed to prepare a student requires approval or licensure for employment in the recognized occupation in the State is approved or licensed by such State board or agency.

“(17) In the case of an educational institution that advertises job placement rates as a means of attracting students to enroll in a course of education offered by the educational institution, the application contains any other information necessary to substantiate the truthfulness of such advertisements.

“(18) The educational institution does not provide any commission, bonus, or other incentive payment based directly or indirectly

on success in securing enrollments or financial aid to any persons or entities engaged in any student recruiting or admission activities or in making decisions regarding the award of student financial assistance, except for the recruitment of foreign students residing in foreign countries who are not eligible to receive Federal student assistance.

“(19) The educational institution does not make any misrepresentations (as defined in section 668.71 of title 34, Code of Federal Regulations (or any corresponding similar regulation or ruling)) regarding the nature of its educational program, the nature of its financial charges, or the employability of its graduates (as defined in sections 668.72 through 668.74 of such title, respectively (or any corresponding similar regulations or rulings)).

“(20) The educational institution has provided information necessary to substantiate that it complies with the requirements set forth under section 600.9 of title 34 Code of Federal Regulations (or any corresponding similar regulation or ruling).”

(3) REQUIREMENT THAT ADDITIONAL REQUIREMENTS IMPOSED BY STATE APPROVING AGENCIES BE APPROVED BY SECRETARY OF VETERANS AFFAIRS.—Paragraph (21) of such subsection, as redesignated by paragraph (2)(A), is amended by inserting “and approved by the Secretary” before the period at the end.

(4) CONFORMING AMENDMENTS.—Section 3676 of such title is amended—

(A) in the heading for such section, by striking “**nonaccredited courses**” and inserting “**courses not approved by Secretary of Education**”; and

(B) in subsection (c), in the matter before paragraph (1), by striking “non-accredited”.

(5) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 36 of such title is amended by striking the item relating to section 3675 and inserting the following new item:

“3676. Approval of courses not approved by Secretary of Education.”

(d) ASSISTANCE UNDER CERTAIN DEPARTMENT OF DEFENSE EDUCATIONAL ASSISTANCE PROGRAMS AVAILABLE FOR USE ONLY AT FDSL PARTICIPATING INSTITUTIONS.—

(1) IN GENERAL.—Chapter 101 of title 10, United States Code, is amended by inserting after section 2006 the following new section:

“§ 2006a. Assistance for education and training: availability of certain assistance for use only at Federal Direct Student Loan participating institutions

“(a) IN GENERAL.—Effective as of August, 1, 2013, an individual eligible for assistance under a Department of Defense educational assistance program or authority covered by this section may, except as provided in subsection (b), only use such assistance for educational expenses incurred for an eligible program (as defined in section 481 of the Higher Education Act of 1965 (20 U.S.C. 1088)) that—

“(1) is offered by an institution of higher education that has entered into, and is complying with, a program participation agreement under section 487 of such Act (20 U.S.C. 1094);

“(2) in the case of a program designed to prepare individuals for licensure or certification, meets the instructional curriculum licensure or certification requirements of the State in which the institution is located; and

“(3) in the case of a program designed to prepare individuals for employment by a State board or agency in an occupation that requires approval or licensure for such employment, is approved or licensed by such State board or agency.

“(b) WAIVER.—The Secretary of Defense may, by regulation, authorize the use of educational assistance under a Department of

Defense educational assistance program or authority covered by this chapter for educational expenses incurred for a program of education that is not described in subsection (a) if the program—

“(1) is accredited and approved by a nationally recognized accrediting agency or association;

“(2) was not an eligible program described in subsection (a) at any time during the most recent two-year period;

“(3) is a program that the Secretary determines would further the purposes of the educational assistance programs or authorities covered by this chapter, or would further the education interests of students eligible for assistance under the such programs or authorities;

“(4) in the case of a program consisting of less than 600 clock hours of instruction, or its equivalent, has verified completion and placement rates of at least 70 percent;

“(5) in the case of a program that prepares individuals for licensure or certification, has instructional curriculum that appropriately includes the licensure or certification requirements in the State in which the institution deems such curriculum does;

“(6) in the case of a program designed to prepare a student for employment in a recognized occupation requiring approval or licensure for employment by a State board or agency, the program is approved or licensed by such State board or agency; and

“(7) the institution providing the program does not provide any commission, bonus, or other incentive payment based directly or indirectly on success in securing enrollments or financial aid to any persons or entities engaged in any student recruiting or admission activities or in making decisions regarding the award of student financial assistance, except for the recruitment of foreign students residing in foreign countries who are not eligible to receive Federal student assistance.

“(c) DEFINITIONS.—In this section:

“(1) The term ‘Department of Defense educational assistance programs and authorities covered by this section’ means the programs and authorities as follows:

“(A) The programs to assist military spouses in achieving education and training to expand employment and portable career opportunities under section 1784a of this title.

“(B) The authority to pay tuition for off-duty training or education of members of the armed forces under section 2007 of this title.

“(C) The program of educational assistance for members of the Selected Reserve under chapter 1606 of this title.

“(D) The program of educational assistance for reserve component members supporting contingency operations and certain other operations under chapter 1607 of this title.

“(E) Any other program or authority of the Department of Defense for assistance in education or training carried out under the laws administered by the Secretary of Defense that is designated by the Secretary, by regulation, for purposes of this section.

“(2) The term ‘institution of higher education’ has the meaning given that term in section 102 of the Higher Education Act for 1965 (20 U.S.C. 1002).”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 101 of such title is amended by inserting after the item relating to section 2006 the following new item:

“2006a. Assistance for education and training: availability of certain assistance for use only at Federal Direct Student Loan participating institutions.”.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on August 1, 2013.

**SEC. 1803. REQUIREMENT THAT EDUCATIONAL INSTITUTIONS INFORM STUDENTS OF MATTERS RELATING TO ACCREDITATION AND OUTCOMES AS CONDITION OF APPROVAL FOR PURPOSES OF EDUCATIONAL ASSISTANCE UNDER LAWS ADMINISTERED BY SECRETARY OF VETERANS AFFAIRS AND SECRETARY OF DEFENSE.**

(a) EDUCATIONAL ASSISTANCE UNDER LAWS ADMINISTERED BY SECRETARY OF VETERANS AFFAIRS.—Section 3672 of title 38, United States Code, is amended—

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

“(f)(1) A course of education that is offered by an educational institution may not be approved under this chapter unless the educational institution discloses and makes readily available the information described in paragraph (2) to—

“(A) each individual considering enrolling in the course of education at or before the moment at which the individual applies for enrollment in such course of education;

“(B) each student who is enrolled in the course of education each year the student is so enrolled; and

“(C) the public.

“(2) The information described in this paragraph with respect to an educational institution or a course of education of the educational institution is the following:

“(A) The names of associations, agencies, or governmental bodies which accredit, approve, or license the educational institution and its courses of education and the procedures under which any current or prospective student may obtain or review upon request a copy of the documents describing the educational institution’s accreditation, approval, or licensing.

“(B) Whether the educational institution is a public educational institution, a private nonprofit educational institution, or a private for-profit educational institution.

“(C) The rates of graduation of students who enroll in the course of education and the average dropout rate of all students enrolled in the course of education.

“(D) The percentage of students enrolled in the course of education who complete the course within—

“(i) the standard period for completion of such course of education;

“(ii) 150 percent of such period; and

“(iii) 200 percent of such period.

“(E) The median educational debt incurred by students who complete the course of education.

“(F) The cohort default rate, as defined in section 435(m) of the Higher Education Act of 1965 (20 U.S.C. 1085(m)), of the educational institution.

“(G) The rates of job placement of students who complete the course of education, as applicable, and the types of employment obtained by such students.

“(H) For any job for which the course of education is designed to prepare a student, the relevant licensing or certification requirements for such job in the State for which the course is designed to prepare the student to obtain such license or certificate and the examination and licensure test pass rates, as applicable.

“(I) The tuition and fees for programs of education at the educational institution.

“(J) The percentage of students enrolled in programs of education at the educational institution who have submitted a complaint under section 3697C(a) of this title.

“(K) With respect to the information reported under subparagraphs (C) through (J), indicators of how the educational institution

compares with the averages of all public educational institutions with similar courses of education in the State in which the educational institution is located.

“(L) A description of the procedures by which student may submit complaints regarding educational institutions to applicable Federal and State agencies, including State approving agencies and accrediting agencies or associations and such contact information as may be necessary to submit such complaints.

“(M) A description of the process established under section 3697C(a) of this title and such contact information as may be necessary to submit a complaint in accordance with such process.

“(N) The policies established by the educational institution regarding transfer of course credit, including the following:

“(i) Any established criteria the educational institution uses regarding the transfer of course credit earned at another educational institution.

“(ii) A list of educational institutions that will accept transfer of course credit for specific programs of education offered by the educational institution.

“(iii) A list of educational institutions from which the educational institution will accept transfer of course credit for specific programs offered by that educational institution.

“(iv) Any changes by the educational institution in such policies and established criteria that first took effect in the most recent one-year period.

“(O) A statement of the requirements of any refund policies of the educational institution.

“(P) A statement of the requirements for officially withdrawing from a course of education at the educational institution.

“(Q) The standards which a student must maintain in order to be considered to be making satisfactory progress in a course of education at the educational institution.

“(R) A description of the services available at the educational institution that are tailored specifically to meet the needs of individuals receiving assistance under this chapter, any of chapters 30 through 35 of this title, or an educational assistance program or authority specified in section 2006a(c)(1) of title 10, including services provided under section 3679A(a) of this title.

“(S) In the case of an educational institution that advertises job placement rates as a means of attracting students to enroll in the educational institution, such information as may be necessary to substantiate the truthfulness of the claims made in such advertising.

“(3) The information disclosed and made readily available under paragraph (1) to individuals and students described in subparagraphs (A) and (B) of such paragraph, respectively, shall be disclosed and made readily available—

“(A) in language that can be easily understood by such individuals and students; and

“(B) in a uniform manner that is appropriate for such individuals and students, including by publications, mailings, and electronic media.”; and

(2) in subsection (b)(2)(A), as amended by section 1802(b)(2), in the matter before clause (i), by inserting “subsection (f) and” after “Subject to”.

(b) EDUCATIONAL ASSISTANCE UNDER LAWS ADMINISTERED BY SECRETARY OF DEFENSE.—

(1) IN GENERAL.—Chapter 101 of title 10, United States Code, is amended by inserting after section 2006a, as added by section 1802(d) of this Act, the following new section:

# **“§ 2006b. Disclosure requirements of educational institutions**

“The Secretary may not provide a payment of educational expenses under an educational assistance program or authority specified in subsection (c)(1) of section 2006a of this title for instruction at an accredited institution of higher education (as defined in subsection (c)(2) of section 2006a of this title) unless such institution discloses and makes readily available the information described in paragraph (2) of section 3672(f) of title 38 as described in paragraph (3) of such section 3672(f) to the following:

“(1) Each individual considering enrolling in the course of education at or before the moment at which the individual applies for enrollment in such course of education.

“(2) Each student who is enrolled in the course of education each year the student is so enrolled.

“(3) The public.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 101 of such title, as amended by section 1802(d) of this Act, is further amended by inserting after the item relating to section 2006a the following new item:

“2006b. Disclosure requirements of educational institutions.”.

(c) EFFECTIVE DATE.—Subsection (f) of section 3672 of title 38, United States Code, as added by subsection (a)(1), and section 2006b of title 10, United States Code, as added by subsection (b), shall take effect on August 1, 2013.

## **SEC. 1804. ADDITIONAL REQUIREMENTS OF EDUCATIONAL INSTITUTIONS FOR SUPPORT OF VETERANS AND MEMBERS OF ARMED FORCES.**

(a) REQUIREMENTS.—

(1) IN GENERAL.—Subchapter I of chapter 36 of title 38, United States Code, is amended by adding at the end the following new section:

### **“§ 3679A. Additional requirements**

“(a) PROVISION OF COUNSELING AND SERVICES.—(1) An educational institution with 20 or more covered individuals enrolled in programs of education at the educational institution may not be approved under this chapter unless the educational institution provides adequate academic and student support services (as determined by the Secretary), including remediation, tutoring, and career and job placement counseling services to such covered individuals.

“(2) The Secretary may, on a case-by-case basis, waive the requirement to provide services under paragraph (1) for an educational institution for an academic year if—

“(A) the Secretary determines that the educational institution has demonstrated that providing such services during such academic year would lead to severe financial hardship; and

“(B) the educational institution submits to the Secretary a plan to provide such services during the following academic year.

“(b) MINIMUM STANDARDS FOR EMPLOYMENT OF POINTS OF CONTACT.—An educational institution may not be approved under this chapter unless the educational institution employs a number of full-time equivalent employees that the Secretary considers adequate, but not less than one full-time equivalent employee, who—

“(1) acts as a point of contact for covered individuals on matters relating to educational assistance available to individuals under this chapter and chapters 30 through 35 of this title and under the educational assistance programs and authorities specified in section 2006a(c)(1) of title 10;

“(2) is knowledgeable about such educational assistance and such other financial aid, admissions, counseling and referral services, and matters relating to postsecondary

education as are important to the educational success of covered individuals; and

“(3) is available to assist covered individuals on a full-time basis.

“(c) COVERED INDIVIDUAL DEFINED.—In this section, the term ‘covered individual’, with respect to enrollment in a program of education, means an individual who is receiving educational assistance under this chapter or any of chapters 30 through 35 of this title or under the educational assistance programs and authorities specified in section 2006a(c)(1) of title 10 for such program of education.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 36 of such title is amended by inserting after the item relating to section 3679 the following new item:

“3679A. Additional requirements.”.

(b) CONFORMING AMENDMENT.—Section 3672(b)(2)(A) of such title (as amended by section 1803(a)(2)) is further amended by striking “and 3696” and inserting “3696, and 3679A”.

(c) EFFECTIVE DATE.—Section 3679A of such title, as added by paragraph (1), shall take effect on August 1, 2013.

## **SEC. 1805. STATE APPROVING AGENCIES.**

(a) EDUCATION AND OUTREACH.—

(1) IN GENERAL.—Subchapter I of chapter 36 of title 38, United States Code, is amended by inserting after section 3674A the following new section:

### **“§ 3674B. Education and outreach**

“(a) EDUCATION AND OUTREACH REQUIRED.—As a condition on receipt of reimbursement expenses under section 3674 of this title, each State approving agency shall conduct such education and outreach activities for individuals who are eligible to receive or are receiving educational assistance under this chapter or any of chapters 30 through 35 of this title as the Secretary considers appropriate to assist such individuals in making well-informed choices about their education and successfully transitioning into an educational environment.

“(b) COORDINATION.—Each State approving agency conducting outreach activities under subsection (a) shall coordinate with the Secretary of Defense to ensure, as the Secretary of Defense considers appropriate, that information on educational assistance available under this chapter and chapters 30 through 35 of this title is made readily available as part of the Transition Assistance Program (TAP) of the Department of Defense in the State of the State approving agency.

“(c) MANNER.—Information made available as part of education and outreach activities under this section shall be made—

“(1) in language that can be easily understood by individuals described in paragraph (1);

“(2) in a uniform and easily accessible manner; and

“(3) through such means as may be appropriate and effective, including through publications, mailings, and electronic media.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 36 of such title is amended by inserting after the item relating to section 3674A the following new item:

“3674B. Education and outreach.”.

(b) AUDITS.—Section 3673(d) of such title is amended—

(1) by inserting “(1)” before “The Secretary”; and

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

“(2) Each year, each State approving agency, as a condition of receiving reimbursement of expenses under section 3674 of this title, shall conduct such audits as the Sec-

retary considers appropriate, including unannounced audits and audits using risk-based approaches, of educational institutions in the State of the State approving agency that have students enrolled in programs of education at the educational institutions who are receiving educational assistance under this chapter or any of chapters 30 through 35 of this title (without regard to whether the Secretary or the State approving agency approved the courses offered) in such State—

“(A) to detect misrepresentation, fraud, waste, and abuse;

“(B) to ensure full compliance with the provisions of this chapter; and

“(C) for such other purposes as the Secretary considers appropriate.”.

(c) REPORTS.—Section 3674(a)(3) of such title is amended—

(1) by inserting “(A)” before “Each State”; and

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

“(B) Each report submitted under subparagraph (A) shall include the following:

“(i) The number of visits made by the agency to educational institutions, including the number of such visits that were made without the prior knowledge of such educational institution.

“(ii) A description of the audits carried out by the agency under section 3673(d)(2) of this title and the findings of the agency, including with respect to any substantiated findings of misrepresentation, fraud, waste, abuse, or failure to comply with an applicable requirement of this chapter and the steps taken by the agency to address such fraud, waste, abuse, or failure to comply.

“(iii) A description of the outreach and training activities conducted by the agency under section 3674B of this title.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on August 1, 2013.

## **SEC. 1806. MANDATORY COMPLIANCE REVIEWS.**

(a) IN GENERAL.—Section 3693 of title 38, United States Code, is amended by adding at the end the following new subsection:

“(c) In addition to the annual compliance surveys conducted under subsection (a), the Secretary shall also conduct a compliance review, in accordance with such regulations as the Secretary shall prescribe, of an educational institution described in such subsection whenever the Secretary finds any of the following:

“(1) The number of student enrollments at, or the rate of student enrollments of, the educational institution has increased rapidly.

“(2) The student dropout rate of the institution has increased rapidly.

“(3) The cohort default rate, as defined in section 435(m) of the Higher Education Act of 1965 (20 U.S.C. 1085(m)), of the educational institution has increased rapidly or is consistently higher than the average of cohort default rate of comparable educational institutions.

“(4) The number of substantiated complaints filed under section 3697C(a)(1) of this title with respect to the educational institution have increased rapidly or is consistently higher than the number of substantiated complaints filed with respect to other comparable educational institutions.

“(5) The educational institution is the subject of a civil lawsuit in Federal or State court, is charged with a crime under Federal or State law, or is the subject of an official investigation of a State or Federal agency for misconduct.

“(6) The educational institution has significant growth in revenue resulting from tuition, including tuition paid with assistance provided under this chapter, chapters 30



through 35 of this title, or the educational assistance programs or authorities specified in section 2006a(c)(1) of title 10, which cannot be attributed to changes made to such chapters by Acts of Congress or changes to the administration of such chapters, programs, or authorities.

“(7) Such other findings as the Secretary considers warrant conducting a compliance survey under subsection (a).”

(b) **EFFECTIVE DATE.**—Subsection (c) of such section, as added by subsection (a), shall take effect on August 1, 2013.

**SEC. 1807. TRAINING AND COUNSELING SO VETERANS AND MEMBERS OF THE ARMED FORCES CAN MAKE INFORMED DECISIONS ABOUT EDUCATION.**

(a) **IN GENERAL.**—Subchapter II of chapter 36 of title 38, United States Code, is amended by adding at the end the following new section:

**“§ 3697B. Required one-on-one educational counseling**

“(a) **PROVISION OF COUNSELING REQUIRED.**—(1) The Secretary of Veterans Affairs shall provide individualized, one-on-one educational counseling to all individuals considering pursuing a program of education with assistance furnished under this chapter or any of chapters 30 through 35 of this title.

“(2) The Secretary of Defense shall provide individualized, one-on-one educational counseling to all individuals considering pursuing a program of education with assistance furnished under an educational assistance program or authority specified in section 2006a(c)(1) of title 10.

“(b) **TIME AND MANNER OF COUNSELING.**—(1) Counseling provided under subsection (a) to an individual described in such subsection considering a program of education shall be provided at or before the individual enrolls in such program as follows:

“(A) To such individuals who have received fewer than  $\frac{1}{3}$  of the credits necessary to complete the program of education, a complete version of such counseling.

“(B) To such individuals who have received  $\frac{1}{3}$  or more of the credits necessary to complete the program of education, a condensed version of such counseling as the Secretary of Veterans Affairs or the Secretary of Defense, as the case may be, considers appropriate.

“(2) To the extent practicable, counseling provided under subsection (a) to an individual described in paragraph (1)(A) of this subsection shall be provided in person.

“(3) The Secretary of Veterans Affairs and the Secretary of Defense shall each establish, by regulation, procedures by which individuals may receive counseling provided under subsection (a) when receipt of such counseling in person is not practicable.

“(c) **ELEMENTS.**—A complete version of counseling provided under subsection (b)(1) for an individual shall include the following:

“(1) An overview of educational assistance available to the individual under this chapter and chapters 30 through 35 of this title or under the educational assistance programs and authorities specified in section 2006a(c)(1) of title 10, as the case may be.

“(2) Development of a personalized academic and career plan.

“(3) An overview of the information disclosed and made readily available under section 3672(f)(1) of this title relevant to the academic and career plan developed under paragraph (2).

“(4) A discussion of how enrollment in the program of education at the educational institution will affect the individual's academic and career plan and the financial implications for such individual of such enrollment.

“(5) An introduction to the College Navigator Internet website of the Department of Education.

“(d) **QUALIFIED COUNSELORS.**—Counseling provided under subsection (a) may only be provided by properly trained counselors, as determined by the Secretary of Veterans Affairs and the Secretary of Defense.

“(e) **USE OF INFORMATION DISCLOSED BY EDUCATIONAL INSTITUTIONS.**—In providing educational assistance under this section, the Secretary of Veterans Affairs and the Secretary of Defense shall, to the degree practicable, use the information disclosed and made readily available under section 3672(f)(1) of this title.

“(f) **LINKS TO COLLEGE NAVIGATOR INTERNET WEBSITE OF DEPARTMENT OF EDUCATION.**—The Secretary of Veterans Affairs and the Secretary of Defense shall provide links on the Internet websites of the Department of Veterans Affairs of the Department of Defense, respectively, to the College Navigator Internet website of the Department of Education in such a manner as the Secretary of Veterans Affairs and the Secretary of Defense consider appropriate to inform veterans and members of the Armed Forces of the availability of and the benefits of using the College Navigator Internet website.”

(b) **CLERICAL AMENDMENT.**—The table of sections for chapter 36 of such title is amended by adding at the end the following new item:

“3697B. Required one-on-one educational counseling.”

(c) **CLARIFICATION.**—

(1) **HEADING OF SECTION 3697A OF TITLE 38.**—Section 3697A of such title is amended, in the heading, by adding “**by election**” at the end.

(2) **TABLE OF SECTIONS.**—The table of sections for chapter 36 of such title is amended by amending the item relating to section 3697A to read as follows:

“3697A. Educational and vocational counseling by election.”

(d) **EFFECTIVE DATE.**—Section 3697B of such title, as added by paragraph (1), shall take effect on August 1, 2013, and shall apply with respect to individuals considering pursuing programs of education as described in subsection (a) of such section after such date.

**SEC. 1808. COORDINATION AND OVERSIGHT OF EDUCATIONAL ASSISTANCE PROGRAMS.**

(a) **IN GENERAL.**—Subchapter II of chapter 36 of title 38, United States Code, as amended by section 1806, is further amended by adding at the end the following new section:

**“§ 3697C. Coordination and oversight**

“(a) **DEVELOPMENT OF CENTRALIZED COMPLAINTS PROCESS.**—(1) Not later than 180 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013, the Secretary of Veterans Affairs and the Secretary of Defense shall each establish, by regulation, a process whereby persons are able to submit to the Secretaries, including by submitting via State approving agencies, complaints regarding educational institutions relevant to the provision of educational assistance provided under this chapter and chapters 30 through 35 of this title and under the educational assistance programs and authorities specified in section 2006a(c)(1) of title 10, including complaints regarding misrepresentation, fraud, waste, and abuse.

“(2) The process required by paragraph (1) shall include procedures to address complaints in a timely manner, including review and investigation of such complaints.

“(3) Each year, the Secretary of Veterans Affairs and the Secretary of Defense shall each compile the information they collect under this subsection and share such information with each other and the Secretary of Education, as otherwise allowed under law.

“(b) **INFORMATION SHARING BETWEEN SECRETARY OF VETERANS AFFAIRS, SECRETARY OF DEFENSE, AND SECRETARY OF EDUCATION.**—(1) Not later than 180 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013, the Secretary of Veterans Affairs and the Secretary of Defense shall each establish, by regulation, a process by which information may be reported by their respective departments to the Secretary of Education and each other regarding information with respect to substantiated acts by educational institutions of misrepresentation, fraud, waste, or abuse or failure to comply with an applicable requirement of this chapter or other information considered appropriate by the reporting Secretary by an educational institution at which an individual is enrolled in a program of education for which the individual receives educational assistance under this chapter, any of chapters 30 through 35 of this title, or an educational assistance program or authority specified in section 2006a(c)(1) of title 10 relevant to the purpose and effective implementation of Federal programs of educational assistance provided under such chapters, programs, or authorities.

“(2) Not later than 180 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013, the Secretary of Education shall establish a process by which the Secretary of Education notifies the Secretary of Veterans Affairs and the Secretary of Defense of the following with respect to educational institutions:

“(A) Substantiated acts by educational institutions of misrepresentation, fraud, waste, or abuse.

“(B) Loss of accreditation.

“(C) Loss of eligibility under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

“(D) Has been reported by a Federal or State agency or a nationally recognized accrediting agency or association as failing to comply with, or has a significant risk of failing to comply with, a provision of Federal or State law or a requirement that is a condition for accreditation established by a nationally recognized accrediting agency or association.

“(E) Such other information as the Secretary of Education considers appropriate.

“(c) **ANNUAL REPORT ON EDUCATIONAL ASSISTANCE PROVIDED BY DEPARTMENT OF VETERANS AFFAIRS AND DEPARTMENT OF DEFENSE.**—(1) Not less frequently than once each year, the Secretary of Veterans Affairs and the Secretary of Defense shall each submit to Congress a report on the provision of educational assistance under this chapter and chapters 30 through 35 of this title and under the educational assistance programs and authorities specified in section 2006a(c)(1) of title 10, respectively.

“(2) Each report submitted under subsection (a) shall include, for the period covered by the report and disaggregated by for-profit and not-for-profit educational institutions, the following:

“(A) The number of individuals who received assistance under laws administered by the respective Secretary.

“(B) The amounts of assistance provided.

“(C) A description of any complaints reported under subsection (a) to the respective Secretary or State approving agencies by such individuals with respect to the receipt or use of educational assistance under laws administered by the respective Secretary.

“(D) All substantiated reports of misrepresentation, waste, fraud, abuse, or other acts that are inconsistent with the requirements of this chapter by an educational institution at which an individual is enrolled in a program of education for which the individual is receiving educational assistance under a law administered by the respective Secretary.

“(E) A list of educational institutions which had courses of education that were approved under this chapter in the previous year but were found, in the year covered by the report, not in compliance with a requirement of such chapter.

“(F) Such recommendations for legislative or regulatory action as the respective Secretary considers appropriate to improve the provision of educational assistance under the laws administered by the respective Secretary.

“(G) An assessment of the academic performance of individuals who received educational assistance described in paragraph (1), including graduation rates and dropout rates.

“(H) A list of educational institutions that were approved under this chapter, disaggregated by educational institutions approved under section 3676 of this title.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 36 of such title, as amended by section 1806, is further amended by adding at the end the following new item:

“3697C. Coordination and oversight.”.

**SA 2959.** Mr. WYDEN submitted an amendment intended to be proposed by him 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; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VIII, add the following:

**SEC. 847. REPORTS ON USE OF INDEMNIFICATION AGREEMENTS.**

(a) IN GENERAL.—Not later than 90 days after the end of each of fiscal years 2013 through 2016, the Secretary of Defense shall submit to the appropriate committees of Congress a report on any actions described in subsection (b) which occurred during the preceding fiscal years.

(b) ACTIONS DESCRIBED.—

(1) IN GENERAL.—An action described in this subsection is the Secretary of Defense—

(A) entering into a contract that includes an indemnification provision relating to bodily injury caused by negligence or relating to wrongful death; or

(B) modifying an existing contract to include a provision described in subparagraph (A) in a contract.

(2) EXCLUDED CONTRACTS.—Paragraph (1) shall not apply to any contract awarded in accordance with—

(A) section 2354 of title 10, United States Code; or

(B) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

(c) MATTERS INCLUDED.—For each action covered in a report under subsection (a), the report shall include—

(1) the name of the contractor;

(2) a description of the indemnification provision included in the contract; and

(3) a justification for the contract including the indemnification provision.

(d) FORM.—Each report under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services, the Committee on the Budget, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on the Budget, and the Com-

mittee on Appropriations of the House of Representatives.

**SA 2960.** Mr. WYDEN submitted an amendment intended to be proposed by him 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; which was ordered to lie on the table; as follows:

At the end of subtitle B of title V, add the following:

**SEC. 513. REPORT ON MECHANISMS TO EASE THE REINTEGRATION INTO CIVILIAN LIFE OF MEMBERS OF THE NATIONAL GUARD AND THE RESERVES FOLLOWING A DEPLOYMENT ON ACTIVE DUTY.**

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study of the adequacy of mechanisms for the reintegration into civilian life of members of the National Guard and the Reserves following a deployment on active duty in the Armed Forces, including whether permitting such members to remain on active duty for a limited period after such deployment (often referred to as a “soft landing”) is feasible and advisable for facilitating and easing that reintegration.

(b) ELEMENTS.—

(1) IN GENERAL.—The study required by subsection (a) shall address the unique challenges members of the National Guard and the Reserves face when reintegrating into civilian life following a deployment on active duty in the Armed Forces and the adequacy of the policies, programs, and activities of the Department of Defense to assist such members in meeting such challenges.

(2) PARTICULAR ELEMENTS.—The study shall take into consideration the following:

(A) Disparities in reintegration after deployment between members of the regular components of the Armed Forces and members of the reserve components of the Armed Forces, including—

(i) disparities in access to services, including, but not limited to, health care, mental health counseling, job counseling, and family counseling;

(ii) disparities in amounts of compensated time provided to take care of personal affairs;

(iii) disparities in amounts of time required to properly access services and to take care of personal affairs, including travel time; and

(iv) disparities in costs of uncompensated events or requirements, including, but not limited to, travel costs and legal fees.

(B) Disparities in reintegration policies and practices among the various Armed Forces and between the regular and reserve components of the Armed Forces.

(C) Disparities in the lengths of time of deployment between the regular and reserve components of the Armed Forces.

(D) Applicable medical studies on reintegration, including studies on the rest and recuperation needed to appropriately recover from combat and training stress.

(E) Other applicable studies on reintegration policies and practices, including the recommendations made by such studies.

(F) Appropriate recommendations for the elements of a program to assist members of the National Guard and the Reserves following a deployment on active duty in the Armed Forces in reintegrating into civilian life, including means of ensuring that the program applies uniformly across the Armed Forces and between the regular components

and reserve components of the Armed Forces.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the study required by subsection (a). The report shall set forth the results of the study, including the matters specified in subsection (b), and include such comments and recommendation in light of the study as the Secretary considers appropriate.

**SA 2961.** Mr. WYDEN submitted an amendment intended to be proposed by him 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; which was ordered to lie on the table; as follows:

At the end of subtitle F of title V, add the following:

**SEC. 561. REQUIREMENT TO USE HUMAN-BASED METHODS FOR CERTAIN MEDICAL TRAINING.**

(a) IN GENERAL.—Chapter 101 of title 10, United States Code, is amended by adding at the end the following new section:

**“§ 2017. Requirement to use human-based methods for certain medical training**

“(a) COMBAT TRAUMA INJURIES.—(1) Not later than October 1, 2014, the Secretary of Defense shall develop, test, and validate human-based training methods for the purpose of training members of the armed forces in the treatment of combat trauma injuries with the goal of replacing live animal-based training methods.

“(2) Not later than October 1, 2016, the Secretary—

“(A) shall only use human-based training methods for the purpose of training members of the armed forces in the treatment of combat trauma injuries; and

“(B) may not use animals for such purpose.

“(b) EXCEPTION FOR PARTICULAR COMMANDS AND TRAINING METHODS.—(1) The Secretary may exempt a particular command, particular training method, or both, from the requirement for human-based training methods under subsection (a)(2) if the Secretary determines that human-based training methods will not provide an educationally equivalent or superior substitute for live animal-based training methods for such command or training method, as the case may be.

“(2) Any exemption under this subsection shall be for such period, not more than one year, as the Secretary shall specify in granting the exemption. Any exemption may be renewed (subject to the preceding sentence).

“(c) ANNUAL REPORTS.—(1) Not later than October 1, 2013, and each year thereafter, the Secretary shall submit to the congressional defense committees a report on the development and implementation of human-based training methods and replacement of live animal-based training methods for the purpose of training members of the armed forces in the treatment of combat trauma injuries under this section.

“(2) Each report under this subsection on or after October 1, 2016, shall include a description of any exemption under subsection (b) that is in force as of the time of such report, and a current justification for such exemption.

“(d) DEFINITIONS.—In this section:

“(1) The term ‘combat trauma injuries’ means severe injuries likely to occur during combat, including—

“(A) hemorrhage;

“(B) tension pneumothorax;  
“(C) amputation resulting from blast injury;

“(D) compromises to the airway; and  
“(E) other injuries.

“(2) The term ‘human-based training methods’ means, with respect to training individuals in medical treatment, the use of systems and devices that do not use animals, including—

“(A) simulators;

“(B) partial task trainers;

“(C) moulage;

“(D) simulated combat environments;

“(E) human cadavers; and

“(F) rotations in civilian and military trauma centers.

“(3) The term ‘partial task trainers’ means training aids that allow individuals to learn or practice specific medical procedures.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 101 of such title is amended by adding at the end the following new item:

“2017. Requirement to use human-based methods for certain medical training.”.

**SA 2962.** Mr. SESSIONS submitted an amendment intended to be proposed by him 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; which was ordered to lie on the table; as follows:

At the end of C subtitle of title II, add the following:

**SEC. 238. SENSE OF CONGRESS ON THE SUBMITTAL TO CONGRESS OF THE HOMELAND DEFENSE HEDGING POLICY AND STRATEGY REPORT OF THE SECRETARY OF DEFENSE.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) Section 233 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1340) requires a homeland defense hedging policy and strategy report from the Secretary of Defense.

(2) The report was required to be submitted not later than 75 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012, namely by March 16, 2012.

(3) The Secretary of Defense has not yet submitted the report as required.

(4) In March 2012, General Charles Jacoby, Jr., Commander of the United States Northern Command, the combatant command responsible for operation of the Ground-based Midcourse Defense system to defend the homeland against ballistic missile threats, testified before Congress that “I am confident in my ability to successfully defend the homeland from the current set of limited long-range ballistic missile threats”, and that “[a]gainst current threats from the Middle East, I am confident we are well postured”.

(5) Phase 4 of the European Phased Adaptive Approach (EPAA) is intended to augment the currently deployed homeland defense capability of the Ground-based Midcourse Defense system against a potential future Iranian long-range missile threat by deploying an additional layer of forward-deployed interceptors in Europe in the 2020 timeframe.

(6) The Director of National Intelligence, James Clapper, has testified to Congress that, although the intelligence community does “not know if Iran will eventually decide to build nuclear weapons”, it judges “that

Iran would likely choose missile delivery as its preferred method of delivering a nuclear weapon”. He also testified that “Iran already has the largest inventory of ballistic missiles in the Middle East, and it is expanding the scale, reach, and sophistication of its ballistic missile forces, many of which are inherently capable of carrying a nuclear payload”.

(7) The 2012 Annual Report to Congress on the Military Power of Iran by the Department of Defense states that, in addition to increasing its missile inventories, “Iran has boosted the lethality and effectiveness of its existing missile systems with accuracy improvements and new submunitions payloads”, and that it continues to develop missiles that can strike Israel and Eastern Europe. It also states that “Iran has launched multistage space launch vehicles that could serve as a testbed for developing long-range ballistic missiles technologies”, and that “[w]ith sufficient foreign assistance, Iran may be technically capable of flight-testing an intercontinental ballistic missile by 2015”.

(8) Despite the failure of its April 2012 satellite launch attempt, North Korea warned the United States in October 2012 that the United States mainland is within range of its missiles.

(9) The threat of limited ballistic missile attack against the United States homeland from countries such as North Korea and Iran is increasing.

(b) **SENSE OF CONGRESS.**—It is the sense of the Congress that—

(1) the homeland defense hedging policy and strategy report required by section 233 of the National Defense Authorization Act for Fiscal Year 2012 is necessary to inform Congress on options to protect the United States homeland against the evolving ballistic missile threat, including potential options prior to the deployment of Phase 4 of the European Phased Adaptive Approach to missile defense; and

(2) the Secretary of Defense should comply with the requirements of section 233 of the National Defense Authorization Act for Fiscal Year 2012 by submitting the homeland defense hedging policy and strategy report to Congress.

**SA 2963.** Mr. SESSIONS submitted an amendment intended to be proposed by him 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; which was ordered to lie on the table; as follows:

At the end of subtitle H of title V, add the following:

**SEC. 585. POSTHUMOUS HONORARY PROMOTION OF SERGEANT PASCHAL CONLEY TO SECOND LIEUTENANT IN THE ARMY.**

Notwithstanding the time limitation specified in section 1521 of title 10, United States Code, or any other time limitation with respect to posthumous promotions for persons who served in the Armed Forces, the President is authorized to issue an appropriate posthumous honorary commission promoting to second lieutenant in the Army under section 1521 of such title Sergeant (retired) Paschal Conley, a distinguished Buffalo Soldier who was recommended for promotion to second lieutenant under then-existing procedures by General John J. Pershing.

**SA 2964.** Mr. CHAMBLISS (for himself and Mr. TESTER) submitted an

amendment intended to be proposed by him 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; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VI, add the following:

**SEC. 643. MODIFICATION OF PER-FISCAL YEAR CALCULATION OF DAYS OF CERTAIN ACTIVE DUTY OR ACTIVE SERVICE TO REDUCE ELIGIBILITY AGE FOR RETIREMENT FOR NON-REGULAR SERVICE.**

(a) **ACCUMULATION OF 90-DAY PERIODS OF SERVICE WITHIN ANY TWO CONSECUTIVE FISCAL YEARS.**—Section 12731(f)(2)(A) of title 10, United States Code, is amended by striking “in any fiscal year” and inserting “in any two consecutive fiscal years”.

(b) **RETROACTIVE EFFECTIVE DATE AND APPLICABILITY.**—The amendment made by subsection (a) shall take effect as of January 28, 2008, as if included in the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181) as enacted, and shall apply with respect to service described by paragraph (2) of section 12731(f) of title 10, United States Code (as amended by Public Law 110-181 and subsection (a)), that occurs on or after September 11, 2001.

**SA 2965.** Mr. HATCH (for himself and Mr. LEE) submitted an amendment intended to be proposed by him 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; which was ordered to lie on the table; as follows:

At the end of title XI, add the following:

**SEC. 1104. FEDERAL EMPLOYEES RETIREMENT SYSTEM AGE AND RETIREMENT TREATMENT FOR CERTAIN RETIREES OF THE ARMED FORCES.**

(a) **INCREASE IN MAXIMUM AGE LIMIT FOR POSITIONS SUBJECT TO FERS.**—

(1) **LAW ENFORCEMENT OFFICERS.**—Section 3307(e) of title 5, United States Code, is amended—

(A) in paragraph (1), by inserting “or (3)” after “paragraph (2)”; and

(B) by adding at the end the following:

“(3) The maximum age limit for an original appointment to a position as a law enforcement officer (as defined in section 8401(17)) shall be 47 years of age, in the case of an individual who on the effective date of such appointment is eligible to receive retired pay or retainer pay for military service, or pension or compensation from the Department of Veterans Affairs instead of such retired or retainer pay.”.

(2) **OTHER POSITIONS.**—The maximum age limit for an original appointment to a position as a member of the Capitol Police or Supreme Court Police, nuclear materials courier (as defined under section 8401(33) of such title), or customs and border protection officer (as defined in section 8401(36) of such title) shall be 47 years of age, in the case of an individual who on the effective date of such appointment is eligible to receive retired pay or retainer pay for military service, or pension or compensation from the Department of Veterans Affairs instead of such retired or retainer pay.

(b) ELIGIBILITY FOR ANNUITY.—Section 8412(d) of such title is amended—

(1) in paragraph (1), by striking “or” at the end;

(2) in paragraph (2), by adding “or” at the end; and

(3) by inserting after paragraph (2) the following:

“(3) after becoming 57 years of age and completing 10 years of service as a law enforcement officer, member of the Capitol Police or Supreme Court Police, nuclear materials courier, customs or border protection officer, or any combination of such service totaling 10 years, if such employee—

“(A) is originally appointed to a position as a law enforcement officer, member of the Capitol Police or Supreme Court Police, nuclear materials courier, or customs and border protection officer on or after the effective date of this paragraph under section 1104(e) of the National Defense Authorization Act for Fiscal Year 2013, and

“(B) on the date that original appointment met the requirements of section 3307(e)(2) of this title or section 1104(a)(2) of the National Defense Authorization Act for Fiscal Year 2013.”

(c) MANDATORY SEPARATION.—Section 8425 of such title is amended—

(1) in subsection (b)(1), in the first sentence, by inserting “, except that a law enforcement officer, nuclear materials courier, or customs and border protection officer eligible for retirement under section 8412(d)(3) shall be separated from the service on the last day of the month in which that employee becomes 57 years of age” before the period;

(2) in subsection (c), in the first sentence, by inserting “, except that a member of the Capitol Police eligible for retirement under section 8412(d)(3) shall be separated from the service on the last day of the month in which that employee becomes 57 years of age” before the period; and

(3) in subsection (d), in the first sentence, by inserting “, except that a member of the Supreme Court Police eligible for retirement under section 8412(d)(3) shall be separated from the service on the last day of the month in which that employee becomes 57 years of age” before the period.

(d) COMPUTATION OF BASIC ANNUITY.—Section 8415(e) of such title is amended—

(1) in paragraph (1), by striking “total service as” and inserting “civilian service as a law enforcement officer, member of the Capitol Police or Supreme Court Police, nuclear materials courier, customs and border protection officer, or air traffic controller that, in the aggregate,”; and

(2) in paragraph (2), by striking “so much of such individual’s total service as exceeds 20 years” and inserting “the remainder of such individual’s total service”.

(e) EFFECTIVE DATE.—This section (including the amendments made by this section) shall take effect 60 days after the date of enactment of this Act and shall apply to appointments made on or after that effective date.

**SA 2966.** Mr. HATCH (for himself and Mr. LEE) submitted an amendment intended to be proposed by him 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; which was ordered to lie on the table; as follows:

At the end of subtitle C of title III, add the following:

#### SEC. 322. EXPANSION AND REAUTHORIZATION OF MULTI-TRADES DEMONSTRATION PROJECT.

(a) EXPANSION.—Section 338 of the National Defense Authorization Act for Fiscal Year 2004 (10 U.S.C. 5013 note) is amended—

(1) by striking subsection (a) and inserting the following new subsection:

“(a) DEMONSTRATION PROJECT AUTHORIZED.—In accordance with section 4703 of title 5, United States Code, the Secretary of a military department may carry out a demonstration project at facilities described in subsection (b) under which workers who are certified at the journey level as able to perform multiple trades shall be promoted by one grade level.”; and

(2) in subsection (b), by striking “Logistics Center, Navy Fleet Readiness Center,” and inserting “Logistics Complex, Navy Fleet Readiness Center, Navy shipyard, Marine Corps Logistics Base.”.

(b) REAUTHORIZATION.—Such section is further amended—

(1) in subsection (d), by striking “2013” and inserting “2018”; and

(2) in subsection (e), by striking “2014” and inserting “2019”.

**SA 2967.** Mr. HELLER submitted an amendment intended to be proposed by him 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; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

#### SEC. 1084. DETERMINATION OF CERTAIN SERVICE IN PHILIPPINES DURING WORLD WAR II.

(a) IN GENERAL.—The Secretary of Defense, in consultation with the Secretary of Veterans Affairs and such military historians as the Secretary of Defense considers appropriate, shall establish a process to determine whether a covered individual served as described in subsection (a) or (b) of section 107 of title 38, United States Code, for purposes of determining whether such covered individual is eligible for benefits described in such subsections.

(b) COVERED INDIVIDUALS.—For purposes of this section, a covered individual is any individual who—

(1) claims service described in subsection (a) or (b) of section 107 of title 38, United States Code; and

(2) is not included in the Approved Revised Reconstructed Guerilla Roster of 1948, known as the “Missouri List”.

**SA 2968.** Mr. COATS submitted an amendment intended to be proposed by him 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; which was ordered to lie on the table; as follows:

At the end of subtitle C of title X, add the following:

#### SEC. 1024. TRANSFER OF CERTAIN NAVAL VESSELS TO TAIWAN.

(a) TRANSFER BY SALE.—The President is authorized to transfer the OLIVER HAZARD PERRY class guided missile frigates USS UNDERWOOD (FFG-36), USS CARR (FFG-

52), USS VANDEGRIFT (FFG-48), and USS NICHOLAS (FFG-47) to the Taipei Economic and Cultural Representative Office of the United States (which is the Taiwan instrumentality designated pursuant to section 10(a) of the Taiwan Relations Act (22 U.S.C. 3309(a))) on a sale basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761).

(b) ALTERNATIVE TRANSFER AUTHORITY.—In the event that a recipient to which a vessel transfer is authorized under subsection (a) declines to accept the transfer, the President is authorized to transfer such vessel to another eligible recipient. Each such transfer shall be on a sale basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761), and shall be subject to the applicable congressional notification requirements of that Act.

(c) COSTS OF TRANSFERS.—Any expense incurred by the United States in connection with a transfer authorized by this section shall be charged to the recipient (notwithstanding section 516(e)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e)(1))).

(d) REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS.—To the maximum extent practicable, the President shall require, as a condition of the transfer of a vessel under this section, that the recipient to which the vessel is transferred have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of that recipient, performed at a shipyard located in the United States, including a United States Navy shipyard.

(e) EXPIRATION OF AUTHORITY.—The authority to transfer a vessel under this section shall expire at the end of the 3-year period beginning on the date of the enactment of this Act.

**SA 2969.** Mr. HELLER (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him 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; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VII, add the following:

#### SEC. 704. REPORT ON THE FUTURE AVAILABILITY OF TRICARE PRIME THROUGHOUT THE UNITED STATES.

(a) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the policy of the Department of Defense on the future availability of TRICARE Prime under the TRICARE program for eligible beneficiaries in all TRICARE regions throughout the United States.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description, by region, of the difference in availability of TRICARE Prime for eligible beneficiaries (other than eligible beneficiaries on active duty in the Armed Forces) under newly-awarded TRICARE managed care contracts, including, in particular, an identification of the regions or areas in which TRICARE Prime will no longer be available for such beneficiaries under such contracts.

(2) A description of the transition and outreach plans for eligible beneficiaries described in paragraph (1) who will no longer have access to TRICARE Prime under the contracts described in that paragraph.

(3) An estimate of the increased costs to be incurred for healthcare under the TRICARE program for eligible beneficiaries described in paragraph (2).

(4) An estimate of the saving to be achieved by the Department as a result of the contracts described in paragraph (1).

(5) A description of the plans of the Department to continue to assess the impact on access to healthcare for eligible beneficiaries described in paragraph (2).

**SA 2970.** Mr. INHOFE submitted an amendment intended to be proposed by him 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; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XXVIII, add the following:

**SEC. 2824. DEFINITION OF RENEWABLE ENERGY SOURCE FOR PURPOSES OF DEPARTMENT OF DEFENSE ENERGY SECURITY.**

Section 2924(7)(A) of title 10, United States Code, is amended by inserting “and direct solar renewable energy as defined in section 605(c) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17173(c))” after “Solar, including electricity”.

**SA 2971.** Mr. INHOFE submitted an amendment intended to be proposed by him 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; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1084. SENSE OF THE SENATE ON PROTECTION OF DEPARTMENT OF DEFENSE AIRFIELDS, TRAINING AIRSPACE, AND AIR TRAINING ROUTES.**

It is the sense of the Senate that—

(1) Department of Defense airfields, training airspace, and air training routes are national treasures that must be protected from encroachment;

(2) placement or emplacement of obstructions near or on Department of Defense airfields, training airspace, or air training routes has the potential of increasing risk to military aircraft and personnel as well as impacting training and readiness; and

(3) the Department of Defense should develop comprehensive rules and regulations to address construction and use of land in close proximity to Department of Defense airfields, training areas, or air training routes to ensure compatibility with military aircraft operations.

**SA 2972.** Mr. INHOFE submitted an amendment intended to be proposed by him 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; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1084. SENSE OF CONGRESS THAT THE BUGLE CALL COMMONLY KNOWN AS TAPS SHOULD BE DESIGNATED AS THE NATIONAL SONG OF MILITARY REMEMBRANCE.**

It is the sense of Congress that the bugle call commonly known as “Taps” should be designated as the National Song of Military Remembrance.

**SA 2973.** Mr. INHOFE submitted an amendment intended to be proposed by him 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; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VII, add the following:

**SEC. 735. SENSE OF SENATE ON MENTAL HEALTH COUNSELORS FOR MEMBERS OF THE ARMED FORCES, VETERANS, AND THEIR FAMILIES.**

It is the sense of the Senate that—

(1) the Secretary of Defense and the Secretary of Veterans Affairs should develop a plan to ensure a sustainable flow of qualified counselors to meet the long-term needs of members of the Armed Forces, veterans, and their families for counselors; and

(2) the plan should include the participation of accredited schools and universities, health care providers, professional counselors, family service or support centers, chaplains, and other appropriate resources of the Department of Defense and the Department of Veterans Affairs.

**SA 2974.** Mr. INHOFE submitted an amendment intended to be proposed by him 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; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VIII, add the following:

**SEC. 888. INAPPLICABILITY TO DEPARTMENT OF DEFENSE OF CERTAIN ALTERNATIVE FUEL PROCUREMENT REQUIREMENTS.**

Section 526 of the Energy Independence and Security Act of 2007 (Public Law 110-140; 42 U.S.C. 17142) is amended—

(1) by inserting “(a) IN GENERAL.—” before “No Federal agency”; and

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

“(b) INAPPLICABILITY TO DEPARTMENT OF DEFENSE.—This section shall not apply to the Department of Defense.”.

**SA 2975.** Mr. INHOFE submitted an amendment intended to be proposed by him 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; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, add the following:

**SEC. 314. MODIFICATION OF DEFINITION.**

Section 3(2)(B)(v) of the Toxic Substances Control Act (15 U.S.C. 2602(2)(B)(v)) is amend-

ed by inserting after “(Code),” the following: “or any component of any such article, including, without limitation, shot, bullets and other projectiles, propellants, and primers.”.

**SA 2976.** Mr. INHOFE submitted an amendment intended to be proposed by him 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; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

**SEC. 1032. REQUIREMENT FOR DETENTION AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, OF HIGH-VALUE DETAINEES WHO WILL BE DETAINED LONG-TERM.**

(a) **REQUIREMENT.**—Each high-value enemy combatant who is captured or otherwise taken into long-term custody or detention by the United States shall, while under such detention of the United States, be detained at the Guantanamo Bay Detention Facility (GTMO) at United States Naval Station, Guantanamo Bay, Cuba.

(b) **HIGH-VALUE ENEMY COMBATANT DEFINED.**—In this section, the term “high-value enemy combatant” means an enemy combatant who—

(1) is a senior member of al-Qaeda, the Taliban, or any associated terrorist group;

(2) has knowledge of an imminent terrorist threat against the United States or its territories, the Armed Forces of the United States, the people or organizations of the United States, or an ally of the United States;

(3) has, or has had, direct involvement in planning or preparing a terrorist action against the United States or an ally of the United States or in assisting the leadership of al-Qaeda, the Taliban, or any associated terrorist group in planning or preparing such a terrorist action; or

(4) if released from detention, would constitute a clear and continuing threat to the United States or any ally of the United States.

**SA 2977.** Mr. INHOFE submitted an amendment intended to be proposed by him 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; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VIII, add the following:

**SEC. 827. SECRETARY OF DEFENSE ASSESSMENT OF INDEPENDENT COMMISSION TO REFORM FEDERAL ACQUISITION RULES.**

(a) **ASSESSMENT.**—The Secretary of Defense shall, in consultation with the other members of the Federal Acquisition Regulatory Council, conduct an assessment the feasibility and advisability of establishing an independent commission to streamline and simplify current Federal acquisition rules and guidance. The purpose of the commission for purposes of the assessment shall be to reduce, consolidate, and update all Federal acquisition rules in order to create an acquisition system that is more cost effective, efficient, and timely.

(b) ELEMENTS.—The assessment required by subsection (a) shall include, but not be limited to, the following:

(1) A comprehensive review of current Federal acquisition rules affecting defense acquisition.

(2) A consideration of the history, rationale, and effects of the proliferation of the documents, rules, and regulations relating to the Federal acquisition process.

(3) The impact of current Federal acquisition rules on open competition, small business participation, and execution of contracts.

(4) The impact of current Federal acquisition rules on warfighter access to the latest technologies and weapon systems.

(5) Such recommendations as the Secretary considers appropriate regarding potential changes to documents, rules, and procedures relating to the Federal acquisition process.

(6) An assessment of the feasibility and advisability of establishing an independent commission to reform Federal acquisition rules.

(7) If such an independent commission is considered feasible and advisable, such recommendation on the size, composition, and duration of the commission as the Secretary considers appropriate.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the results of the assessment required by subsection (a).

**SA 2978.** Mr. INHOFE submitted an amendment intended to be proposed by him 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; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VIII, add the following:

**SEC. 888. PLAN TO INCREASE NUMBER OF CONTRACTORS ELIGIBLE FOR CONTRACTS UNDER AIR FORCE NETCENTS-2 CONTRACT.**

(a) PLAN REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a plan to increase the number of contractors eligible to be awarded contracts under the Air Force's Network-Centric Solutions-2 (NETCENTS-2) indefinite-delivery, indefinite-quantity (IDIQ) contract.

(b) CONTENT.—The plan required under subsection (a) shall include the following elements:

(1) A recommendation and rationale for a maximum number of contractors to be eligible for contract awards under NETCENTS-2 to foster competition and reduce overall costs associated with hardware and operation and maintenance of Air Networks.

(2) The methodology used to periodically review existing eligible NETCENTS-2 contractors and contracts.

(3) A timeline to increase the current number of eligible contractors under NETCENTS-2 and dates of future "on-ramps" under NETCENTS-2 to assess current eligible contractors and add additional eligible contractors.

**SA 2979.** Mr. INHOFE submitted an amendment intended to be proposed by him 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; which was ordered to lie on the table; as follows:

At the end of subtitle E of title II, add the following:

**SEC. 272. SENSE OF SENATE ON USE OF ARTIFICIAL INTELLIGENCE IN TRAINING EXERCISES FOR MEMBERS OF THE ARMED FORCES.**

It is the sense of the Senate that—

(1) modeling and simulation will continue to play a critical role in the training of the members of the Armed Forces;

(2) while modeling and simulation has reduced the overall costs of training of members of the Armed Forces, there are significant costs associated with contractor overhead, including costs in connection with playing the role of opposing forces, civilian populations, government agencies, and non-government organizations during training exercises;

(3) advances in artificial intelligence could reduce the number of contractors required to support training exercises for members of the Armed Forces, and thereby reduce overall cost of the exercises; and

(4) the Secretary of Defense should develop a plan to increase the use of artificial intelligence during training exercises for members of the Armed Forces to increase training effectiveness and reduce costs.

**SA 2980.** Mrs. BOXER (for herself, Mr. GRASSLEY, and Mr. MANCHIN) submitted an amendment intended to be proposed by her 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; which was ordered to lie on the table; as follows:

On page 238, between lines 15 and 16, insert the following:

(c) REPORT ON ALLOWABLE COSTS OF EMPLOYEE COMPENSATION.—Not later than 120 days after the date of the enactment of this Act, the Inspector General of the Department of Defense shall submit to Congress a report on the effect of the modification of allowable costs of contractor compensation of employees made by subsection (a). The report shall include the following:

(1) The total number of contractor employees whose allowable costs of compensation in fiscal year 2012 exceeded the amount of allowable costs under the modification made by subsection (a).

(2) The total number of contractor employees whose allowable costs of compensation in each of fiscal years 2010, 2011, and 2012 would have exceeded the amount of allowable costs under section 2324(e)(1)(P) of title 10, United States Code, as amended by section 803(a) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1485).

(3) The total number of contractor employees whose allowable costs of compensation in each of fiscal years 2010, 2011, and 2012 exceeded the amount payable to the President under section 102 of title 3, United States Code.

(4) The total number of contractor employees in fiscal year 2012 that could have been characterized as falling within a narrowly targeted exception established by the Secretary of Defense under section 2324(e)(1)(P)

of title 10, United States Code, as a result of the amendment made by section 803(a)(2) of the National Defense Authorization Act for Fiscal Year 2012.

(5) An assessment whether the compensation amounts provided in fiscal year 2012 to employees who were characterized by their employers as falling within a narrowly targeted exception described in paragraph (4) were provided compensation amounts in that fiscal year in manner consistent with private sector practice.

(6) The duties and services performed in fiscal year 2012 by employees who were characterized by their employers as falling within a narrowly targeted exception described in paragraph (4).

(7) An assessment whether there are Federal civilian employees who perform duties and services comparable to the duties and services described pursuant to paragraph (6).

**SA 2981.** Mrs. BOXER submitted an amendment intended to be proposed by her 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; which was ordered to lie on the table; as follows:

At the end of subtitle C of title V, add the following:

**SEC. 526. PROHIBITION ON WAIVER FOR COMMISSIONING OR ENLISTMENT IN THE ARMED FORCES FOR ANY INDIVIDUAL CONVICTED OF A FELONY SEXUAL OFFENSE.**

An individual may not be provided a waiver for commissioning or enlistment in the Armed Forces if the individual has been convicted under Federal or State law of a felony offense of any of the following:

- (1) Rape.
- (2) Sexual abuse.
- (3) Sexual assault.
- (4) Incest.
- (5) Any other sexual offense.

**SA 2982.** Mrs. BOXER submitted an amendment intended to be proposed by her 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; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1084. PROHIBITIONS RELATING TO REFERENCES TO GI BILL AND POST-9/11 GI BILL.**

(a) IN GENERAL.—Subchapter II of chapter 36 of title 38, United States Code, is amended by adding at the end the following new section:

**"§ 3697B. Prohibition relating to references to GI Bill and Post-9/11 GI Bill**

"(a) PROHIBITION.—(1) No person may, except with the written permission of the Secretary, use the words and phrases covered by this subsection in connection with any promotion, goods, services, or commercial activity in a manner reasonably and falsely tending to suggest that such use is approved, endorsed, or authorized by the Department or any component thereof.

"(2) For purposes of this subsection, the words and phrases covered by this subsection are as follows:



“(A) ‘GI Bill’.

“(B) ‘Post-9/11 GI Bill’.

“(3) A determination that a use of one or more words and phrases covered by this subsection in connection with a promotion, goods, services, or commercial activity is not a violation of this subsection may not be made solely on the ground that such promotion, goods, services, or commercial activity includes a disclaimer of affiliation with the Department or any component thereof.

“(b) ENFORCEMENT BY ATTORNEY GENERAL.—(1) Whenever it appears to the Attorney General of the United States that any person is engaged or is about to engage in an act or practice which constitutes or will constitute conduct prohibited by subsection (a), the Attorney General may initiate a civil proceeding in a district court of the United States to enjoin such act or practice.

“(2) Such court may, at any time before final determination, enter such restraining orders or prohibitions, or take such other action as is warranted, to prevent injury to the United States or to any person or class of persons for whose protection the action is brought.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 36 of such title is amended by inserting after the item relating to section 3697A the following new item:

“3697B. Prohibition relating to references to GI Bill and Post-9/11 GI Bill.”.

**SA 2983.** Mrs. BOXER submitted an amendment intended to be proposed by her 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; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 10. DESIGNATION OF DISTINGUISHED FLYING CROSS NATIONAL MEMORIAL IN RIVERSIDE, CALIFORNIA.**

(a) DESIGNATION.—The memorial to members of the Armed Forces who have been awarded the Distinguished Flying Cross at March Field Air Museum in Riverside, California, is designated as the “Distinguished Flying Cross National Memorial”.

(b) EFFECT OF DESIGNATION.—The national memorial designated by this section is not a unit of the National Park System, and the designation of the national memorial shall not be construed to require or permit Federal funds to be expended for any purpose related to the national memorial.

**SA 2984.** Mr. BINGAMAN (for himself and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed by him 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; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

**SEC. 10. WHITE SANDS MISSILE RANGE AND FORT BLISS.**

(a) WITHDRAWAL.—

(1) IN GENERAL.—Subject to valid existing rights and paragraph (3), the Federal land described in paragraph (2) is withdrawn from—

(A) entry, appropriation, and disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(2) DESCRIPTION OF FEDERAL LAND.—The Federal land referred to in paragraph (1) consists of—

(A) the approximately 5,100 acres of land depicted as “Parcel 1” on the map entitled “White Sands Missile Range/Fort Bliss/BLM Land Transfer and Withdrawal” and dated April 3, 2012 (referred to in this section as the “map”);

(B) the approximately 37,600 acres of land depicted as “Parcel 2”, “Parcel 3”, and “Parcel 4” on the map; and

(C) any land or interest in land that is acquired by the United States within the boundaries of the parcels described in subparagraph (B).

(3) LIMITATION.—Notwithstanding paragraph (1), the land depicted as “Parcel 4” on the map is not withdrawn for purposes of the issuance of oil and gas pipeline rights-of-way.

(b) RESERVATION.—The Federal land described in subsection (a)(2)(A) is reserved for use by the Secretary of the Army for military purposes in accordance with Public Land Order 833, dated May 21, 1952 (17 Fed. Reg. 4822).

(c) TRANSFER OF ADMINISTRATIVE JURISDICTION.—Effective on the date of enactment of this Act, administrative jurisdiction over the approximately 2,050 acres of land generally depicted as “Parcel 2” on the map—

(1) is transferred from the Secretary of the Army to the Secretary of the Interior (acting through the Director of the Bureau of Land Management); and

(2) shall be managed in accordance with—

(A) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(B) any other applicable laws.

(d) LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall publish in the Federal Register a legal description of the Federal land withdrawn by subsection (a).

(2) FORCE OF LAW.—The legal description published under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary of the Interior may correct errors in the legal description.

(3) REIMBURSEMENT OF COSTS.—The Secretary of the Army shall reimburse the Secretary of the Interior for any costs incurred by the Secretary of the Interior in implementing this subsection with regard to the Federal land described in subsection (a)(2)(A).

**SA 2985.** Mr. UDALL of Colorado (for himself, Mrs. MURRAY, Mrs. SHAHEEN, and Mr. BINGAMAN) submitted an amendment intended to be proposed by him 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; which was ordered to lie on the table; as follows:

Strike section 313.

**SA 2986.** Mr. CASEY (for himself, Mr. ENZI, and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him 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; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VIII, add the following:

**SEC. SUBCONTRACTOR NOTIFICATIONS.**

Section 8(d) of the Small Business Act (15 U.S.C. 637(d)) is amended by adding at the end the following:

“(13) NOTIFICATION REQUIREMENT.—An offeror with respect to a contract let by a Federal agency that is to be awarded pursuant to the negotiated method of procurement that intends to identify a small business concern as a potential subcontractor in the offer relating to the contract shall notify the small business concern that the offeror intends to identify the small business concern as a potential subcontractor in the offer.

“(14) REPORTING BY SUBCONTRACTORS.—The Administrator shall establish a reporting mechanism that allows a subcontractor to report fraudulent activity by a contractor with respect to a subcontracting plan submitted to a procurement authority under paragraph (4)(B).”.

**SA 2987.** Mr. BENNET submitted an amendment intended to be proposed by him 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; which was ordered to lie on the table; as follows:

At the end of subtitle F of title V, add the following:

**SEC. 561. TROOPS-TO-TEACHERS PROGRAM ENHANCEMENTS.**

(a) FISCAL YEAR 2013 ADMINISTRATION.—Notwithstanding section 2302(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6672(c)), the Secretary of Defense may administer the Troops-to-Teachers Program during fiscal year 2013. Amounts authorized to be appropriated for the Department of Defense by this Act shall be available to the Secretary of Defense for that purpose.

(b) YEARS OF SERVICE REQUIREMENTS.—Section 2303(a)(2)(A)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6673(a)(2)(A)(i)) is amended by striking “6 or more years” and inserting “4 or more years”.

(c) DEFINITION OF LOCAL EDUCATIONAL AGENCY AND PUBLIC CHARTER SCHOOLS.—

(1) AMENDMENT.—Section 2304(a)(1)(B) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6674(a)(1)(B)) is amended to read as follows:

“(B) to accept an offer of full-time employment as an elementary school teacher, secondary school teacher, or career or technical education teacher for not less than 3 school years with a local educational agency receiving a grant under part A of title I, a public charter school (as such term is defined in section 2102) residing in such a local educational agency, or a Bureau-funded school (as such term is defined in section 1141 of the Education Amendments of 1978 (25 U.S.C. 2021)), to begin the school year after obtaining that certification or licensing.”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect 30 days after the date of the enactment of this Act.

**SA 2988.** Mr. KERRY submitted an amendment intended to be proposed by him 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; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

**SEC. 1048. MODIFICATION OF RULE OF CONSTRUCTION OF PROHIBITION ON INFRINGING THE INDIVIDUAL RIGHT TO LAWFULLY ACQUIRE, POSSESS, OWN, CARRY, AND USE PRIVATELY OWNED FIREARMS, AMMUNITION, AND OTHER WEAPONS.**

Section 1062(c) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4363; 10 U.S.C. 1030 note prec.) is amended—

(1) in paragraph (1)(B), by striking “or” at the end;

(2) in paragraph (2), by striking the period and inserting “; or”; and

(3) by adding at the end the following new paragraph:

“(3) make reasonable inquiries regarding the conduct or plans of a member of the Armed Forces for the purposes of suicide prevention, prevention of domestic violence, child protection, day care screening, sexual assault response, school counseling, and similar activities, if the Secretary has reasonable grounds to believe that the member is at high risk for suicide or causing harm to others.”.

**SA 2989.** Mrs. MURRAY (for herself and Mr. BURR) submitted an amendment intended to be proposed by her 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; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1084. EXTENSION OF AUTHORITIES TO CARRY OUT A PROGRAM OF REFERRAL AND COUNSELING SERVICES TO VETERANS AT RISK OF HOMELESSNESS WHO ARE TRANSITIONING FROM CERTAIN INSTITUTIONS.**

Section 2023(d) of title 38, United States Code, is amended by striking “September 30, 2012” and inserting “September 30, 2013”.

**SA 2990.** Mr. GRASSLEY submitted an amendment intended to be proposed by him 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**TITLE —NUCLEAR TERRORISM CONVENTIONS AND MARITIME SAFETY**

**SEC. —01. SHORT TITLE.**

This title may be cited as the “Nuclear Terrorism Conventions Implementation and Safety of Maritime Navigation Act of 2012”.

**Subtitle A—Safety of Maritime Navigation**

**SEC. —11. AMENDMENT TO SECTION 2280 OF TITLE 18, UNITED STATES CODE.**

Section 2280 of title 18, United States Code, is amended—

(1) in subsection (b)(1)(A)—

(A) in clause (i), by striking “a ship flying the flag of the United States” and inserting “a vessel of the United States or a vessel subject to the jurisdiction of the United States (as defined in section 70502 of title 46)”;

(B) in clause (ii), by inserting “, including the territorial seas” after “in the United States”; and

(C) in clause (iii), by inserting “, by a United States corporation or legal entity,” after “by a national of the United States”;

(2) in subsection (c), by striking “section 2(c)” and inserting “section 13(c)”;

(3) by striking subsections (d) and (e) and inserting the following:

“(d) DEFINITIONS.—In this section and in sections 2280a, 2281, and 2281a:

“(1) APPLICABLE TREATY.—The term ‘applicable treaty’ means—

“(A) the Convention for the Suppression of Unlawful Seizure of Aircraft, done at The Hague on 16 December 1970;

“(B) the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on 23 September 1971;

“(C) the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on 14 December 1973;

“(D) International Convention against the Taking of Hostages, adopted by the General Assembly of the United Nations on 17 December 1979;

“(E) the Convention on the Physical Protection of Nuclear Material, done at Vienna on 26 October 1979;

“(F) the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on 24 February 1988;

“(G) the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, done at Rome on 10 March 1988;

“(H) International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations on 15 December 1997; and

“(I) International Convention for the Suppression of the Financing of Terrorism, adopted by the General Assembly of the United Nations on 9 December 1999.

“(2) ARMED CONFLICT.—The term ‘armed conflict’ does not include internal disturbances and tensions, such as riots, isolated and sporadic acts of violence, and other acts of a similar nature.

“(3) BIOLOGICAL WEAPON.—The term ‘biological weapon’ means—

“(A) microbial or other biological agents, or toxins whatever their origin or method of production, of types and in quantities that have no justification for prophylactic, protective, or other peaceful purposes; or

“(B) weapons, equipment, or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict.

“(4) CHEMICAL WEAPON.—The term ‘chemical weapon’ means, together or separately—

“(A) toxic chemicals and their precursors, except if intended for—

“(i) industrial, agricultural, research, medical, pharmaceutical, or other peaceful purposes;

“(ii) protective purposes, namely those purposes directly related to protection

against toxic chemicals and to protection against chemical weapons;

“(iii) military purposes not connected with the use of chemical weapons and not dependent on the use of the toxic properties of chemicals as a method of warfare; or

“(iv) law enforcement, including domestic riot control purposes, if the types and quantities are consistent with such purposes;

“(B) munitions and devices, specifically designed to cause death or other harm through the toxic properties of those toxic chemicals specified in subparagraph (A), which would be released as a result of the employment of such munitions and devices; and

“(C) any equipment specifically designed for use directly in connection with the employment of munitions and devices specified in subparagraph (B).

“(5) COVERED SHIP.—The term ‘covered ship’ means a ship that is navigating or is scheduled to navigate into, through or from waters beyond the outer limit of the territorial sea of a single country or a lateral limit of that country’s territorial sea with an adjacent country.

“(6) EXPLOSIVE MATERIALS.—The term ‘explosive materials’ has the meaning given the term in section 841(c) and includes an explosive (as defined in section 844(j)).

“(7) INFRASTRUCTURE FACILITY.—The term ‘infrastructure facility’ has the meaning given the term in section 2332f(e)(5).

“(8) INTERNATIONAL ORGANIZATION.—The term ‘international organization’ has the meaning given the term in section 831(f)(3).

“(9) MILITARY FORCES OF A STATE.—The term ‘military forces of a state’ means the armed forces of a state which are organized, trained, and equipped under its internal law for the primary purpose of national defense or security, and persons acting in support of those armed forces who are under their formal command, control, and responsibility.

“(10) NATIONAL OF THE UNITED STATES.—The term ‘national of the United States’ has the meaning given the term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).

“(11) NON-PROLIFERATION TREATY.—The term ‘Non-Proliferation Treaty’ means the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow on 1 July 1968.

“(12) NON-PROLIFERATION STATE PARTY.—The term ‘Non-Proliferation Treaty State Party’ means any State Party to the Non-Proliferation Treaty, to include Taiwan, which shall be considered to have the obligations under the Non-Proliferation Treaty of a party to that treaty other than a Nuclear Weapon State Party to the Non-Proliferation Treaty.

“(13) NUCLEAR WEAPON STATE PARTY TO THE NON-PROLIFERATION TREATY.—The term ‘Nuclear Weapon State Party to the Non-Proliferation Treaty’ means a State Party to the Non-Proliferation Treaty that is a nuclear-weapon State, as that term is defined in Article IX(3) of the Non-Proliferation Treaty.

“(14) PLACE OF PUBLIC USE.—The term ‘place of public use’ has the meaning given the term in section 2332f(e)(6).

“(15) PRECURSOR.—The term ‘precursor’ has the meaning given the term in section 229F(6)(A).

“(16) PUBLIC TRANSPORTATION SYSTEM.—The term ‘public transportation system’ has the meaning given the term in section 2332f(e)(7).

“(17) SERIOUS INJURY OR DAMAGE.—The term ‘serious injury or damage’ means—

“(A) serious bodily injury,

“(B) extensive destruction of a place of public use, State or government facility, infrastructure facility, or public transportation system, resulting in major economic loss, or

“(C) substantial damage to the environment, including air, soil, water, fauna, or flora.

“(18) SHIP.—The term ‘ship’ means a vessel of any type whatsoever not permanently attached to the sea-bed, including dynamically supported craft, submersibles, or any other floating craft, but does not include a warship, a ship owned or operated by a government when being used as a naval auxiliary or for customs or police purposes, or a ship which has been withdrawn from navigation or laid up.

“(19) SOURCE MATERIAL.—The term ‘source material’ has the meaning given that term in the International Atomic Energy Agency Statute, done at New York on 26 October 1956.

“(20) SPECIAL FISSIONABLE MATERIAL.—The term ‘special fissionable material’ has the meaning given that term in the International Atomic Energy Agency Statute, done at New York on 26 October 1956.

“(21) TERRITORIAL SEA OF THE UNITED STATES.—The term ‘territorial sea of the United States’ means all waters extending seaward to 12 nautical miles from the baselines of the United States determined in accordance with international law.

“(22) TOXIC CHEMICAL.—The term ‘toxic chemical’ has the meaning given the term in section 229F(8)(A).

“(23) TRANSPORT.—The term ‘transport’ means to initiate, arrange or exercise effective control, including decision making authority, over the movement of a person or item.

“(24) UNITED STATES.—The term ‘United States’, when used in a geographical sense, includes the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and all territories and possessions of the United States.

“(e) EXCEPTIONS.—This section shall not apply to—

“(1) the activities of armed forces during an armed conflict, as those terms are understood under the law of war, which are governed by that law; or

“(2) activities undertaken by military forces of a state in the exercise of their official duties.

“(f) DELIVERY OF SUSPECTED OFFENDER.—The master of a covered ship flying the flag of the United States who has reasonable grounds to believe that there is on board that ship any person who has committed an offense under section 2280 or section 2280a may deliver such person to the authorities of a country that is a party to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation. Before delivering such person to the authorities of another country, the master shall notify in an appropriate manner the Attorney General of the United States of the alleged offense and await instructions from the Attorney General as to what action to take. When delivering the person to a country which is a state party to the Convention, the master shall, whenever practicable, and if possible before entering the territorial sea of such country, notify the authorities of such country of the master's intention to deliver such person and the reasons therefor. If the master delivers such person, the master shall furnish to the authorities of such country the evidence in the master's possession that pertains to the alleged offense.

“(g)(1) CIVIL FORFEITURE.—Any real or personal property used or intended to be used to commit or to facilitate the commission of a violation of this section, the gross proceeds of such violation, and any real or personal property traceable to such property or proceeds, shall be subject to forfeiture.

“(2) APPLICABLE PROCEDURES.—Seizures and forfeitures under this section shall be

governed by the provisions of chapter 46 of title 18, United States Code, relating to civil forfeitures, except that such duties as are imposed upon the Secretary of the Treasury under the customs laws described in section 981(d) shall be performed by such officers, agents, and other persons as may be designated for that purpose by the Secretary of Homeland Security, the Attorney General, or the Secretary of Defense.”

#### SEC. 12. VIOLENCE AGAINST MARITIME NAVIGATION.

(a) IN GENERAL.—Chapter 111 of title 18, United States Code, is amended by adding after section 2280 the following:

##### “§ 2280a. Violence against maritime navigation and maritime transport involving weapons of mass destruction

“(a) OFFENSES.—

“(1) IN GENERAL.—Subject to the exceptions set forth in subsection (c), a person who unlawfully and intentionally—

“(A) when the purpose of the act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act—

“(i) uses against or on a ship or discharges from a ship any explosive or radioactive material, biological, chemical, or nuclear weapon or other nuclear explosive device in a manner that causes or is likely to cause death to any person or serious injury or damage;

“(ii) discharges from a ship oil, liquefied natural gas, or another hazardous or noxious substance that is not covered by clause (i), in such quantity or concentration that causes or is likely to cause death to any person or serious injury or damage; or

“(iii) uses a ship in a manner that causes death to any person or serious injury or damage;

“(B) transports on board a ship—

“(i) any explosive or radioactive material, knowing that it is intended to be used to cause, or in a threat to cause, death to any person or serious injury or damage for the purpose of intimidating a population, or compelling a government or an international organization to do or to abstain from doing any act;

“(ii) any biological, chemical, or nuclear weapon or other nuclear explosive device, knowing it to be a biological, chemical, or nuclear weapon or other nuclear explosive device;

“(iii) any source material, special fissionable material, or equipment or material especially designed or prepared for the processing, use, or production of special fissionable material, knowing that it is intended to be used in a nuclear explosive activity or in any other nuclear activity not under safeguards pursuant to an International Atomic Energy Agency comprehensive safeguards agreement, except where—

“(I) such item is transported to or from the territory of, or otherwise under the control of, a Non-Proliferation Treaty State Party; and

“(II) the resulting transfer or receipt (including internal to a country) is not contrary to the obligations under the Non-Proliferation Treaty of a Non-Proliferation Treaty State Party from which, to the territory of which, or otherwise under the control of which such item is transferred;

“(iv) any equipment, materials, or software or related technology that significantly contributes to the design or manufacture of a nuclear weapon or other nuclear explosive device, with the intention that it will be used for such purpose, unless—

“(I) the country to the territory of which or under the control of which such item is transferred is a Nuclear Weapon State Party to the Non-Proliferation Treaty; and

“(II) the resulting transfer or receipt (including internal to a country) is not contrary to the obligations under the Non-Proliferation Treaty of a Non-Proliferation Treaty State Party from which, to the territory of which, or otherwise under the control of which such item is transferred;

“(v) any equipment, materials, or software or related technology that significantly contributes to the delivery of a nuclear weapon or other nuclear explosive device, with the intention that it will be used for such purpose, except where—

“(I) such item is transported to or from the territory of, or otherwise under the control of, a Non-Proliferation Treaty State Party; and

“(II) such item is intended for the delivery system of a nuclear weapon or other nuclear explosive device of a Nuclear Weapon State Party to the Non-Proliferation Treaty; or

“(vi) any equipment, materials, or software or related technology that significantly contributes to the design, manufacture, or delivery of a biological or chemical weapon, with the intention that it will be used for such purpose;

“(C) transports another person on board a ship knowing that the person has committed an act that constitutes an offense under section 2280 or subparagraphs (A), (B), (D), or (E) of this paragraph or an offense set forth in an applicable treaty, as specified in section 2280(d)(1), and intending to assist that person to evade criminal prosecution;

“(D) injures or kills any person in connection with the commission or the attempted commission of any of the offenses set forth in subparagraphs (A) through (C), or subsection (a)(2), to the extent that the offense set forth in subsection (a)(2) pertains to subparagraph (A);

“(E) attempts to do any act prohibited under subparagraph (A), (B), or (D); or

“(F) conspires to do any act prohibited under this subsection,

shall be fined under this title, imprisoned not more than 20 years, or both; and if the death of any person results from conduct prohibited by this paragraph, shall be punished by death or imprisoned for any term of years or for life.

“(2) THREATS.—A person who threatens, with apparent determination and will to carry the threat into execution, to do any act prohibited under paragraph (1)(A) shall be fined under this title, imprisoned not more than 5 years, or both.

“(b) JURISDICTION.—There is jurisdiction over the activity prohibited under subsection (a)—

“(1) in the case of a covered ship, if—

“(A) such activity is committed—

“(i) against or on board a vessel of the United States or a vessel subject to the jurisdiction of the United States (as defined in section 70502 of title 46) at the time the prohibited activity is committed;

“(ii) in the United States, including the territorial seas; or

“(iii) by a national of the United States, by a United States corporation or legal entity, or by a stateless person whose habitual residence is in the United States;

“(B) during the commission of such activity, a national of the United States is seized, threatened, injured, or killed; or

“(C) the offender is later found in the United States after such activity is committed;

“(2) in the case of a ship navigating or scheduled to navigate solely within the territorial sea or internal waters of a country other than the United States, if the offender is later found in the United States after such activity is committed; or

“(3) in the case of any vessel, if such activity is committed in an attempt to compel

the United States to do or abstain from doing any act.

“(c) EXCEPTIONS.—This section shall not apply to—

“(1) the activities of armed forces during an armed conflict, as those terms are understood under the law of war, which are governed by that law; or

“(2) activities undertaken by military forces of a state in the exercise of their official duties.

“(d)(1) CIVIL FORFEITURE.—Any real or personal property used or intended to be used to commit or to facilitate the commission of a violation of this section, the gross proceeds of such violation, and any real or personal property traceable to such property or proceeds, shall be subject to forfeiture.

“(2) APPLICABLE PROCEDURES.—Seizures and forfeitures under this section shall be governed by the provisions of chapter 46 relating to civil forfeitures, except that such duties as are imposed upon the Secretary of the Treasury under the customs laws described in section 981(d) shall be performed by such officers, agents, and other persons as may be designated for that purpose by the Secretary of Homeland Security, the Attorney General, or the Secretary of Defense.”

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 111 of title 18, United States Code, is amended by adding after the item relating to section 2280 the following:

“2280a. Violence against maritime navigation and maritime transport involving weapons of mass destruction.”

#### SEC. 13. EXCEPTIONS TO LAW PROHIBITING VIOLENCE AGAINST MARITIME FIXED PLATFORMS.

Section 2281 of title 18, United States Code, is amended—

(1) in subsection (c), by striking “section 2(c)” and inserting “section 13(c)”;

(2) in subsection (d), by striking the definitions of “national of the United States,” “territorial sea of the United States,” and “United States”; and

(3) by adding at the end the following:

“(e) EXCEPTIONS.—This section shall not apply to—

“(1) the activities of armed forces during an armed conflict, as those terms are understood under the law of war, which are governed by that law; or

“(2) activities undertaken by military forces of a state in the exercise of their official duties.”

#### SEC. 14. ADDITIONAL OFFENSES AGAINST MARITIME FIXED PLATFORMS.

(a) IN GENERAL.—Chapter 111 of title 18, United States Code, is amended by adding after section 2281 the following:

##### “§ 2281a. Additional offenses against maritime fixed platforms

“(a) OFFENSES.—

“(1) IN GENERAL.—A person who unlawfully and intentionally—

“(A) when the purpose of the act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act—

“(i) uses against or on a fixed platform or discharges from a fixed platform any explosive or radioactive material, biological, chemical, or nuclear weapon in a manner that causes or is likely to cause death or serious injury or damage; or

“(ii) discharges from a fixed platform oil, liquefied natural gas, or another hazardous or noxious substance that is not covered by clause (i), in such quantity or concentration that causes or is likely to cause death or serious injury or damage;

“(B) injures or kills any person in connection with the commission or the attempted

commission of any of the offenses set forth in subparagraph (A); or

“(C) attempts or conspires to do anything prohibited under subparagraph (A) or (B), shall be fined under this title, imprisoned not more than 20 years, or both; and if death results to any person from conduct prohibited by this paragraph, shall be punished by death or imprisoned for any term of years or for life.

“(2) THREAT TO SAFETY.—A person who threatens, with apparent determination and will to carry the threat into execution, to do any act prohibited under paragraph (1)(A), shall be fined under this title, imprisoned not more than 5 years, or both.

“(b) JURISDICTION.—There is jurisdiction over the activity prohibited under subsection (a) if—

“(1) such activity is committed against or on board a fixed platform—

“(A) that is located on the continental shelf of the United States;

“(B) that is located on the continental shelf of another country, by a national of the United States or by a stateless person whose habitual residence is in the United States; or

“(C) in an attempt to compel the United States to do or abstain from doing any act;

“(2) during the commission of such activity against or on board a fixed platform located on a continental shelf, a national of the United States is seized, threatened, injured, or killed; or

“(3) such activity is committed against or on board a fixed platform located outside the United States and beyond the continental shelf of the United States and the offender is later found in the United States.

“(c) EXCEPTIONS.—This section shall not apply to—

“(1) the activities of armed forces during an armed conflict, as those terms are understood under the law of war, which are governed by that law; or

“(2) activities undertaken by military forces of a state in the exercise of their official duties.

“(d) DEFINITIONS.—In this section:

“(1) CONTINENTAL SHELF.—The term ‘continental shelf’ means the sea-bed and subsoil of the submarine areas that extend beyond a country’s territorial sea to the limits provided by customary international law as reflected in Article 76 of the 1982 Convention on the Law of the Sea.

“(2) FIXED PLATFORM.—The term ‘fixed platform’ means an artificial island, installation, or structure permanently attached to the sea-bed for the purpose of exploration or exploitation of resources or for other economic purposes.”

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 111 of title 18, United States Code, is amended by adding after the item relating to section 2281 the following:

“2281a. Additional offenses against maritime fixed platforms.”

#### SEC. 15. ANCILLARY MEASURES.

(a) FEDERAL CRIME OF TERRORISM.—Section 2332b(g)(5)(B) of title 18, United States Code, is amended, by striking “2281” and inserting “2280a (relating to maritime safety), 2281 through 2281a”.

(b) PROVIDING MATERIAL SUPPORT TO TERRORISTS PREDICATE.—Section 2339A(a) of title 18, United States Code, is amended by striking, “2280, 2281” and inserting, “2280, 2280a, 2281, 2281a”

(c) WIRETAP PREDICATES.—Section 2516(1)(q) of title 18, United States Code, is amended by striking “or section” and inserting “, section 2280, 2280a, 2281, or 2281(a) (relating to maritime safety), or section”.

#### Subtitle B—Prevention of Nuclear Terrorism

##### SEC. 21. ACTS OF NUCLEAR TERRORISM.

(a) IN GENERAL.—Chapter 113B of title 18, United States Code, is amended by adding after section 2332h the following:

##### “§ 2332i. Acts of nuclear terrorism

“(a) OFFENSES.—

“(1) IN GENERAL.—Any person who knowingly and unlawfully—

“(A) possesses radioactive material or makes or possesses a device—

“(i) with the intent to cause death or serious bodily injury; or

“(ii) with the intent to cause substantial damage to property or the environment; or

“(B) uses in any way radioactive material or a device, or uses or damages or interferes with the operation of a nuclear facility in a manner that causes the release of or increases the risk of the release of radioactive material, or causes radioactive contamination or exposure to radiation—

“(i) with the intent to cause death or serious bodily injury or with the knowledge that such act is likely to cause death or serious bodily injury;

“(ii) with the intent to cause substantial damage to property or the environment or with the knowledge that such act is likely to cause substantial damage to property or the environment; or

“(iii) with the intent to compel a person, an international organization or a country to do or refrain from doing an act,

shall be punished as prescribed in subsection (c).

“(2) THREATS.—Any person who, under circumstances in which the threat may reasonably be believed, threatens to commit an offense under paragraph (1) shall be punished as prescribed in subsection (c). Whoever demands possession of or access to radioactive material, a device or a nuclear facility by threat or by use of force shall be punished as prescribed in subsection (c).

“(3) ATTEMPTS AND CONSPIRACIES.—Any person who attempts to commit an offense under paragraph (1) or conspires to commit an offense under paragraphs (1) or (2) shall be punished as prescribed in subsection (c).

“(b) JURISDICTION.—Conduct prohibited by subsection (a) is within the jurisdiction of the United States if—

“(1) the prohibited conduct takes place in the United States or the special aircraft jurisdiction of the United States;

“(2) the prohibited conduct takes place outside of the United States and—

“(A) is committed by a national of the United States, a United States corporation or legal entity or a stateless person whose habitual residence is in the United States;

“(B) is committed on board a vessel of the United States or a vessel subject to the jurisdiction of the United States (as defined in section 70502 of title 46) or on board an aircraft that is registered under United States law, at the time the offense is committed; or

“(C) is committed in an attempt to compel the United States to do or abstain from doing any act, or constitutes a threat directed at the United States;

“(3) the prohibited conduct takes place outside of the United States and a victim or an intended victim is a national of the United States or a United States corporation or legal entity, or the offense is committed against any state or government facility of the United States; or

“(4) a perpetrator of the prohibited conduct is found in the United States.

“(c) PENALTIES.—Any person who violates this section shall be punished by death or imprisoned for any term of years or for life.

“(d) NONAPPLICABILITY.—This section does not apply to—

“(1) the activities of armed forces during an armed conflict, as those terms are understood under the law of war, which are governed by that law; or

“(2) activities undertaken by military forces of a state in the exercise of their official duties.

“(e) DEFINITIONS.—In this section:

“(1) ARMED CONFLICT.—The term ‘armed conflict’ has the meaning given that term in section 2332f(e)(11).

“(2) DEVICE.—The term ‘device’ means—

“(A) any nuclear explosive device; or

“(B) any radioactive material dispersal or radiation-emitting device that may, owing to its radiological properties, cause death, serious bodily injury or substantial damage to property or the environment.

“(3) INTERNATIONAL ORGANIZATION.—The term ‘international organization’ has the meaning given the term in section 831(f)(3).

“(4) MILITARY FORCES OF A STATE.—The term ‘military forces of a state’ means the armed forces of a country that are organized, trained and equipped under its internal law for the primary purpose of national defense or security and persons acting in support of those armed forces who are under their formal command, control and responsibility.

“(5) NATIONAL OF THE UNITED STATES.—The term ‘national of the United States’ has the meaning given the term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).

“(6) NUCLEAR FACILITY.—The term ‘nuclear facility’ means—

“(A) any nuclear reactor, including reactors on vessels, vehicles, aircraft or space objects for use as an energy source in order to propel such vessels, vehicles, aircraft or space objects or for any other purpose;

“(B) any plant or conveyance being used for the production, storage, processing or transport of radioactive material; or

“(C) a facility (including associated buildings and equipment) in which nuclear material is produced, processed, used, handled, stored or disposed of, if damage to or interference with such facility could lead to the release of significant amounts of radiation or radioactive material.

“(7) NUCLEAR MATERIAL.—The term ‘nuclear material’ has the meaning given the term in section 831(f)(1).

“(8) RADIOACTIVE MATERIAL.—The term ‘radioactive material’ means nuclear material and other radioactive substances that contain nuclides that undergo spontaneous disintegration (a process accompanied by emission of one or more types of ionizing radiation, such as alpha-, beta-, neutron particles and gamma rays) and that may, owing to their radiological or fissile properties, cause death, serious bodily injury or substantial damage to property or to the environment.

“(9) SERIOUS BODILY INJURY.—The term ‘serious bodily injury’ has the meaning given the term in section 831(f)(4).

“(10) STATE.—The term ‘state’ has the meaning given the term under international law, and includes all political subdivisions of the state.

“(11) STATE OR GOVERNMENT FACILITY.—The term ‘state or government facility’ has the meaning given the term in section 2332f(e)(3).

“(12) UNITED STATES CORPORATION OR LEGAL ENTITY.—The term ‘United States corporation or legal entity’ means any corporation or other entity organized under the laws of the United States or any State, Commonwealth, territory, possession or district of the United States.

“(13) VESSEL.—The term ‘vessel’ has the meaning given the term in section 1502(19) of title 33.

“(14) VESSEL OF THE UNITED STATES.—The term ‘vessel of the United States’ has the

meaning given the term in section 70502 of title 46.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 113B of title 18, United States Code, is amended by inserting after section 2332h the following:

“2332i. Acts of nuclear terrorism.”.

(c) DISCLAIMER.—Nothing contained in this section is intended to affect the applicability of any other Federal or State law that might pertain to the underlying conduct.

#### SEC. 22. AMENDMENT TO SECTION 831 OF TITLE 18, UNITED STATES CODE.

Section 831 of title 18, United States Code, is amended—

(a) in subsection (a)—

(1) by redesignating paragraphs (3) through (8) as paragraphs (4) through (9), respectively;

(2) by inserting after paragraph (2) the following:

“(3) without lawful authority, intentionally carries, sends or moves nuclear material into or out of a country;”;

(3) in paragraph (8), as redesignated, by striking “an offense under paragraph (1), (2), (3), or (4)” and inserting “any act prohibited under paragraphs (1) through (5);” and

(4) in paragraph (9), as redesignated, by striking “an offense under paragraph (1), (2), (3), or (4)” and inserting “any act prohibited under paragraphs (1) through (7);”

(b) in subsection (b)—

(1) in paragraph (1), by striking “(7)” and inserting “(8);” and

(2) in paragraph (2), by striking “(8)” and inserting “(9);”

(c) in subsection (c)—

(1) in subparagraph (2)(A), by inserting “or a stateless person whose habitual residence is in the United States” after “United States”; and

(2) in paragraph (4), by striking “or” at the end; and

(3) by striking paragraph (5) and inserting the following:

“(5) the offense is committed on board a vessel of the United States or a vessel subject to the jurisdiction of the United States (as defined in section 70502 of title 46) or on board an aircraft that is registered under United States law, at the time the offense is committed;

“(6) the offense is committed outside the United States and against any state or government facility of the United States; or

“(7) the offense is committed in an attempt to compel the United States to do or abstain from doing any act, or constitutes a threat directed at the United States.”;

(d) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively;

(e) by inserting after subsection (c) the following:

“(d) NONAPPLICABILITY.—This section shall not apply to—

“(1) the activities of armed forces during an armed conflict, as those terms are understood under the law of war, which are governed by that law; or

“(2) activities undertaken by military forces of a state in the exercise of their official duties.”; and

(f) in subsection (g), as redesignated—

(1) in paragraph (6), by striking “and” at the end;

(2) in paragraph (7), by striking the period at the end and inserting a semicolon; and

(3) by inserting after paragraph (7), the following:

“(8) the term ‘armed conflict’ has the meaning given the term in section 2332f(e)(11);

“(9) the term ‘military forces of a state’ means the armed forces of a country that are organized, trained and equipped under its in-

ternal law for the primary purpose of national defense or security and persons acting in support of those armed forces who are under their formal command, control and responsibility;

“(10) the term ‘state’ has the meaning given the term under international law, and includes all political subdivisions of the state;

“(11) the term ‘state or government facility’ has the meaning given the term in section 2332f(e)(3); and

“(12) the term ‘vessel of the United States’ has the meaning given the term in section 70502 of title 46.”.

#### SEC. 23. ANCILLARY MEASURES.

(a) FEDERAL CRIME OF TERRORISM.—Section 2332b(g)(5)(B) of title 18, United States Code, is amended by inserting “2332i (relating to acts of nuclear terrorism),” before “2339 (relating to harboring terrorists).”.

(b) PROVIDING MATERIAL SUPPORT TO TERRORISTS PREDICATE.—Section 2339A(a) of title 18, United States Code, is amended by inserting “2332i,” before “2340A.”.

(c) WIRETAP PREDICATES.—Section 2516(1)(q) of title 18, United States Code, is amended by inserting “, 2332i,” after “2332h.”.

**SA 2991.** Mr. HOEVEN (for himself, Mr. TESTER, and Mr. HATCH) submitted an amendment intended to be proposed by him 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; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

#### SEC. 1084. SENSE OF SENATE ON THE MAINTENANCE BY THE UNITED STATES OF A TRIAD OF STRATEGIC NUCLEAR DELIVERY SYSTEMS.

(a) FINDINGS.—The Senate finds the following:

(1) The April 2010 Nuclear Posture Review concluded that even with the reductions specified in the New START Treaty, the United States should retain a nuclear “Triad” of land-based intercontinental ballistic missiles, submarine-launched ballistic missiles and nuclear capable heavy bombers, noting that “[r]etaining all three Triad legs will best maintain strategic stability at reasonable cost, while hedging against potential technical problems or vulnerabilities”.

(2) The resolution of ratification for the New START Treaty, which the Senate approved on December 22, 2010, stated that “it is the sense of the Senate that United States deterrence and flexibility is assured by a robust triad of strategic delivery vehicles. To this end, the United States is committed to accomplishing the modernization and replacement of its strategic nuclear delivery vehicles, and to ensuring the continued flexibility of United States conventional and nuclear delivery systems”.

(3) In a message to the Senate on February 2, 2011, President Obama certified that he intended to “modernize or replace the triad of strategic nuclear delivery systems: a heavy bomber and air-launched cruise missile, an ICBM, and a nuclear-powered ballistic missile submarine (SSBN) and SLBM” and to “maintain the United States rocket motor industrial base”.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the United States should maintain a triad of strategic nuclear delivery systems; and

(2) the United States is committed to modernizing the component weapons and delivery systems of that triad.

**SA 2992.** Mr. HOEVEN submitted an amendment intended to be proposed by him 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; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

**SEC. 1074. MAINTENANCE OF ICBM LAUNCH FACILITY INVENTORY.**

Consistent with the treaty obligations of the United States, the Secretary of Defense shall maintain an inventory of 450 operational intercontinental ballistic missile launch facilities whether in deployed or non-deployed status.

**SA 2993.** Mrs. GILLIBRAND (for herself, Mr. LIEBERMAN, Mr. BLUMENTHAL, Mr. KERRY, Mr. BROWN of Massachusetts, Mr. BEGICH, and Mr. MENENDEZ) submitted an amendment intended to be proposed by her 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; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VII, add the following:

**SEC. 704. CERTAIN TREATMENT OF AUTISM UNDER THE TRICARE PROGRAM.**

(a) IN GENERAL.—Section 1077 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(g)(1) In providing health care under subsection (a) to a covered beneficiary described in paragraph (3)(A), the treatment of autism spectrum disorders shall include behavioral health treatment, including applied behavior analysis, when prescribed by a physician.

“(2) In carrying out this subsection, the Secretary shall ensure that—

“(A) except as provided by subparagraph (B), a person who is authorized to provide behavioral health treatment is licensed or certified by a State or accredited national certification board; and

“(B) if applied behavior analysis or other behavioral health treatment is provided by an employee or contractor of a person described in subparagraph (A), the employee or contractor shall meet minimum qualifications, training, and supervision requirements as set forth by the Secretary who shall ensure that covered beneficiaries have appropriate access to care in accordance with best practice guidelines.

“(3)(A) A covered beneficiary described in this subparagraph is a covered beneficiary who is a beneficiary by virtue of—

“(i) service in the armed forces (not including the Coast Guard);

“(ii) current service on active duty in the Coast Guard, or those members of the Coast Guard Reserve who are enrolled in the TRICARE program;

“(iii) current service on active duty in the Commissioned Corps of the National Oceanic and Atmospheric Administration or the Commissioned Corps of the Public Health Service; or

“(iv) being a dependent of a member covered by clause (i) or of a member of a service covered by clause (ii) or (iii).

“(B) Nothing in this subsection shall be construed as limiting or otherwise affecting the benefits otherwise provided under this chapter to a covered beneficiary who is a beneficiary by virtue of—

“(i) service in the Coast Guard, the Commissioned Corps of the National Oceanic and Atmospheric Administration, or the Commissioned Corps of the Public Health Service; or

“(ii) being a dependent of a member of a service described in clause (i).

“(C) This subsection shall not apply to a medicare-eligible beneficiary (as defined in section 1111(b) of this title).

“(D) Except as provided in subparagraph (C), nothing in this subsection shall be construed as limiting or otherwise affecting the benefits provided to a medicare-eligible beneficiary under—

“(i) this chapter;

“(ii) part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.); or

“(iii) any other law.”.

(b) FUNDING.—

(1) INCREASE.—The amount authorized to be appropriated for fiscal year 2013 by section 1406 and available for the Defense Health Program for Private Sector Care as specified in the funding table in section 4501 is hereby increased by \$30,000,000, with the amount of the increase to be available for the provision of care in accordance with subsection (g) of section 1077 of title 10, United States Code (as added by subsection (a) of this section).

(2) OFFSET.—The amount authorized to be appropriated for fiscal year 2013 by section 301 for Operation and Maintenance and available as specified in the funding table in section 4301 is hereby reduced by \$30,000,000.

**SA 2994.** Mr. CASEY (for himself and Mr. BEGICH) submitted an amendment intended to be proposed by him 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; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

**SEC. 1064. REPORT ON PROGRAM ON RETURN OF RARE EARTH PHOSPHORS FROM DEPARTMENT OF DEFENSE FLUORESCENT LIGHTING WASTE TO THE DOMESTIC RARE EARTH SUPPLY CHAIN.**

(a) FINDINGS.—Congress makes the following findings:

(1) In its December 2011 report entitled “Critical Materials Strategy”, the Department of Energy states that the heavy rare earth phosphors, dysprosium, europium, terbium, and yttrium, are particularly important given their relative scarcity and their importance to clean energy, energy efficiency, hybrid and electric vehicles, and advanced defense systems, among other key technologies.

(2) While new sources of production of rare earth elements show promise, these are focused primarily on the light rare earth elements.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the recycling of end-use technologies that use rare earth elements can provide near-term opportunities to recapture, re-

process, and reuse some of the rare earth elements contained in them;

(2) fluorescent lighting materials could prove to be a promising recyclable source of heavy rare earth elements;

(3) a cost-benefit analysis would be helpful in determining the viability of a Department of Defense program to recycle fluorescent lighting waste in order to increase its supplies of heavy rare earth elements; and

(4) the recycling of heavy rare earth elements may be one component of a long term strategic plan to address the global demand for such elements, without which such elements could be unnecessarily lost.

(c) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than March 1, 2013, the Secretary of Defense shall submit to the congressional defense committees a report on the results of a cost-benefit analysis on, and on recommendations concerning, the feasibility and advisability of establishing a program within the Department of Defense to—

(A) recapture fluorescent lighting waste; and

(B) make such waste available to entities that have the ability to extract rare earth phosphors, reprocess and separate them in an environmentally safe manner, and return them to the domestic rare earth supply chain.

(2) ELEMENTS.—The report required by paragraph (1) shall include analysis of measures that could be taken to—

(A) provide for the disposal and mitigation of residual mercury and other hazardous by-products to be produced by the recycling process; and

(B) address concerns regarding the potential export of heavy rare earth materials obtained from United States Government sources to non-allied nations.

**SA 2995.** Mr. PORTMAN submitted an amendment intended to be proposed by him 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; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

**SEC. 1048. ENHANCEMENT OF AUTHORITIES ON ADMISSION OF DEFENSE INDUSTRY CIVILIANS TO CERTAIN DEPARTMENT OF DEFENSE EDUCATIONAL INSTITUTIONS AND PROGRAMS.**

(a) NAVY DEFENSE PRODUCT DEVELOPMENT PROGRAM.—Section 7049(a) of title 10, United States Code, is amended—

(1) in the second sentence, by inserting “or professional continuing education certificate” after “master’s degree”;

(2) in the third sentence, by striking “125 such defense industry employees” and inserting “250 such defense industry employees”; and

(3) in the last sentence, by inserting before the period at the end the following: “or an appropriate professional continuing education certificate, as applicable”.

(b) UNITED STATES AIR FORCE INSTITUTE OF TECHNOLOGY.—Section 9314a(a) of such title is amended—

(1) in paragraph (1), by inserting “or professional continuing education certificate” after “graduate degree”;

(2) in paragraph (2), by striking “125 defense industry employees” and inserting “250 defense industry employees”; and



(3) in paragraph (3), by inserting before the period at the end the following: “or an appropriate professional continuing education certificate, as applicable”.

**SA 2996.** Mr. ROCKEFELLER submitted an amendment intended to be proposed by him 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; which was ordered to lie on the table; as follows:

Beginning on page 590, strike line 11 and all that follows through page 595, line 7, and insert the following:

**SEC. 3501. SHORT TITLE.**

This title may be cited as the “Maritime Administration Authorization Act for Fiscal Year 2013”.

**SEC. 3502. CONTAINER-ON-BARGE TRANSPORTATION.**

(a) **ASSESSMENT.**—The Administrator of the Maritime Administration shall assess the potential for using container-on-barge transportation in short sea transportation (as such term is defined in section 55605 of title 46, United States Code).

(b) **FACTORS.**—In conducting the assessment under subsection (a), the Administrator shall consider—

(1) the environmental benefits of increasing container-on-barge movements in short sea transportation;

(2) the regional differences in the use of short sea transportation;

(3) the existing programs established at coastal and Great Lakes ports for establishing awareness of deep sea shipping operations;

(4) the mechanisms necessary to ensure that implementation of a plan under subsection (c) will not be inconsistent with anti-trust laws; and

(5) the potential frequency of container-on-barge service at short sea transportation ports.

(c) **RECOMMENDATIONS.**—The assessment under subsection (a) may include recommendations for a plan to increase awareness of the potential for use of container-on-barge transportation.

(d) **DEADLINE.**—Not later than 180 days after the date of enactment of this title, the Administrator shall submit the assessment required under this section to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

**SEC. 3503. SHORT SEA TRANSPORTATION.**

(a) **PURPOSE.**—Section 55601 of title 46, United States Code, is amended—

(1) in subsection (a), by striking “landside congestion.” and inserting “landside congestion or to promote short sea transportation.”;

(2) in subsection (c), by striking “coastal corridors” and inserting “coastal corridors or to promote short sea transportation”;

(3) in subsection (d), by striking “that the project may” and all that follows through the end of the subsection and inserting “that the project uses documented vessels and—

“(1) mitigates landside congestion; or

“(2) promotes short sea transportation.”;

and

(4) in subsection (f), by striking “shall” each place it appears and inserting “may”.

(b) **DOCUMENTATION.**—Section 55605 of title 46, United States Code, is amended in the

matter preceding paragraph (1) by striking “by vessel” and inserting “by a documented vessel”.

**SEC. 3504. MARITIME ENVIRONMENTAL AND TECHNICAL ASSISTANCE.**

(a) **IN GENERAL.**—Chapter 503 of title 46, United States Code, is amended by adding at the end the following:

**“§ 50307. Maritime environmental and technical assistance**

“(a) **IN GENERAL.**—The Secretary of Transportation may engage in the environmental study, research, development, assessment, and deployment of emerging marine technologies and practices related to the marine transportation system through the use of public vessels under the control of the Maritime Administration or private vessels under United States registry, and through partnerships and cooperative efforts with academic, public, private, and non-governmental entities and facilities.

“(b) **REQUIREMENTS.**—The Secretary of Transportation may—

“(1) identify, study, evaluate, test, demonstrate, or improve emerging marine technologies and practices that are likely to achieve environmental improvements by—

“(A) reducing air emissions, water emissions, or other ship discharges;

“(B) increasing fuel economy or the use of alternative fuels and alternative energy (including the use of shore power); or

“(C) controlling aquatic invasive species; and

“(2) coordinate with the Environmental Protection Agency, the United States Coast Guard, and other Federal, State, local, or tribal agencies, as appropriate.

“(c) **COORDINATION.**—Coordination under subsection (b)(2) may include—

“(1) activities that are associated with the development or approval of validation and testing regimes; and

“(2) certification or validation of emerging technologies or practices that demonstrate significant environmental benefits.

“(d) **ASSISTANCE.**—The Secretary of Transportation may accept gifts, or enter into cooperative agreements, contracts, or other agreements with academic, public, private, and non-governmental entities to carry out the activities authorized under subsection (a).”.

(b) **CONFORMING AMENDMENT.**—The table of contents for chapter 503 of title 46, United States Code, is amended by inserting after the item relating to section 50306 the following:

“50307. Maritime environmental and technical assistance.”.

**SEC. 3505. IDENTIFICATION OF ACTIONS TO ENABLE QUALIFIED UNITED STATES FLAG CAPACITY TO MEET NATIONAL DEFENSE REQUIREMENTS.**

Section 501(b) of title 46, United States Code, is amended—

(1) by striking “When the head” and inserting the following:

“(1) **IN GENERAL.**—When the head”; and

(2) by adding at the end the following:

“(2) **DETERMINATIONS.**—The Maritime Administrator shall—

“(A) for each determination referred to in paragraph (1), identify any actions that could be taken to enable qualified United States flag capacity to meet national defense requirements;

“(B) provide notice of each such determination to the Secretary of Transportation and the head of the agency referred to in paragraph (1) for which the determination is made; and

“(C) publish each such determination on the Internet Web site of the Department of Transportation not later than 48 hours after notice of the determination is provided to the Secretary of Transportation.

“(3) **NOTICE TO CONGRESS.**—

“(A) **IN GENERAL.**—The head of an agency referred to in paragraph (1) shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate—

“(i) of any request for a waiver of the navigation or vessel-inspection laws under this section not later than 48 hours after receiving such a request; and

“(ii) of the issuance of any such waiver not later than 48 hours after such issuance.

“(B) **CONTENTS.**—Such head of an agency shall include in each notification under subparagraph (A)(ii) an explanation of—

“(i) the reasons the waiver is necessary; and

“(ii) the reasons actions referred to in paragraph (2)(A) are not feasible.”.

**SEC. 3506. MARITIME WORKFORCE STUDY.**

(a) **TRAINING STUDY.**—The Comptroller General of the United States shall conduct a study on the training needs of the maritime workforce.

(b) **STUDY COMPONENTS.**—The study shall—

(1) analyze the impact of maritime training requirements imposed by domestic and international regulations and conventions, companies, and government agencies that charter or operate vessels;

(2) evaluate the ability of the United States maritime training infrastructure to meet the needs of the maritime industry;

(3) identify trends in maritime training;

(4) compare the training needs of United States mariners with the vocational training and educational assistance programs available from Federal agencies to evaluate the ability of Federal programs to meet the training needs of United States mariners;

(5) include recommendations to enhance the capabilities of the United States maritime training infrastructure; and

(6) include recommendations to assist United States mariners and those entering the maritime profession to achieve the required training.

(c) **FINAL REPORT.**—Not later than 1 year after the date of enactment of this title, the Comptroller General shall submit a report on the results of the study to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

**SEC. 3507. MARITIME ADMINISTRATION VESSEL RECYCLING CONTRACT AWARD PRACTICES.**

(a) **IN GENERAL.**—Not later than 12 months after the date of enactment of this title, the Comptroller General of the Government Accountability Office shall conduct an assessment of the source selection procedures and practices used to award the Maritime Administration's National Defense Reserve Fleet vessel recycling contracts. The Comptroller General shall assess the process, procedures, and practices used for the Maritime Administration's qualification of vessel recycling facilities. The Comptroller General shall report the findings to the Committee on Commerce, Science, and Transportation and the Committee on Armed Services of the Senate, and the Committee on Transportation and Infrastructure and the Committee on Armed Services of the House of Representatives.

(b) **ASSESSMENT.**—The assessment under subsection (a) shall include a review of whether the Maritime Administration's contract source selection procedures and practices are consistent with law, the Federal Acquisition Regulations (FAR), and Federal best practices associated with making source selection decisions.

(c) **CONSIDERATIONS.**—In making the assessment under subsection (a), the Comptroller

General may consider any other aspect of the Maritime Administration's vessel recycling process that the Comptroller General deems appropriate to review.

#### SEC. 3508. REQUIREMENT FOR BARGE DESIGN.

Not later than 270 days after the date of enactment of this title, the Administrator of the Maritime Administration shall complete the design for a containerized, articulated barge, as identified in the dual-use vessel study carried out by the Administrator and the Secretary of Defense, that is able to utilize roll-on/roll-off or load-on/load-off technology in marine highway maritime commerce.

#### SEC. 3509. ELIGIBILITY TO RECEIVE SURPLUS TRAINING EQUIPMENT.

Section 51103(b)(2)(C) of title 46, United States Code, is amended by inserting "or a training institution that is an instrumentality of a State, Territory, or Commonwealth of the United States or District of Columbia or a unit of local government thereof" after "a non-profit training institution".

**SA 2997.** Mr. CASEY (for himself and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by him 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; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

#### SEC. 1048. TRANSITION ASSISTANCE ADVISOR PROGRAM.

(a) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—Chapter 58 of title 10, United States Code, is amended by inserting after section 1144 the following new section:

##### "§ 1144A. Transition Assistance Advisors

"(a) IN GENERAL.—The Secretary of Defense shall establish as part of the Transition Assistance Program (TAP) a Transition Assistance Advisor (TAA) program to provide professionals in each State to serve as statewide points of contact to assist members of the armed forces in accessing benefits and health care furnished under laws administered by the Secretary of Defense and benefits and health care furnished under laws administered by the Secretary of Veterans Affairs.

"(b) NUMBER OF ADVISORS.—The Secretary of Defense shall ensure that the minimum number of Transition Assistance Advisors in each State is as follows:

"(1) During the period beginning 180 days before the commencement of a contingency operation (or, if later, as soon before as is otherwise practicable) and ending 180 days after the conclusion of such contingency operation—

"(A) in the case of a State with fewer than 1,500 members of the Army National Guard of the United States and the Air National Guard of the United States residing in the State, not less than one Transition Assistance Advisor; and

"(B) in the case of a State with 1,500 or more members of the Army National Guard of the United States and the Air National Guard of the United States who reside in such State, not less than one Transition Assistance Advisor for each 1,500 members of the Army National Guard of the United States and the Air National Guard of the United States who reside in such State.

"(2) At any time not covered by paragraph (1)—

"(A) in the case of a State with fewer than 5,000 members of the Army National Guard of the United States and the Air National Guard of the United States residing in the State, not less than one Transition Assistance Advisor; and

"(B) in the case of a State with 5,000 or more members of the Army National Guard of the United States and the Air National Guard of the United States who reside in such State, not less than one Transition Assistance Advisor for each 1,500 members of the Army National Guard of the United States and the Air National Guard of the United States who reside in such State.

"(c) DUTIES.—The duties of a Transition Assistance Advisor includes the following:

"(1) To assist with the creation and execution of individual transition plans for members of the National Guard described in subsection (d)(2) and their families for the reintegration of such members into civilian life.

"(2) To provide employment support services to members of the National Guard and their families, including assistance with discovering employment opportunities and identifying and obtaining assistance from programs within and outside of the Federal Government.

"(3) Provide information on relocation, health care, mental health care, and financial support services available to members of the National Guard or their families from the Department of Defense, the Department of Veterans Affairs, and other Federal, State, and local agencies.

"(4) Provide information on educational support services available to members of the National Guard, including Post-9/11 Educational Assistance under chapter 33 of title 38.

"(d) TRANSITION PLANS.—(1) Each individual plan created under subsection (c)(1) for a member of the National Guard described in paragraph (2) shall include the following:

"(A) A plan for the transition of the member to life in the civilian world, including with respect to employment, education, and health care.

"(B) A description of the transition services that the member and the member's family will need to achieve their transition objectives, including information on any forms that such member will need to fill out to be eligible for such services.

"(C) A point of contact for each agency or entity that can provide the transition services described in subparagraph (B).

"(2) A member of the National Guard described in this paragraph is any member of the National Guard who has served on active duty in the armed forces for a period of more than 180 days.

"(e) STATE DEFINED.—In this section, the term 'State' means each of the several States of the United States, the District of Columbia, and any territory of the United States.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section—

"(1) \$10,000,000 for fiscal year 2013; and

"(2) such sums as may be necessary for each fiscal year thereafter."

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 58 of such title is amended by inserting after the item relating to section 1144 the following new item:

"1144A. Transition Assistance Advisors."

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth a description of the efforts of the Secretary to implement the

requirements of section 1144A of title 10, United States Code, as added by subsection (a)(1).

**SA 2998.** Ms. AYOTTE (for herself, Mr. INHOFE, and Mr. CHAMBLISS) submitted an amendment intended to be proposed by her 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; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

#### SEC. 1032. PROHIBITION ON USE OF FUNDS FOR THE TRANSFER OR RELEASE OF INDIVIDUALS FROM UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

None of the funds authorized to be appropriated by this Act for fiscal year 2013 may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions of Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after January 20, 2009, at United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

**SA 2999.** Ms. AYOTTE (for herself, Mr. LIEBERMAN, Mr. INHOFE, and Mr. CHAMBLISS) submitted an amendment intended to be proposed by her 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; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

#### SEC. 1032. PLAN FOR LONG-TERM DETENTION FACILITY OUTSIDE THE UNITED STATES FOR DETENTION OF INDIVIDUALS DETAINED IN THE GLOBAL WAR ON TERRORISM.

(a) PLAN REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense and the Director of National Intelligence shall jointly submit to the appropriate committees of Congress a plan for the identification or establishment of a facility outside the United States as the location for the long-term detention by the United States, consistent with the laws of war, of foreign members of al Qaeda and associated forces who are captured outside Afghanistan. The location of the long-term detention shall be identified or established by not later than 180 days after the date of the enactment of this Act.

(b) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

**SA 3000.** Mr. WICKER submitted an amendment intended to be proposed by him 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; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VIII, add the following:

**SEC. 888. ASSESSMENT OF EFFECTS OF FOREIGN BOYCOTTS ON INDUSTRIAL BASE.**

Section 2505 of title 10, United States Code, is amended—

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

(2) by inserting after subsection (c) the following new subsection (d):

“(d) **ASSESSMENT OF EXTENT OF EFFECTS OF FOREIGN BOYCOTTS.**—Each assessment under subsection (a) shall include a separate discussion and presentation regarding the extent to which the national technology and industrial base is affected by foreign boycotts. The discussion and presentation regarding foreign boycotts shall—

“(1) identify sectors of the national technology and industrial base being affected by foreign boycotts;

“(2) assess the harm to the national technology and industrial base as a result of such boycotts; and

“(3) identify actions necessary to minimize the effects of foreign boycotts on the national technology and industrial base.”.

**SA 3001.** Mr. WICKER submitted an amendment intended to be proposed by him 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; which was ordered to lie on the table; as follows:

On page 550, beginning on line 15, strike “; and” and all that follows through line 16 and insert the following: “;

(2) by inserting “or fiscal year 2013” after “fiscal year 2012”; and

(3) by inserting before the period at the end the

**SA 3002.** Mr. WICKER submitted an amendment intended to be proposed by him 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; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XXVIII, add the following:

**SEC. 2824. PROHIBITION ON USE OF FUNDS FOR IMPLEMENTATION OF CERTAIN GREEN BUILDING STANDARDS.**

No funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense for fiscal year 2013 may be obligated or expended to implement or use green building rating standards unless the standards—

(1)(A) are developed in accordance with rules accredited by the American National Standards Institute; and

(B) are approved as American National Standards; or

(2) incorporate and document the use of lifecycle assessment in the evaluation of building materials.

**SA 3003.** Ms. AYOTTE (for herself, Mr. LIEBERMAN, and Ms. COLLINS) submitted an amendment intended to be proposed by her 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; which was ordered to lie on the table; as follows:

At the end of subtitle C of title II, add the following:

**SEC. 238. MISSILE DEFENSE SITE ON THE EAST COAST OF THE UNITED STATES.**

(a) **CONSIDERATION OF LOCATION.**—

(1) **STUDY.**—Not later than December 31, 2013, the Secretary of Defense shall conduct a study evaluating three possible locations selected by the Director of the Missile Defense Agency for a covered missile defense site on the East Coast of the United States.

(2) **EIS.**—The Secretary shall prepare an environmental impact statement in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for each location evaluated under paragraph (1).

(3) **LOCATION.**—In selecting the three possible locations for a covered missile defense site under paragraph (1), the Secretary should—

(A) take into consideration—

(i) the strategic location of the proposed site; and

(ii) the proximity of the proposed site to major population centers; and

(B) give priority to a proposed site that—

(i) is operated or supported by the Department of Defense;

(ii) lacks encroachment issues; and

(iii) has a controlled airspace.

(b) **PLAN.**—

(1) **IN GENERAL.**—The Director of the Missile Defense Agency shall develop a plan to deploy an appropriate missile defense interceptor for a missile defense site on the East Coast.

(2) **MATTERS INCLUDED.**—In developing the plan under paragraph (1), the Director—

(A) shall evaluate the use of—

(i) two-stage or three-stage Ground-Based Interceptors (GBIs);

(ii) Standard Missile-3 interceptors, including block IA, block IB, and for a later deployment, block IIA or block IIB interceptors; and

(iii) any other system the Director determines to be better suited to defend against future long-range missile threats;

(B) should consider both land and sea-based options; and

(C) shall develop cost estimates for each option considered.

(3) **SUBMITTAL.**—The plan shall be submitted to Congress together with the budget of the President for fiscal year 2014, as submitted to Congress under section 1105(a) of title 31, United States Code.

(c) **COVERED MISSILE DEFENSE SITE DEFINED.**—In this section, the term “covered missile defense site” means a missile defense site that uses—

(1) Ground-Based Interceptors;

(2) Standard Missile-3 interceptors; or

(3) any other system the Director of the Missile Defense Agency determines to be better suited to defend against future long-range missile threats.

**SA 3004.** Ms. AYOTTE (for herself, Mr. CHAMBLISS, and Mr. INHOFE) submitted an amendment intended to be proposed by her 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; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, insert the following:

**SEC. 1032. REQUIRED NOTIFICATION OF CONGRESS WITH RESPECT TO THE INITIAL CUSTODY AND FURTHER DISPOSITION OF MEMBERS AL-QAEDA AND ASSOCIATED FORCES.**

(a) **REQUIRED NOTIFICATION WITH RESPECT TO INITIAL CUSTODY.**—

(1) **IN GENERAL.**—When a covered person, as defined in section 1022(a)(2) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 10 U.S.C. 801 note), is taken into the custody of the United States Government, the Secretary of Defense and the Director of National Intelligence shall notify the specified congressional committees, as defined in subsection (c), within 10 days.

(2) **REPORTING REQUIREMENT.**—The notification submitted pursuant to paragraph (1) shall include, at a minimum, the suspect's name, nationality, date of capture or transfer to the United States, location of capture, places of custody since capture or transfer, suspected terrorist affiliation and activities, and agency responsible for interrogation.

(b) **REQUIRED NOTIFICATION WITH RESPECT TO FURTHER DISPOSITION.**—

(1) **IN GENERAL.**—Not later than 10 days after the United States Government makes a determination regarding the intended disposition of a covered person under section 1021(c) of the National Defense Authorization Act for Fiscal Year 2012 (10 U.S.C. 801 note), the Secretary of Defense and the Director of National Intelligence shall notify and inform the specified congressional committees of the intended disposition of the covered person.

(2) **REPORTING REQUIREMENT.**—The notification submitted pursuant to paragraph (1) shall include the relevant facts, justification, and rationale that serves as the basis for the disposition option chosen.

(c) **SPECIFIED CONGRESSIONAL COMMITTEES.**—In this section, the term “specified congressional committees” means—

(1) the Committee on Armed Services of the Senate;

(2) the Committee on Armed Services of the House of Representatives;

(3) the Select Committee on Intelligence of the Senate; and

(4) the Permanent Select Committee on Intelligence of the House of Representatives.

(d) **EFFECTIVE DATE.**—This section shall take effect 60 days after the date of the enactment of this Act, and shall apply with respect to persons described in section 1022(a)(2) of the National Defense Authorization Act for Fiscal Year 2012 who are taken into the custody or brought under the control of the United States on or after that date.

**SA 3005.** Ms. AYOTTE (for herself, Mr. CHAMBLISS, and Mr. INHOFE) submitted an amendment intended to be proposed by her 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; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

**SEC. 1032. PROHIBITION ON USE OF FUNDS TO PURCHASE FACILITIES IN THE UNITED STATES TO HOUSE DETAINEES TRANSFERRED FROM UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.**

(a) **PROHIBITION.**—Subsection (a) of section 1026 of the National Defense Authorization Act for Fiscal Year 2012, as amended by section 1031(a) of this Act, is further amended by striking “or modify” and inserting “, modify, or purchase”.

(b) **FUNDS COVERED BY PROHIBITION.**—Such subsection is further amended by striking “to the Department of Defense”.

(c) **CONFORMING AMENDMENT.**—The heading of such section 1026 is amended by striking “OR MODIFY” and inserting “, MODIFY, OR PURCHASE”.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date of the enactment of this Act.

**SA 3006.** Ms. SNOWE (for herself, and Mr. BEGICH,) submitted an amendment intended to be proposed by her 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; which was ordered to lie on the table; as follows:

Beginning on page 542, strike line 3 and all that follows through page 543, line 2, and insert the following:

**SEC. 2704. LIMITATIONS ON BASE CLOSURE AND REALIGNMENT ACTIVITIES AND CRITERIA FOR CERTAIN DECISIONS INVOLVING SUCH ACTIVITIES.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) In 2012, the Department of Defense requested additional rounds of defense base closure and realignment in 2013 and 2015.

(2) There have been five rounds of defense base closure and realignment (BRAC) in the last 25 years (1988, 1991, 1993, 1995, and 2005).

(3) Congress has not approved additional rounds of base closure and realignment to occur after 2005, and recognizes that the 2005 round incurred substantial costs that will not be offset by savings for nearly two decades.

(4) According to the Government Accountability Office, implementation of the 2005 round of defense base closure and realignment cost \$35,100,000,000, or approximately \$14,100,000,000 more than was estimated by the 2005 Base Closure and Realignment Commission.

(5) Furthermore, the Government Accountability Office has determined that the 2005 round of defense base closure and realignment will take 17 years before taxpayers realize net savings from the round.

(6) On March 8, 2012, defending the President's request for additional rounds of defense base closure and realignment in testimony before the Committee on Armed Services of the House of Representatives, Dr. Dorothy Robyn, Deputy Undersecretary of Defense for Installations and Environment,

asserted that the Department of Defense would close military installations using non-BRAC authorities, stating that “if Congress does not authorize additional BRAC rounds the department will be forced to use its existing authorities to begin to realign and close bases”.

(7) The Department of Defense may close or realign bases only if a round of defense base closure and realignment is carried out in compliance with sections 2687 and 993 of title 10, United States Code.

(8) Section 2687 of title 10, United States Code, contains ambiguous language, leading the Department of Defense to pursue significant closures and realignments without congressional approval or an authorization for a round of defense base closure and realignment.

(9) Sections 2687 and 993 of title 10, United States Code, contain single action limits on reductions that are too easily circumvented by cumulative actions.

(10) As demonstrated by BRAC and other closure and realignment actions, base closures and realignments can have significant effects on Department of Defense functions, current and future operational capabilities, and on host communities and States.

(11) Recommendations for closures and realignments should be carried out only with the consent of Congress, which has the constitutional responsibility to “raise and support Armies,” “provide and maintain a Navy,” “make Rules for the Government and Regulation of the land and naval Forces,” and “provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States”.

(b) **LIMITATIONS ON BASE CLOSURE AND REALIGNMENT ACTIVITIES.**—Section 2687 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “at which at least 300 civilian personnel are authorized to be employed”;

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

“(2) any realignment with respect to any military installation involving a reduction in the number of military and civilian personnel authorized to be employed at such military installation at the time the Secretary of Defense notifies Congress under subsection (b) of the Secretary's proposal to close or realign such installation by more than the lesser of—  
“(A) 100; or  
“(B) 50 percent of the highest number of military and civilian personnel assigned to such installation during any of the previous 4 years; or”;

(C) in paragraph (3)—  
(i) by striking “other than a military installation referred to in clause (1) or (2)”;

(ii) by inserting “military or” before “civilian personnel”; and  
(iii) by striking “to which clause (1) or (2)” and inserting “to which paragraph (1) or (2)”;

(2) in subsection (b)—  
(A) by striking “referred to in such subsection”;

(B) in paragraph (1)—  
(i) by striking “or the Secretary of the military department concerned”;

(ii) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (D), respectively;

(iii) by inserting before subparagraph (B), as redesignated by clause (ii), the following new subparagraph:

“(A) a justification for the proposed action”;

(iv) in subparagraph (B), as so redesignated, by striking “; and” and inserting a semicolon;

(v) by inserting after subparagraph (B), as so redesignated, the following new subparagraph:

“(C) a description of the alternatives considered”;

(vi) in clause (ii) of subparagraph (D), as so redesignated, by striking “; and” and inserting a semicolon; and

(vii) by inserting after subparagraph (D), as so redesignated, the following new subparagraphs:

“(E) an estimate of the number of military, civilian, and contractor personnel affected by the proposed action; and

“(F) a plan to provide support for affected communities; and”;

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

“(2) Congress has enacted legislation expressly authorizing the action.”;

(3) in subsection (c)—

(A) by striking “shall not apply to the closure” and inserting the following: “shall not apply—

“(1) to the closure”;

(B) by striking “or a military emergency.” and inserting “or a military emergency; or”;

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

“(2) to the relocation from a military installation of personnel or functions that are required to support the deployment of members of the armed forces, provided that such personnel and functions are returned to the military installation after the deployment.”;

(4) in subsection (d), by striking “(1) After the expiration” and all that follows through “(2) Nothing in this section” and inserting “Nothing in this section”;

(5) in subsection (e)—

(A) in paragraph (1), by inserting “and any public land under Bureau of Land Management control that is withdrawn and reserved for military training and testing” after “including any leased facility”;

(B) by amending paragraph (3) to read as follows:

“(3) The term ‘realignment’ includes any action or combination of actions within a 4-year period that reduces or relocates functions and military or civilian personnel positions, but does not include a reduction in force resulting from a reduction in military end strength levels or a reduction in total civilian personnel levels.”;

(C) by striking paragraph (4); and

(D) by adding at the end the following new paragraph:

“(4) The term ‘closure’ includes any action or combination of actions that results in the elimination of all active functions at a military installation, the elimination of all military and civilian personnel positions at a military installation, or the placement of a military installation into non-active status.”;

(6) by adding at the end the following new subsections:

“(g) For purposes of this section, the component bases of a joint base shall be considered as independent military installations, and not collectively as a single military installation.

“(h) For purposes of this section, any leased space in which more than 300 combined military and civilian personnel are housed shall be considered to be an independent military installation, and shall not be considered part of a larger military installation. Functions and personnel located at a leased space may be transferred to another leased space located within 50 miles or to the nearest military installation located within 50 miles notwithstanding any limitations in this section.”.

(c) **CRITERIA.**—Not later than March 31, 2013, the Comptroller General of the United

States shall submit to the congressional defense committees a report including objective criteria to be used by the Department of Defense to make decisions relating to realignments of units employed at military installations that are not covered by the requirements of section 2687 of title 10, United States Code, and closures of military installations that are not covered by such requirements.

(d) **ONE-YEAR MORATORIUM ON CERTAIN ACTIONS RESULTING IN PERSONNEL REDUCTIONS.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), no action may be taken before October 1, 2013, that would result in a military installation covered under paragraph (1) of section 2687(a) of title 10, United States Code, to no longer be covered by such paragraph.

(2) **NATIONAL SECURITY WAIVER.**—The Secretary of Defense may waive the prohibition under paragraph (1) if the Secretary certifies that in the national security interests of the United States.

(e) **RULE OF CONSTRUCTION.**—Nothing in this Act or the amendments made by this Act may be construed to authorize a round of defense base closure and realignment.

(f) **PROHIBITION ON USE OF FUNDS.**—None of the amounts authorized to be appropriated by this Act may be obligated or expended to consider a round of defense base closure and realignment.

**SA 3007.** Mr. SESSIONS submitted an amendment intended to be proposed by him 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; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1084. SENSE OF THE SENATE ON NEGOTIATING CONCESSIONS WITH TERRORISTS.**

(a) **FINDINGS.**—The Senate makes the following findings:

(1) The United States has a longstanding policy of opposing negotiations with terrorists and terrorist organizations on concessions of any kind, including ransom demands, prisoner releases, and hostage exchanges. This longstanding policy has been repeated by numerous administrations over the past four decades.

(2) For example, at an August 4, 1975, meeting between President Gerald Ford and Secretary of State Henry Kissinger and President of Yugoslavia Josip Tito, Secretary Kissinger explained that the United States' "position is, as it has always been, that we refuse to negotiate and to pay ransom in these cases. We do this in order not to encourage the capture of other Americans for the same purpose."

(3) In his comments to President Tito, Secretary Kissinger explained the basis for the United States' policy, as well as his expectation that the United States would never change this no-negotiation policy: "The American Government will always refuse to negotiate because that is the only way we can keep demands from being made upon us."

(4) In the same conversation, President Ford said, "It's our strong feeling that if we were to breach this hard line that we take there would be no end to the demands being made upon us. We have to be tough and that is right in the long run."

(5) On January 20, 1986, President Ronald Reagan issued National Security Decision Directive Number 207, which prohibits negotiations with terrorist organizations regarding the release of hostages.

(6) National Security Decision Directive 207 sets forth in unequivocal terms the United States' "firm opposition to terrorism in all its forms" and makes clear the government's "conviction that to accede to terrorist demands places more American citizens at risk. This no-concessions policy is the best way of protecting the greatest number of people and ensuring their safety."

(7) National Security Decision Directive 207 continues to say: "The [United States Government] will pay no ransoms, nor permit releases of prisoners or agree to other conditions that could serve to encourage additional terrorism. We will make no changes in our policy because of terrorist threats or acts."

(8) Department of State Publication 10217, which was released in similar formats by the administrations of George H.W. Bush in 1991 and Bill Clinton in 1994, espouses the same no-concessions policy and makes clear the United States "will not support the freeing of prisoners from incarceration in response to terrorist demands".

(9) On April 4, 2002, President George W. Bush said, "Terror must be stopped. No nation can negotiate with terrorists, for there is no way to make peace with those whose only goal is death."

(10) Secretary of State Hillary Clinton, while serving in the United States Senate, wrote in 2007 that the United States "cannot negotiate with individual terrorists; they must be hunted down and captured or killed".

(b) **SENSE OF THE SENATE.**—It is the sense of the Senate that—

(1) the United States Government should firmly maintain its longstanding policy against negotiating with terrorists and terrorist organizations on any concession or demand; and

(2) any abandonment or weakening of this policy would endanger the safety of United States citizens, including members of the Armed Forces, and increase terrorist kidnappings, hostage demands, and murders.

**SA 3008.** Mr. SESSIONS submitted an amendment intended to be proposed by him 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; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

**SEC. 1064. REPORTING ON NEGOTIATIONS WITH TERRORISTS.**

(a) **DEFINITIONS.**—In this section:

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

(A) the Select Committee on Intelligence and the Committee on Armed Services of the Senate; and

(B) the Permanent Select Committee on Intelligence and the Committee on Armed Services of the House of Representatives.

(2) **CONCESSION.**—The term "concession" shall include any discussion or demand for payment or ransom, the withdrawal of United States military or diplomatic presence, or the release of any prisoner or detainee held by the United States.

(3) **NEGOTIATIONS WITH TERRORISTS.**—The term "negotiations with terrorists" shall in-

clude any direct or indirect negotiation with any person or organization that—

(A) has been designated by the United States, including any department or agency of the United States, as a person or organization that commits, threatens to commit, or supports terrorism;

(B) has engaged in any activity that would render the person or the organization inadmissible under section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)); or

(C) is part of al Qaeda or affiliated with al Qaeda through any council or activity.

(b) **REPORTING REQUIREMENT.**—

(1) **INITIAL REPORT.**—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall submit to the appropriate congressional committees a report that identifies any instance within the previous 300 days in which the United States engaged in negotiations with terrorists regarding any person held in the custody of the United States or allied forces.

(2) **PERIODIC REPORTS.**—If any employee, agent, or representative of the Department of Defense or the Department of State engages in, authorizes, or cooperates in any way with negotiations with terrorists regarding any person held in the custody of the United States or allied forces, the Secretary of Defense or the Secretary of State, as the case may be, shall submit a report to the appropriate committees of Congress within 30 days.

(3) **CONTENT.**—A report under this subsection shall include all relevant facts, including—

(A) the name of each terrorist person or organization at issue;

(B) the name of any prisoner, detainee, or hostage who was the subject of such negotiations;

(C) the concessions demanded or discussed during the negotiations;

(D) the name of any government or third party involved in the negotiations; and

(E) the outcome of the negotiations.

(4) **FORM.**—The report shall be submitted in unclassified form, but may include a classified annex.

**SA 3009.** Mr. SESSIONS submitted an amendment intended to be proposed by him 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; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XII, add the following:

**SEC. 1221. CONGRESSIONAL REVIEW OF BILATERAL SECURITY AGREEMENT WITH AFGHANISTAN.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) The Authorization for the Use of Military Force (Public Law 107-40; 115 Stat. 224) authorizes the President to use all necessary and appropriate force against those nations, organizations, or persons the President determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations, or persons.

(2) President Barack Obama and Secretary of Defense Leon Panetta have stated that the United States continues to fight in Afghanistan to defeat the al Qaeda threat and

the Taliban, which harbored al Qaeda in Afghanistan, where the attacks of September 11, 2001, were planned and where the attackers received training.

(3) On May 1, 2012, the United States entered into the “Enduring Strategic Partnership Agreement Between the United States of America and the Islamic Republic of Afghanistan”, which establishes an enduring strategic partnership between the United States and the Islamic Republic of Afghanistan.

(4) The Agreement reaffirms the presence and operations of United States Armed Forces in Afghanistan, and establishes long-term commitments between the two countries, including the continued commitment of United States forces and political and financial support to the Government of Afghanistan.

(5) The Agreement also commits the United States to establishing a long-term Bilateral Security Agreement, with the goal of concluding a Bilateral Security Agreement within one year to supersede the present Status of Forces agreements with the Islamic Republic of Afghanistan.

(6) Congress was not consulted regarding the framework or substance of the Agreement.

(7) In the past, Congress has been consulted, and, in some cases, has provided its advice and consent to ratification of such agreements, including those where the use of force was not authorized nor required in the country.

(b) **NOTIFICATION REQUIREMENT.**—Not later than 30 days before entering into any Bilateral Security Agreement or other agreement with the Islamic Republic of Afghanistan that will affect the Status of Forces agreements and long-term commitments between the United States and the Islamic Republic of Afghanistan, the President shall submit the agreement to the appropriate congressional committees for review. If the President fails to comply with such requirement, 50 percent of the unobligated balance of the amounts appropriated or otherwise made available for the Executive Office of the President shall be withheld.

(c) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

**SA 3010.** Mr. SESSIONS submitted an amendment intended to be proposed by him 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; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

**SEC. 1032. NOTICE AND REPORT ON USE OF NAVAL VESSELS FOR DETENTION OF INDIVIDUALS CAPTURED PURSUANT TO THE AUTHORIZATION FOR USE OF MILITARY FORCE.**

(a) **NOTICE TO CONGRESS.**—Not later than five days after first detaining an individual who is captured pursuant to the Authorization for Use of Military Force (Public Law 107-40; 50 U.S.C. 1541 note) on a naval vessel outside the United States, the Secretary of

Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a notice of the detention.

(b) **REPORT.**—

(1) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the use of naval vessels for the detention outside the United States of any individual who is captured pursuant to the Authorization for Use of Military Force. Such report shall include—

(A) procedures and any limitations on detaining such individuals at sea on board United States naval vessels;

(B) an assessment of any force protection issues associated with detaining such individuals on such vessels;

(C) an assessment of the likely effect of such detentions on the original mission of the naval vessel; and

(D) any restrictions on long-term detention of individuals on United States naval vessels.

(2) **FORM OF REPORT.**—The report required under paragraph (1) shall be submitted in unclassified form, but may contain a classified annex.

**SA 3011.** Mr. SESSIONS submitted an amendment intended to be proposed by him 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; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

**SEC. 1032. NOTICE REQUIRED PRIOR TO TRANSFER OF CERTAIN INDIVIDUALS DETAINED AT THE DETENTION FACILITY AT PARWAN, AFGHANISTAN.**

(a) **NOTICE REQUIRED.**—The Secretary of Defense shall submit to the appropriate congressional committees notice in writing of the proposed transfer of any individual detained pursuant to the Authorization for Use of Military Force (Public Law 107-40; 50 U.S.C. 1541 note) who is a national of a country other than the United States or Afghanistan from detention at the Detention Facility at Parwan, Afghanistan, to the custody of the Government of Afghanistan or of any other country. Such notice shall be provided not later than 10 days before such a transfer may take place.

(b) **ADDITIONAL ASSESSMENTS AND CERTIFICATIONS.**—As part of the notice required under subsection (a), the Secretary shall include the following:

(1) In the case of the proposed transfer of such an individual by reason of the individual being released, an assessment of the threat posed by the individual and the security environment of the country to which the individual is to be transferred.

(2) In the case of the proposed transfer of such an individual to a country other than Afghanistan for the purpose of the prosecution of the individual, a certification that an assessment has been conducted regarding the capacity, willingness, and historical track record of the country with respect to prosecuting similar cases, including a description of the evidence against the individual that is likely to be admissible as part of the prosecution.

(3) In the case of the proposed transfer of such an individual for reintegration or rehabilitation in a country other than Afghani-

stan, a certification that an assessment has been conducted regarding the capacity, willingness, and historical track record of the country for reintegrating or rehabilitating similar individuals.

(4) In the case of the proposed transfer of such an individual to the custody of the government of Afghanistan for prosecution or detention, a certification that an assessment has been conducted regarding the capacity, willingness, and historical track record of Afghanistan to prosecute or detain long-term such individuals.

(c) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives and the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

**SA 3012.** Mr. SESSIONS submitted an amendment intended to be proposed by him 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; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

**SEC. 1032. PROHIBITION ON USE OF FUNDS FOR THE TRANSFER OR RELEASE OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.**

None of the funds authorized to be appropriated by this Act for fiscal year 2013 may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions of Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after January 20, 2009, at United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

**SA 3013.** Mr. SESSIONS submitted an amendment intended to be proposed by him 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; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

**SEC. 1032. MILITARY CUSTODY FOR NON-UNITED STATES CITIZEN MEMBERS OF AL-QAEDA AND AFFILIATED ENTITIES.**

(a) **CUSTODY PENDING DISPOSITION UNDER LAW OF WAR.**—

(1) **IN GENERAL.**—Except as provided in paragraph (4), the Armed Forces of the United States shall hold a person described in paragraph (2) who is captured in the course of hostilities authorized by the Authorization for Use of Military Force (Public Law 107-40) in military custody pending disposition under the law of war.

(2) **COVERED PERSONS.**—The requirement in paragraph (1) shall apply to any person whose detention is authorized by section 1021 of the National Defense Authorization Act



for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1562; 10 U.S.C. 801 note) who is determined—

(A) to be a member of, or part of, al-Qaeda or an associated force that acts in coordination with or pursuant to the direction of al-Qaeda; and

(B) to have participated in the course of planning or carrying out an attack or attempted attack against the United States or its coalition partners.

(3) **DISPOSITION UNDER LAW OF WAR.**—For purposes of this subsection, the disposition of a person under the law of war has the meaning given in section 1021(c) of the National Defense Authorization Act for Fiscal Year 2012, except that no transfer otherwise described in paragraph (4) of that section shall be made unless consistent with the requirements of section 1028 of the National Defense Authorization Act for Fiscal Year 2012 (125 Stat. 1567; 10 U.S.C. 801 note).

(4) **WAIVER FOR NATIONAL SECURITY.**—The Secretary of Defense may, in consultation with the Secretary of State and the Director of National Intelligence, waive, on a case-by-case basis, the requirement of paragraph (1) if the Secretary of Defense submits to Congress a certification in writing that such a waiver in the particular case is in the national security interests of the United States.

(b) **INAPPLICABILITY TO UNITED STATES CITIZENS.**—The requirement to detain a person in military custody under this section does not extend to citizens of the United States.

(c) **EFFECTIVE DATE.**—This section shall take effect on the date of the enactment of this Act, and shall apply with respect to persons described in subsection (a)(2) who are taken into the custody or brought under the control of the United States on or after effective date.

**SA 3014.** Mr. REED submitted an amendment intended to be proposed by him 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; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VI, add the following:

**SEC. 655. ENFORCEMENT OF PROTECTIONS ON CONSUMER CREDIT FOR MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS.**

Section 987(f) of title 10, United States Code, as amended by section 653 of this Act, is further amended by adding at the end the following new paragraph:

“(6) **ENFORCEMENT.**—The provisions of this section (other than paragraph (1) of this subsection) shall be enforced as follows:

“(A) By the agencies specified in section 108 of the Truth in Lending Act (15 U.S.C. 1607) in the manner set forth in that section or as set forth under any other applicable authorities available to such agencies by law.

“(B) By the attorneys general of the States or State regulators in accordance with section 1042 of the Consumer Financial Protection Act (12 U.S.C. 5552).”

**SA 3015.** Mr. BLUMENTHAL submitted an amendment intended to be proposed by him 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; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1084. PROTECTION OF VETERANS' MEMORIALS.**

(a) **TRANSPORTATION OF STOLEN MEMORIALS.**—Section 2314 of title 18, United States Code, is amended by adding at the end the following:

“In the case of an offense under the first paragraph of this section, if the goods, wares, or merchandise consist of or include a veterans' memorial, the requirement of that paragraph that the goods, wares, or merchandise have a value of \$5,000 or more does not apply. In this paragraph, the term ‘veterans' memorial’ means a grave marker, headstone, monument, or other object, intended to permanently honor a veteran or mark a veteran's grave, or any monument that signifies an event of national military historical significance.”

(b) **SALE OR RECEIPT OF STOLEN MEMORIALS.**—Section 2315 of such title is amended by adding at the end the following:

“In the case of an offense under the first paragraph of this section, if the goods, wares, or merchandise consist of or include a veterans' memorial, the requirement of that paragraph that the goods, wares, or merchandise have a value of \$5,000 or more does not apply. In this paragraph, the term ‘veterans' memorial’ means a grave marker, headstone, monument, or other object, intended to permanently honor a veteran or mark a veteran's grave, or any monument that signifies an event of national military historical significance.”

**SA 3016.** Mrs. GILLIBRAND (for herself, Ms. COLLINS, and Ms. SNOWE) submitted an amendment intended to be proposed by her 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; which was ordered to lie on the table; as follows:

On page 138, strike lines 14 through 20 and insert the following:

(8) A requirement that each Secretary of a military department establish policies that require that each member of the Armed Forces under the jurisdiction of such Secretary whose conviction for a covered offense is final and who is not punitively discharged from the Armed Forces in connection with such conviction be processed for administrative separation from the Armed Forces, which requirement shall not be interpreted to limit or alter the authority of such Secretary to process members of the Armed Forces for administrative separation for other offenses or under other provisions of law.

(b) **DEFINITIONS.**—In this section:

(1) The term “covered offense” means the following:

(A) Rape or sexual assault under subsection (a) or (b) of section 920 of title 10, United States Code (article 120 of the Uniform Code of Military Justice).

(B) Forcible sodomy under section 925 of title 10, United States Code (article 125 of the Uniform Code of Military Justice).

(C) An attempt to commit an offense specified in subparagraph (A) or (B) under section 880 of title 10, United States Code (article 80 of the Uniform Code of Military Justice).

(2) The term “special victim offenses” means offenses involving allegations of any of the following:

(A) Child abuse.

(B) Rape, sexual assault, or forcible sodomy.

(C) Domestic violence involving aggravated assault.

**SA 3017.** Mr. REED (for himself, Mr. RUBIO, and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him 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; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VII, add the following:

**SEC. 704. COST-SHARING RATES FOR THE PHARMACY BENEFITS PROGRAM OF THE TRICARE PROGRAM.**

(a) **IN GENERAL.**—Section 1074g(a)(6) of title 10, United States Code, is amended—

(1) by striking subparagraph (A) and inserting the following new sub paragraph (A):

“(A) The Secretary, in the regulations prescribed under subsection (h), shall establish cost-sharing requirements under the pharmacy benefits program. In accordance with subparagraph (C), such cost-sharing requirements shall consist of the following:

“(i) With respect to each supply of a prescription covering not more than 30 days that is obtained by a covered beneficiary under the TRICARE retail pharmacy program—

“(I) in the case of generic agents, \$5;

“(II) in the case of formulary agents, \$17; and

“(III) in the case of nonformulary agents, \$44.

“(ii) With respect to each supply of a prescription covering not more than 90 days that is obtained by a covered beneficiary under the national mail-order pharmacy program—

“(I) in the case of generic agents, \$0;

“(II) in the case of formulary agents, \$13; and

“(III) in the case of nonformulary agents, \$43.”; and

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

“(C)(i) Beginning October 1, 2013, the amount of any increase in a cost-sharing amount specified in subparagraph (A) in a year may not exceed the amount equal to the percentage of such cost-sharing amount at the time of such increase equal to the percentage by which retired pay is increased under section 1401a of this title in that year.

“(ii) If the amount of the increase otherwise provided for a year by clause (i) is less than \$1, the increase shall not be made for such year, but shall be carried over to, and accumulated with, the amount of the increase for the subsequent year or years and made when the aggregate amount of increases carried over under this clause for a year is \$1 or more.”

(b) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—The cost-sharing requirements under subparagraph (A) of section 1074g(a)(6) of title 10, United States Code (as amended by subsection (a)(1)), shall apply with respect to prescriptions obtained under the TRICARE pharmacy benefits program on or after such date as the Secretary of Defense shall specify, but not later than the date that is 45 days after the date of the enactment of this Act.

(2) **FEDERAL REGISTER.**—The Secretary shall publish notice of the effective date of the cost-sharing requirements specified under paragraph (1) in the Federal Register.

**SEC. 705. PILOT PROGRAM ON REFILLS OF MAINTENANCE MEDICATIONS THROUGH THE TRICARE MAIL-ORDER PHARMACY PROGRAM.**

(a) **IN GENERAL.**—The Secretary of Defense shall conduct a pilot program to refill prescription maintenance medications for each TRICARE for Life beneficiary through the national mail-order pharmacy program under section 1074g(a)(2)(E)(iii) of title 10, United States Code.

(b) **MEDICATIONS COVERED.**—

(1) **DETERMINATION.**—The Secretary shall determine the prescription maintenance medications included in the pilot program under subsection (a).

(2) **SUPPLY.**—In carrying out the pilot program, the Secretary shall ensure that the medications included in the program are—

(A) generally available through retail pharmacies for an initial filling of a 30-day or less supply; and

(B) obtained by refill through the national mail-order pharmacy program.

(3) **NO DENIAL.**—In the instance when a refill of such maintenance medication is not obtained through a national mail-order pharmacy program, the Secretary shall ensure that beneficiaries are provided a supply at a retail pharmacy for a limited period of time. The Secretary may impose a cost-sharing requirement on beneficiaries accessing such supply.

(4) **EXEMPTION.**—The Secretary may exempt the following prescription maintenance medications from the requirements in paragraph (2):

(A) Medications for acute care needs.

(B) Medications dispensed to patients in long-term care facilities.

(C) Such other medications as the Secretary considers appropriate.

(c) **NONPARTICIPATION.**—

(1) **OPT OUT.**—The Secretary shall give beneficiaries who have been covered by the pilot program under subsection (a) for a period of at least one year an opportunity to opt out of continuing to participate in the pilot program.

(2) **WAIVER.**—The Secretary may waive the requirement for a beneficiary to participate in the pilot program if the Secretary determines, on an individual basis, that the waiver is appropriate.

(d) **OPERATION OF PROGRAM.**—In carrying out the pilot program, the Secretary shall ensure that the operational responsibilities for the national mail-order pharmacy program for purposes of the pilot program are awarded through full and open competition.

(e) **REPORTS.**—Not later than March 31 of each year beginning in 2014 and ending in 2018, the Secretary shall submit to the congressional defense committees a report on the pilot program under subsection (a), including the effects of offering incentives for the use of mail-order pharmacies by TRICARE for Life beneficiaries, access to maintenance medications, and the effect on retail pharmacies.

(f) **TRICARE FOR LIFE BENEFICIARY DEFINED.**—In this section, the term “TRICARE for Life beneficiary” means a beneficiary under the TRICARE program who is enrolled in the Medicare wraparound coverage option of the TRICARE program made available to the beneficiary by reason of section 1086(d) of title 10, United States Code.

(g) **SUNSET.**—The Secretary may not carry out the pilot program under subsection (a) after December 31, 2017.

**SA 3018.** Mrs. FEINSTEIN (for herself, Mr. LEE, Mr. COONS, Ms. COLLINS,

Mr. PAUL, Mr. LAUTENBERG, Mrs. GILLIBRAND, and Mr. KIRK) submitted an amendment intended to be proposed by her 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; which was ordered to lie on the table.

At the end of subtitle D of title X, add the following:

**SEC. 1032. PROHIBITION ON THE INDEFINITE DETENTION OF CITIZENS AND LAWFUL PERMANENT RESIDENTS.**

Section 4001 of title 18, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following:

“(b)(1) An authorization to use military force, a declaration of war, or any similar authority shall not authorize the detention without charge or trial of a citizen or lawful permanent resident of the United States apprehended in the United States, unless an Act of Congress expressly authorizes such detention.

“(2) Paragraph (1) applies to an authorization to use military force, a declaration of war, or any similar authority enacted before, on, or after the date of the enactment of the National Defense Authorization Act For Fiscal Year 2013.

“(3) Paragraph (1) shall not be construed to authorize the detention of a citizen of the United States, a lawful permanent resident of the United States, or any other person who is apprehended in the United States.”.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON FOREIGN RELATIONS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on November 27, 2012, at 10 a.m., to hold a hearing entitled, “Update on Arms Control Matters”.

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

### SELECT COMMITTEE ON INTELLIGENCE

Mr. HARKIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on November 27, 2012, at 2:30 p.m.

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

## PRIVILEGES OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that John Daley, a State Department detailee to the Foreign Relations Committee, be given floor privileges during the debate on the disabilities treaty.

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

Mr. KERRY. Mr. President, I ask unanimous consent, on behalf of Senator MURRAY, that Jake Cornett, a fel-

low in her office, be granted floor privileges for the remainder of the 112th Congress.

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

## THEFT OF TRADE SECRETS CLARIFICATION ACT OF 2012

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3642.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3642) to clarify the scope of the Economic Espionage Act of 1996.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, I am pleased that the Senate today will pass this simple, commonsense legislation to clarify a provision of the Economic Espionage Act and thereby help protect American businesses and American jobs.

The Economic Espionage Act makes it a crime to, among other things, steal a trade secret knowing that the theft will hurt the owner. This is an important protection for American businesses, which often choose trade secret protection over other forms of intellectual property protection.

A recent decision of the Second Circuit in *United States v. Aleynikov* casts doubt on the reach of the statute. A jury in that case found the defendant guilty of stealing computer code from his employer. The court overturned the conviction, holding among other things that the trade secret did not meet the interstate commerce prong of the statute, even though the defendant had copied the stolen code from his office in New York to a server in Germany; downloaded the code to his home computer in New Jersey; then flew to his new job in Illinois with the stolen source code in his possession; and the code was used in interstate commerce.

The court held that the Economic Espionage Act provision applies only to trade secrets that are part of a product that is produced to be placed in interstate commerce. Because the company's proprietary software was neither placed in interstate commerce, nor produced to be placed in interstate commerce, the law did not apply—even though the stolen source code was part of a financial trading system that was used in interstate commerce every day.

The clarifying legislation that the Senate will pass today corrects the court's narrow reading to ensure that our federal criminal laws adequately address the theft of trade secrets related to a product or service used in interstate commerce. It is a straightforward fix, but an important one, as we work to ensure that American companies can protect the products they work so hard to develop, so they may continue to grow and thrive. I urge the House to act quickly to pass this commonsense legislation.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read three times, passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

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

The bill (S. 3642) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:  
S. 3642

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Theft of Trade Secrets Clarification Act of 2012”.

#### SEC. 2. AMENDMENT.

Section 1832(a) of title 18, United States Code, is amended in the matter preceding paragraph (1), by striking “or included in a product that is produced for or placed in” and inserting “a product or service used in or intended for use in”.

### YEAR OF THE KOREAN WAR VETERAN

Mr. REID. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 602.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 602) designating 2012–2013 as the “Year of the Korean War Veteran” and recognizing the 60th anniversary of the Korean War.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and any related statements be printed in the RECORD.

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

The resolution (S. Res. 602) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 602

Whereas, on June 25, 1950, the Communist Democratic People's Republic of Korea began the Korean War by invading the Republic of Korea with approximately 135,000 troops;

Whereas nearly 1,800,000 members of the United States Armed Forces served along with the forces of the Republic of Korea and 20 other Allied nations in the Korean theater of operations to defend freedom and democracy in the Korean Peninsula;

Whereas, during the Korean War, 36,574 people from the United States died and 103,284 people from the United States were wounded in some of the most horrific combat and weather conditions in the history of warfare;

Whereas almost 60 years have passed since the signing of the cease-fire agreement at Panmunjom on July 27, 1953, and the Korean Peninsula still technically remains in a state of war;

Whereas the Korean War has for many years been a “Forgotten War” for people in the United States;

Whereas Korean War veterans deserve to be recognized by the people of the United States for their honorable and courageous service in defense of democracy and freedom during the Korean War;

Whereas the tide of communism on the southern ½ of the Korean Peninsula was halted, liberty triumphed over tyranny, and the Republic of Korea has developed into a modern and prosperous democracy because of the selfless sacrifice of the Korean War veterans;

Whereas the people of the United States and the Republic of Korea are eternally grateful to the Korean War veterans;

Whereas the history of the Korean War should be included in the curriculum of schools in the United States so that future generations never forget the sacrifices of the Korean War veterans and what those veterans accomplished;

Whereas the Department of Defense 60th Anniversary of the Korean War Commemoration Committee will implement a national campaign to honor the Korean War veterans, remember those Korean War veterans still counted among the missing in action, and educate the people of the United States concerning the ongoing relevance of the Korean War; and

Whereas the commemorative campaign will include ceremonies in the United States and the Republic of Korea in recognition of the beginning (June 25, 1950) and the armistice ending hostilities (July 27, 1953), as well as a national media and outreach campaign for Veterans Day 2012 to honor the Korean War veterans: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates 2012–2013 as the “Year of the Korean War Veteran”;

(2) recognizes the 60th anniversary of the Korean War; and

(3) honors the contributions and sacrifices made by the Korean War veterans.

### ORDERS FOR WEDNESDAY, NOVEMBER 28, 2012

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. tomorrow, Wednesday, November 28, 2012; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that the majority leader be recognized at that time, and the first hour be equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half.

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

### PROGRAM

Mr. REID. We hope to begin consideration of the Defense authorization bill tomorrow. We will also work on an agreement for amendments to the disabilities treaty.

### ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that

the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 6:47 p.m., adjourned until Wednesday, November 28, 2012, at 10 a.m.

### NOMINATIONS

Executive nominations received by the Senate:

#### THE JUDICIARY

NITZA I. QUINONES ALEJANDRO, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA, VICE RICHARD BARCLAY SURRICK, RETIRED.

LUIS FELIPE RESTREPO, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA, VICE ANITA B. BRODY, RETIRED.

JEFFREY L. SCHMEHL, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA, VICE THOMAS M. GOLDEN, DECEASED.

#### FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBER OF THE FOREIGN SERVICE OF THE INTERNATIONAL BROADCASTING BUREAU FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, AND CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

MICHAEL R. HARDEGEN, OF FLORIDA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF AGRICULTURE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER:

GEOFFREY W. WIGGIN, OF SOUTH DAKOTA

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER COUNSELOR:

JAMES J. HIGGISTON, OF MARYLAND

DAVID C. MILLER, OF WASHINGTON

ELIA P. VANECHANOS, OF NEW JERSEY

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR:

GARY W. MEYER, OF WISCONSIN

ERIC A. WENBERG, OF WYOMING

THE FOLLOWING-NAMED PERSONS OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED.

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS TWO, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA,

STEPHEN J. GONYEA, OF FLORIDA

RITU K. TARIYAL, OF CALIFORNIA

ALEXIS MARIA TAYLOR, OF NEW YORK

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS THREE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA,

SARAH MAXWELL BANASHEK, OF CALIFORNIA

ROBERT B. BARTON, OF PENNSYLVANIA

AARON J. BISHOP, OF CALIFORNIA

ANA ISABEL BODIPO—MEMBA, OF THE DISTRICT OF COLUMBIA

KEVIN MAURICE BROWN, OF FLORIDA

ELIZABETH ANN CALLENDER, OF VIRGINIA

SCOTT S. CAMERON, OF CALIFORNIA

MONICA DORE CARLSON, OF VIRGINIA

ELIZABETH DAVNIE-EASTON, OF VIRGINIA

CRISTINA M. DROST, OF NEVADA

CHARLES OGORCHUKWU EGU, OF MARYLAND

SUSAN FENNO, OF MAINE

CHRISTOPHER TODD FOLEY, OF NEW YORK

CHRISTINE D. GANDOMI, OF ARIZONA

ANYA GLENN, OF CALIFORNIA

ALEXANDRA ISABEL HUERTA, OF WASHINGTON

DEBORAH L. JOHNSTON, OF VIRGINIA

MELANIE A. LUICK-MARTINS, OF IOWA

STEVEN M. MAJORS, OF MISSOURI

MARK A. MITCHELL, OF OREGON

CHRISTINE M. OBESTER, OF VIRGINIA

AMY MICHELLE PARTIDA, OF TEXAS

ALLYSON L. PHELPS, OF ARIZONA

ANDREW ARI REBOLD, OF NEW YORK

SHANNON MARAE ROGERS, OF COLORADO

ANDREA SAWKA, OF FLORIDA

JASON LEE SMITH, OF THE DISTRICT OF COLUMBIA

RICHARD E. SPENCER, OF VIRGINIA

MATTHEW EARL SUMPTER, OF CALIFORNIA

GREG M. SWARIN, OF MICHIGAN

CORINA CHENTZE WARFIELD, OF CALIFORNIA

KATHARINE ANTONIA WEBER, OF ALASKA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT FOR PROMOTION WITHIN AND INTO THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER:

SHARON LEE CROMER, OF NEW YORK

DAVID E. ECKERSON, OF VIRGINIA  
EARL W. GAST, OF CALIFORNIA  
WILLIAM HAMMINK, OF THE DISTRICT OF COLUMBIA  
SUSUMU KEN YAMASHITA, OF FLORIDA

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE,  
CLASS OF MINISTER COUNSELOR:

ROBERT F. CUNNANE, OF FLORIDA  
ALEXANDER DICKIE IV, OF TEXAS  
SUSAN FRENCH FINE, OF VIRGINIA  
BROOKE ANDREA ISHAM, OF WASHINGTON  
KEVIN J. MULLALLY, OF ARIZONA  
CHARLES ERIC NORTH, OF VIRGINIA  
DENISE ANNETTE ROLLINS, OF THE DISTRICT OF COLUMBIA

THOMAS H. STAAL, OF MARYLAND  
DENNIS JAMES WELLER, OF ILLINOIS  
MELISSA A. WILLIAMS, OF VIRGINIA

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE,  
CLASS OF COUNSELOR:

JIM NELSON BARNHART, JR., OF GEORGIA  
SHERRY F. CARLIN, OF FLORIDA  
KIMBERLY J. DELANEY, OF CALIFORNIA  
CELESTINA M. DOOLEY-JONES, OF SOUTH DAKOTA  
LISA ROSE FRANCHETT, OF CALIFORNIA  
MICHELLE ALLISON GODETTE, OF FLORIDA  
DEBORAH LYNN GRIESER, OF ILLINOIS  
NANCY L. HOFFMAN, OF FLORIDA  
JAMES M. HOPE, OF TEXAS  
MARK S. HUNTER, OF VIRGINIA  
REBECCA A. LATORRACA, OF WEST VIRGINIA  
TERESA L. MCGHIE, OF NEVADA  
ELIZABETH E. PALMER, OF ARIZONA  
JOAKIM ERIC PARKER, OF CALIFORNIA  
ANDREW WILLIAM PLITT, OF MARYLAND  
ROY PLUCKNETT, OF VIRGINIA  
LESLIE K. REED, OF CALIFORNIA  
MARIA RENDON LABADAN, OF FLORIDA  
ALLEN F. VARGAS, OF FLORIDA  
CLINTON DAVID WHITE, OF FLORIDA

THE FOLLOWING-NAMED PERSONS OF THE DEPARTMENT OF STATE FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED.

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA,

KARL MILLER ADAM, OF TEXAS  
ANDREW L. ARMSTRONG, OF FLORIDA  
DINA A. BADAWEY, OF VIRGINIA  
FRANÇOISE I. BARAMDYKA, OF CALIFORNIA  
BRIAN PAUL BECKMANN, OF MINNESOTA  
FRITZ W. BERGGREN, OF WASHINGTON  
MARIE MARGUERITE BLANCHARD, OF MASSACHUSETTS  
KATHRYN W. BONDY, OF GEORGIA  
MELANIE LYNETTE BONNER, OF THE DISTRICT OF COLUMBIA

MATTHEW J. BRITTON, OF CALIFORNIA  
BLANCA M. COLLINS, OF MICHIGAN  
ANTON MARK COOPER, OF WASHINGTON  
MELISSA ELMORE COTTON, OF MASSACHUSETTS  
ANDREW JOSEPH CURIEL, OF CALIFORNIA  
HANNAH A. DRAPER, OF ARKANSAS  
THOMAS ANTHONY DUVALL, OF MASSACHUSETTS  
JAMES P. DUVERNAY, OF NEW JERSEY  
AMY E. EAGLEBURGER, OF CALIFORNIA  
JONATHAN EDWARD EARLE, OF MISSOURI  
JEREMY EDWARDS, OF TEXAS  
JEFFREY EDWARD ELLIS, OF WASHINGTON  
JOHN C. ETCHEVERRY, OF CALIFORNIA  
DYLAN THOMAS FISHER, OF VIRGINIA  
THEODORE JOSEPH FISHER, OF CALIFORNIA  
REBECCA V. GARDNER, OF OHIO  
ROBERT RICHARD GATEHOUSE, JR., OF CONNECTICUT  
JOSEPH MARTIN GERAGHTY, OF PENNSYLVANIA  
JOHN DREW GIBLIN, OF GEORGIA  
STEPHANIE SNOW GILBERT, OF OKLAHOMA  
MARK THOMAS GOLDRUP, OF CALIFORNIA  
MICHAEL GORMAN, OF VIRGINIA  
CATHERINE A. HALLOCK, OF NEW YORK  
JESSICA AMY HARTMAN, OF CALIFORNIA  
STEPHANIE M. HAUSER, OF FLORIDA  
JEFFREY M. HAY, OF VIRGINIA  
MARK HERNANDEZ, OF VIRGINIA  
BENJAMIN GEORGE HESS, OF NORTH CAROLINA  
KATHRYN L. HOLMGAARD, OF VIRGINIA  
JONATHAN PAUL HOWARD, OF VIRGINIA  
BRENT W. ISRAELSEN, OF NEVADA  
ERIC RYAN JACOBS, OF FLORIDA  
NICHIREN RASHAD JONES, OF GEORGIA  
RACHEL YNYR KALLAS, OF WISCONSIN  
ALLEN L. KRAUSE, OF MICHIGAN  
DAWSON L. LAWE, OF FLORIDA

KATHERINE MAUREEN LEAHY, OF NEW JERSEY  
ADAM JOSEPH LEFF, OF THE DISTRICT OF COLUMBIA  
RONG RONG, LI, OF MAINE  
ELIZABETH ANGELA LITCHFIELD, OF ILLINOIS  
JENNIFER L. MCANDREW, OF TEXAS  
DANIEL CRAIG MCCANDLESS, OF PENNSYLVANIA  
JULIA P. MCKAY, OF SOUTH CAROLINA  
ELIZABETH ALBIN MEZA, OF TEXAS  
ERIC C. MOORE, OF OREGON  
KRISTY M. MORDHORST, OF TEXAS  
WALKER PAUL MURRAY, OF WASHINGTON  
SCOTT A. NORRIS, OF TEXAS  
SARAH OH, OF NEW YORK  
JAMES PAUL O'NEALIA II, OF NEW JERSEY  
IRENE IJEOMA ONYEABAKO, OF NEVADA  
ERIK GRAHAM PAGE, OF SOUTH CAROLINA  
JENNIFER LEIGH PALMER, OF CALIFORNIA  
NEIL M. PHILLIPS, OF MARYLAND  
JAY LANNING PORTER, OF UTAH  
A. LARISSA PROCTOR, OF VIRGINIA  
MARGARET S. RAMSAY, OF NEW YORK  
JERAMEE C. RICE, OF TENNESSEE  
JAMES THOMAS RIDER, OF MICHIGAN

SHANNON M. RITCHIE, OF VIRGINIA  
GEORGE RIVAS, JR., OF TEXAS  
JENNIFER WELLS ROBERTSON, OF VIRGINIA  
DUSTIN SALVESON, OF NEW YORK  
JONATHAN CHARLES SCOTT, OF CALIFORNIA  
MIHAEL DAVID SEROKA, OF ALABAMA  
TRAVIS MARK SEVY, OF UTAH  
MUHAMMAD R. SHAHBAZ, OF NEW YORK  
GEORGE BRANDON SHERWOOD, OF NORTH CAROLINA  
MICHAEL AARON SHULMAN, OF THE DISTRICT OF COLUMBIA

GWENDOLYNNE M. SIMMONS, OF FLORIDA  
NATHAN R. SIMMONS, OF IDAHO  
NISHA DILIP SINGH, OF CALIFORNIA  
JEREMY DANIEL SLEZAK, OF TEXAS  
ALAN JOSEPH SMITH, OF THE DISTRICT OF COLUMBIA  
ERIC ANTHONY SMITH, OF CALIFORNIA  
VERONIQUE ELISABETH SMITH, OF CALIFORNIA  
KRISTEN MARIE STOLT, OF ILLINOIS  
MICHAEL JAMES WAUTLET, OF COLORADO  
ERIN RAMSEY WILHELM, OF THE DISTRICT OF COLUMBIA  
GARRETT E. WILKERSON, OF OREGON  
AMANDA L. WILLIAMS-FORD, OF NORTH CAROLINA  
NELSON H. WU, OF VIRGINIA  
MARGARET ANNE YOUNG, OF MISSOURI  
MICHAEL JOSEPH YOUNG, OF COLORADO

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE TO BE SECRETARIES OR CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

SARAH AHMED, OF VIRGINIA  
ZAKHAR AMCHISLAVSKY, OF THE DISTRICT OF COLUMBIA  
MOSES AN, OF CALIFORNIA  
BRIAN I. APEL, OF VIRGINIA  
TOBEI B. ARAI, OF GEORGIA  
HARRY J. BETHKE, OF VIRGINIA  
LITTANE BIEN-AIME, OF MASSACHUSETTS  
KEONDRAS S. BILLS, OF NEW YORK  
RYAN P. BLANTON, OF MISSOURI  
JACKSON BLOOM, OF CALIFORNIA  
MICHAEL C. BLUE, OF PENNSYLVANIA  
PRENTISSILYA BOA-GUEBE, OF MARYLAND  
ELIZABETH BONIFACE, OF VIRGINIA  
DOUGLAS L. BRADY, OF VIRGINIA  
ALAIN C. BRAINOS, OF VIRGINIA  
PATRICK BRANCO, OF HAWAII  
JOSEPH A. BRANDIPINO, OF VIRGINIA  
ADEM MATTHEW BROWN, OF FLORIDA  
AMY B. BROWN, OF THE DISTRICT OF COLUMBIA  
TRAVIS S. BROWN, OF THE DISTRICT OF COLUMBIA  
AMANDA ROSE BUESCHER, OF CALIFORNIA  
PAUL R. BULLARD, OF NEW YORK  
JOSE E. CAMPOY, OF ARIZONA  
VIRGIL WILLIAM CARSTENS, OF TEXAS  
MARK R. CARTEL, OF CONNECTICUT  
RYAN W. CASSELBERRY, OF FLORIDA  
TUSEEF CHAUDHRY, OF VIRGINIA  
DOREEN A. CIAVARELLI, OF VIRGINIA  
PAM S. COBE, OF THE DISTRICT OF COLUMBIA  
ANITA C. COCHRAN, OF NEW YORK  
LINDSAY COLDWELL, OF VIRGINIA  
PATRICIA CONNOR, OF VIRGINIA  
MARLO SALAITA CROSS-DURRANT, OF THE DISTRICT OF COLUMBIA

DANIEL WILLIAM CUNNANE, OF VIRGINIA  
CHRISTINE E. CUOCO, OF VIRGINIA  
MARY C. CYPRESSI, OF PENNSYLVANIA  
JOHN F. DAVIES, OF VIRGINIA  
MARIA C. DEC, OF VIRGINIA  
ANTHONY DELLADONNA, OF VIRGINIA  
DAN DEMING, OF VIRGINIA  
ELIZABETH A. DREELAND, OF ARIZONA  
ELISABETH F. EL-KHODARY, OF MARYLAND  
MARK C. ELLIOTT, OF MARYLAND  
ANTHONY L. ETTISON, OF MARYLAND  
JOHN V. FAZIO, OF ILLINOIS  
BENJAMIN MICHAEL FEHRMAN, OF NORTH CAROLINA  
JOSEPH P. FERGUSON, OF FLORIDA  
PAUL I. FISHBEIN, OF CALIFORNIA  
PAUL R. FLEMING, OF MICHIGAN  
JENNIFER R. GARCIA, OF VIRGINIA  
KARINA GABRIELA GARCIA, OF CALIFORNIA  
COURTNEY L. GATES, OF CALIFORNIA  
JOHN HUNTER GRAY, OF TEXAS  
MARINA VISHNEVETSKY GRAYSON, OF TEXAS  
COLIN GUARD, OF WASHINGTON  
NATHANIEL SHERMAN HAPT, OF OHIO  
ALLYSSON HAMILTON MCINTIRE, OF KENTUCKY  
ANNE LOUISE M. HANSON, OF VIRGINIA  
KAYLEA J. HAPPELL, OF THE DISTRICT OF COLUMBIA  
MARK W. HARDY, OF VIRGINIA  
BYRON CLEMENT HARTMAN, OF VIRGINIA  
TYSON P. HINDS, OF VIRGINIA  
THEODORE H. OF CALIFORNIA  
ALEXIS J. HUFF, OF CALIFORNIA  
KENNETH H. ILGENFRITZ, OF VIRGINIA  
DANIELA STEFANOVA IONOVA-SWIDER, OF FLORIDA  
KENDALL D. JACKSON, OF WEST VIRGINIA  
BRIANA NICOLE JONES, OF THE DISTRICT OF COLUMBIA  
JEFF JUNG, OF CALIFORNIA  
HIRAM K. KELIPIO, OF VIRGINIA  
AKBAR KHALID, OF VIRGINIA  
WALID N. KILDANI, OF VIRGINIA  
YUKI KONDO-SHAH, OF ARIZONA  
PATRICK E. KOUCHERAKOV, OF VIRGINIA  
LAURIE ANNE KURIKOV, OF ILLINOIS  
JESSIE MARIE KUTKENDALL, OF OKLAHOMA  
REBECCA A. LARSON, OF THE DISTRICT OF COLUMBIA  
JAIME FAYE LEBLANC-HADLEY, OF TEXAS  
ALEX VLADICIAK LITICHEVSKY, OF NEW JERSEY  
AMY L. LOPRETE, OF MARYLAND  
CESAR MARINES, OF VIRGINIA  
JAMES MCDONNELL, OF THE DISTRICT OF COLUMBIA  
MONTY RUSHMOORE MCGEE, OF VIRGINIA  
SEAN P. MCGUIRE, OF VIRGINIA

SUTTON ADELL MEAGHER, OF THE DISTRICT OF COLUMBIA  
ANNE-MARIE G. MELANSON, OF VIRGINIA  
RONALD MENDEZ, OF TEXAS  
VICTORIA S. MEURET, OF VIRGINIA  
CAMERON SCOTT MILLARD, OF WASHINGTON  
JARED R. MILTON, OF VIRGINIA  
AMY RACHEL MONSARRAT, OF VIRGINIA  
JOSEPH J. MOTYLESKI, OF VIRGINIA  
JONATHAN G. NADZAM, OF VIRGINIA  
EMMA MARISKA NAGY, OF CALIFORNIA  
BRANDON K. NOLEN, OF THE DISTRICT OF COLUMBIA  
MARK W. OKIISHI, OF VIRGINIA  
HANEEF L. OMAR, OF MARYLAND  
STEPHEN J. OSULLIVAN, OF VIRGINIA  
BENJAMIN OVERBY, OF NEVADA  
JANE JIHYE PARK, OF VIRGINIA  
JULIANNE NICOLE PARKER, OF FLORIDA  
GREGORY PARNELL, OF VIRGINIA  
SAPNA K. PATEL, OF TEXAS  
THOMAS BENJAMIN PERKOWSKI, OF THE DISTRICT OF COLUMBIA

RYAN EVAN PETERSON, OF VIRGINIA  
JEFFREY PRENGER, OF MARYLAND  
DAVID A. RASMUSSEN, OF VIRGINIA  
MICHAEL F. RENEHAN, OF MARYLAND  
KELLI A. RETTINGER, OF VIRGINIA  
MICHAEL CLINTON RILEY, OF NORTH CAROLINA  
BRADY E. ROBERTS, OF TEXAS  
SCOTT N. ROFFMAN, OF MICHIGAN  
CARRIE M. ROMOSER, OF VIRGINIA  
VANESSA N. ROZIER, OF CONNECTICUT  
ANDREA L. RUSCHENBERG, OF VIRGINIA  
ANASTASIA J. SADOWSKI, OF VIRGINIA  
PATRICK SALZWEDEL, OF NORTH CAROLINA  
ALEKSEY SANCHEZ, OF FLORIDA  
DAVID M. SCHORR, OF IDAHO  
LEAH J. SEVERINO, OF CALIFORNIA  
AHMED SHAMA, OF NEW YORK  
JEFFREY HOWARD SHELTON, OF MONTANA  
MARK T. SHEN, OF VIRGINIA  
ANDREW TODD SHEPARD, OF FLORIDA  
CHRISTINA TERRILL SKIPPER, OF VIRGINIA  
KEVIN W. SMITH, OF VIRGINIA  
ALESIA L. SOURINE, OF MICHIGAN  
CRYSTAL SPEARMAN, OF TEXAS  
MAX JOSEPH STEINER, OF CALIFORNIA  
WILLIAM JOHN STEINMETZ, OF VIRGINIA  
ALEX STEWART, OF VIRGINIA  
REBECCA JOY STEWART, OF THE DISTRICT OF COLUMBIA  
RAEJEAN K. STOKES, OF CONNECTICUT  
WILLIAM STROUD, OF VIRGINIA  
MICHAEL JOHN SULESKI, OF VIRGINIA  
IVAN SUSAK, OF VIRGINIA  
ROBERT T. SUTTER, OF THE DISTRICT OF COLUMBIA  
PAMELA M. TADKEN, OF MARYLAND  
KARLA THOMAS, OF WASHINGTON  
MARKUS A. THOMI, OF NEW YORK  
SAMUEL H. THOMPSON, OF VIRGINIA  
LEAH THORNSTENSON, OF TEXAS  
NICHOLAS J. UNGER, OF CALIFORNIA  
TODD WILLIAM UNTERSEHER, OF LOUISIANA  
JENNIFER L. VANWINKLE, OF IOWA  
JUAN MANUEL VAZQUEZ, OF WASHINGTON  
SUSAN RIVERS VESEL, OF VIRGINIA  
VANESSA LISBETH VIDAL CASTELLANOS, OF CALIFORNIA  
ANN MARIE WARMEHNOVEN, OF FLORIDA  
BRYAN D. WEISBARD, OF VIRGINIA  
ROBERT C. WHEELER, OF VIRGINIA  
LEE VINCENT WILBUR, OF SOUTH DAKOTA  
JACQUELINE K. WILSON, OF OREGON  
PETER BRENNER WINTER, OF NEW MEXICO  
KEVIN WONG, OF VIRGINIA  
WILLIAM H. WYCHE, OF VIRGINIA  
MARK K. YANG, OF VIRGINIA

THE FOLLOWING NAMED CAREER MEMBER OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR, EFFECTIVE JANUARY 1, 2012:

DANIEL MENDO HIRSCH, OF MARYLAND

#### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

#### To be lieutenant general

MAJ. GEN. LORI J. ROBINSON

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

#### To be colonel

MATTHEW W. ALLINSON  
JULIE A. ANDERSON  
DOUGLAS W. ARENDSEE  
BORIS R. ARMSTRONG  
JOHN P. ASCHERL  
PETER M. BALOGH  
STEVEN H. BENDEN  
JOHN WALLACE BRADLEY III  
TODD MARLYN BRANDEN  
KRISTIN KENDALL BRAWLEY  
PETER JAMES BROWNING  
BRIAN TAYLOR BURGER  
ROBERT A. BURRIS  
SHAWN R. BURRUS  
JAMES D. BYERLEY

MARK COLIN CARRIER  
CHRISTOPHER SCOTT CROXTON  
KEVIN ROBERT CURLEY  
MARK T. DOLL  
TIMOTHY A. DONOFRIO  
KEVIN M. DONOVAN  
DOUGLAS C. EOUTE, JR.  
SCOTT PHILIP FEDERICO  
MICHAEL K. FIELDS  
JOHN E. FLOWERS  
VINCENT RAY FRANKLIN  
JARROD KEITH FRANTZ  
MARSHAL S. FURR  
SCOTT A. GRAHAM  
WILLIAM ROBERT GRIFFIN  
BRUCE P. HAMILTON  
PAIGE E. INSCOE  
BRADLEY ALLEN JACKSON  
CHARLES G. JEFFRIES  
EDWARD S. JONES  
MARTIN KEINER  
JOHN M. KELLY  
HEIDI L. KJOS  
ROBERT D. KOSCIUSKO  
TERRENCE LEONARD KOUELKA  
GREGORY WILLIS LAIR  
RONALD S. LAMBE  
MICHELE KIM LAMONTAGNE  
THOMAS S. LILLY  
JEFFREY E. MAPLE  
TIMOTHY WILLIAM MARKOWITZ  
CHRISTOPHER MARTIN MAUK  
ROBERT PETER MCCLOY  
MICHAEL E. MCDONALD  
CHRISTOPHER G. MCGRAW  
DONALD V. MCGUIRE  
KEITH G. MILLER  
JAMES E. MOLLET  
RODNEY E. NEELY  
ERICK A. OLSEN  
DUKE A. PIRAK  
FRANCIS P. POLLOCK  
CRAIG A. REZAC  
JAMES PAUL ROWLETT  
JON STEWART SAFSTROM  
STEPHANIE S. SAMENUS  
DOMENICO SARNATARO  
MICHAEL JAY SHENK, JR.  
WILLIAM L. SHERRILL, JR.  
MARC ALLEN SICARD  
JUSTIN BOWDLE SMITH  
WENDEL ALAN SMITH  
LISA K. SNYDER  
MICHAEL PATRICK STEINDL  
GARY SCOTT STERE  
CHRISTAN L. STEWART  
SCOTT WELDON STRATTON  
JOHN D. SULLIVAN  
KATHLEEN M. SULLIVAN  
TODD E. SWASS  
RICHARD A. TAITO  
ELENA GAIL THOMPSON  
JOHN A. TRAUTMAN  
BLAKE PAUL UHL  
RONALD JAY VESTMAN  
APRIL D. VOGEL  
DAVID BRYANT WALKER  
GENT WELSH, JR.  
WALLY MARK WERNER  
JEFFREY D. YOUNG

#### IN THE ARMY

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

#### *To be colonel*

ROBERT W. HANDY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS PERMANENT PROFESSOR AT THE UNITED STATES MILITARY ACADEMY IN THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 4333(B) AND 4336(A):

#### *To be colonel*

JAMES T. SEIDULE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

#### *To be colonel*

MARK A. NOZAKI  
MATTHEW D. RAMSEY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

#### *To be colonel*

CHRISTOPHER J. CUMMINGS  
CRAIG DENNEY  
JERE G. DIERSING  
DUANE M. DRESEN  
CHARLES E. FEBUS  
JACQUELINE J. JACKSON  
WILLIAM J. KOON  
PATRICK N. LEDUC  
GREGORY E. MAGGS  
JAMES J. MESKILL, JR.  
RANDOLPH O. PETGRAVE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

#### *To be lieutenant colonel*

ANTHONY C. ADOLPH

ROBERT E. BARNSBY  
BRIAN J. CHAPURAN  
CHRISTOPHER C. COX  
LAWRENCE A. EDELL II  
TIMOTHY A. FURIN  
STEVEN A. GARIEPY  
BRIAN P. GAVULA  
PAUL E. GOLDEN, JR.  
DANIEL D. GRIESER  
BENJAMIN K. GRIMES  
MATTHEW R. HOVER  
ELLEN S. JENNINGS  
DANYELE M. JORDAN  
JOHN L. KIEL, JR.  
JOSEPH B. MACKAY  
SEAN F. MANGAN  
CHRISTOPHER E. MARTIN  
STEPHEN W. MCGAHA  
WILLIAM E. MULLEE  
KRISTIAN W. MURRAY  
STEVEN C. NEILL  
AMY J. NELSON  
ALEXANDER N. PICKANDS  
DEBORAH E. PIKE  
KAREN W. RIDDLE  
SARA M. ROOT  
YVONNE L. SALLIS  
SHAWN D. SMITH  
ROBERT C. STELLE  
JOHN H. STEPHENSON II  
JEFFREY S. THURNHER  
SCOTT T. VANSWERINGEN  
SEAN M. WILSON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

#### *To be colonel*

RONALD L. BAKER  
JAMES R. BECKER  
MICHAEL J. BELL  
MARK S. BENNETT  
VANESSA N. BENNENSON  
TODD S. BERTULIS  
CHRISTOPHER J. BEVERIDGE  
MORRIS L. BODRICK  
SHAWN M. BOLAND  
ROBERT J. BRINKMANN  
RONALD D. BROWN, JR.  
LESLIE F. CABALLERO  
JEFFERY A. CARTER  
ALLEN T. CASSELL  
RILEY J. CHERAMIE, JR.  
RONALD CHILDRESS, JR.  
STEVEN B. CLARK  
ALTON B. CLOWERS, JR.  
ANTHONY S. COLE  
ROBERT M. COLLINS  
MICHAEL A. CORTEZ, JR.  
COURTNEY P. COTE  
JASON T. CRAFT  
HUBERT D. DAVIS  
ROBERT J. DAVIS, JR.  
ROBERT A. DAWSON  
CHARLES DEMERY  
GEOFFREY C. DETINGO  
WILLIAM T. DRAPER, JR.  
LAYTON G. DUNBAR, JR.  
THOMAS C. ELLIS  
EDWARD L. ENGLISH  
PAUL R. FISCUS  
RHONDA L. FISHER  
MARK A. FITCH  
ERIC B. FLEMING  
KAREN G. FLEMING  
DARWIN A. FRETTE  
ROLAND M. GADDY, JR.  
JOE D. GANN  
GARY E. GILLON, JR.  
THOMAS B. GLOOR  
KATHERINE J. GRAEF  
LANCE B. GREEN  
ELIZABETH R. GRIFFIN  
BRANDON L. GRUBBS  
WILLIAM E. HAAS  
CHRISTINE A. HACKETT  
FRANCES A. HARDISON  
TERRECE B. HARRIS  
CHRISTOPHER S. HART  
SEAN M. HERRON  
TOMMIE HEWITT, JR.  
JOHN J. HICKEY III  
ANGELLA K. HOLBROOK  
JANET R. HOLIDAY  
ANGELA M. HOLMES  
RODNEY H. HONEYCUTT  
KAROLYN I. HOOPER  
DAVID J. HOSNA  
HEIDI J. HOYLE  
REED E. HUDGINS  
FREDERICK J. HUGHES IV  
HARRY H. HUNGERFORD III  
KEITH E. IGYARTO  
JAMES JENNINGS  
STEVEN J. KELLER  
KENNETH C. KELLEY  
ALAN G. KELLOOG  
STUART A. KIDDER  
PATRICK A. LAMB  
JONG H. LEE  
TIMOTHY D. LUEDECKING  
CHRISTOPHER S. LUEKENGIA  
EDWARD D. MADDOX  
MARY L. MARTIN  
CHARLES H. MAY  
WILLIAM H. MCCAULEY V

MICHAEL T. MCTIGUE  
DEAN A. MEINERT  
MATT G. MELVIN  
RICHARD L. MENHART  
ANDREW T. MERGENS  
MICHAEL W. MILNER  
JEFFREY S. MURRAY  
JOSEPH A. MYRDA, JR.  
KEVIN M. NASH  
BRIAN P. ONEIL  
MARC A. ORR  
ROBIN E. PARSONS  
TAMATHA A. PATTERSON  
TIMOTHY U. PHILLIPS  
RICHARD M. PIERCE  
DOUGLAS P. PIETROWSKI  
LEON G. PLUMMER  
DAVID J. PRESTON  
RONALD R. RAGIN  
MELINDA S. A. ROMERO  
JAMES P. ROSS  
MATTHEW H. RUEDI  
WILLIAM M. RUSSELL  
ANTHONY J. SANCHEZ  
RYAN E. SAW  
JAMES W. SCHIRMER  
MATTHEW P. SHATZKIN  
ERIC P. SHIRLEY  
CRAIG A. SIMONSGAARD  
STANLEY J. SLIWINSKI, JR.  
SYDNEY A. SMITH  
THOMAS M. SPENARD  
CHARLES M. STEIN  
MAURICE H. STEWART  
MARVIN M. THORNTON, JR.  
STACY S. TOWNSEND  
CAROL M. TSCHIDA  
JOHN S. H. TURNER, JR.  
SCOTT A. TYLER  
DOUGLAS M. VALLEJO  
REID E. VANDERSCHAAF  
ROBERT M. VILLALOBOS  
ERIK C. WEBB  
JOSEPH C. WELLER  
TIMOTHY P. WHITE  
JAMAL E. WIGGLESWORTH  
HOPE F. WILLIAMS  
LISA M. WILSON  
LITONYA J. WILSON  
ANTHONY M. WIZNER  
DONALD K. WOLS  
MICHAEL T. WRIGHT

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

#### *To be colonel*

TERRY L. ANDERSON  
KRIS A. ARNOLD  
JAMES M. ASHFORD  
DONALD R. BAKER  
JAMES W. BAKER  
HASHAM BAYATPOOR  
RAUL C. BENITEZ  
DAVID M. BENNETT  
NANCY E. BLACKER  
CHRISTINA M. BLOSS  
JOHN J. BONIN  
THOMAS A. BOONE  
DONALD L. BRAY  
JACQUELINE D. BROWN  
LAWRENCE T. BROWN  
TIMOTHY W. BUCHEN  
EDWARD F. BUCK, JR.  
ROBERT M. BURRELL  
DYLAN M. W. CARLSON  
MICHAEL D. CHANDLER  
JEFFREY D. CHURCH  
THOMAS J. CLANCY, JR.  
WILLIAM D. CONNER  
THOMAS W. COOK  
ROBERT A. CULP II  
ABBAS K. DAHOUK  
CHARLES P. DALY  
KETTI C. DAVISON  
PAUL L. DECECCO  
GARY M. DEFORE  
JAMES D. DENARDO  
EDWARD V. DESHIELDS, JR.  
DWAYNE A. DICKENS  
THOMAS E. DILLINGHAM  
MATTHEW A. DIMMICK  
ROBERT S. DIXON  
PATRICK O. DOYLE  
MICHAEL F. DUPRA  
JOHN F. ELLIS  
DOUGLAS M. FAHERTY  
ROBERT L. FANELLI, JR.  
ROBYN E. FERGUSON  
BARBARA R. FICK  
DAVID P. FILER  
KENNETH S. FU  
PATRICK W. GINN  
MARK S. GORAK  
DUANE K. GREEN  
ANDREW O. HALL  
BRIAN S. HALLORAN  
JEFFERY A. HANNON  
DAN R. HANSON  
LORENZO HARRIS  
THOMAS W. HAUSER  
GARRETT D. HEATH  
CHARLES J. HEIMANN  
ERIC T. HEIST  
JOSEPH L. HILFPIKER  
EDWARD J. HUNTER

RYAN M. JANOVIC  
JEFFREY L. JENNETTE  
DOUGLAS D. JONES  
SOMPORT JONGWATANA  
PATRICK A. KELLEY  
JOHN W. KENNEDY III  
RANDALL R. KLINGAMAN  
BRIAN T. LAMSON  
ERIC J. LARSON  
SCOTT D. LATHROP  
KELLY S. LAURITZEN  
JOHN C. LEE  
STEVEN M. LEONARD  
GEORGE E. LEWIS III  
VINCENT R. LINDENMEYER  
BRIAN E. LINVILL  
TERRY L. LOVE  
LYNN A. LUBIAK  
STEPHEN C. MA  
ROBERT S. MATHERS  
DANIEL J. MCCARTHY  
WILLIAM G. MCDONOUGH III  
JAMES G. MCFADDEN  
ROLLIN L. MILLER  
CHRISTOPHER C. MITCHNER  
IVAN MONTANEZ  
CRAIG D. MORROW  
PATRICK D. MORROW  
MATTHEW D. MORTON  
PATRICK J. MULLIN  
JAMES M. MYERS  
EARL S. NAKATA  
LANDY T. NELSON, JR.  
MARK D. NELSON  
TIMOTHY P. NORTON  
MARK E. ORWAT  
JAMES S. OVERBYE  
MICHAEL E. PANKO  
CHARLES R. PARKER  
JACQUELINE L. PATTEN  
CHRISTOPHER A. PATTON  
FADI J. PETRO  
JENNIFER B. PIOLO  
GEORGE A. PIVIK  
TIMOTHY D. PRESBY  
JOHN D. PRICE  
DAVID M. PURSLEY  
RICHARD J. QUIRK IV  
TROY A. RADER  
GREGORY E. RAWLINGS  
MICHAEL D. RAYBURN  
MARCUS A. REESE  
MICHAEL J. REPETSKI  
GARY G. RIDENHOUR  
KEITH M. RIVERS  
ARVESTA P. ROBERSON II  
STEPHEN C. ROGERS  
TRAVIS E. ROOMS  
TRACY L. ROOU  
MARK E. ROSENSTEIN  
JOHN P. RUEDISUELI  
LEE R. SALMON  
PETER J. SCAMMELL  
SWILLING W. SCOTT, JR.  
GEORGE H. SEAWARD  
DOVER SEAWRIGHT  
MICHAEL E. SENN  
KRAIG E. SHEETZ  
KRISTIAN E. SMITH  
FRANK J. SNYDER  
MATTHEW V. SOUSA  
MICHAEL P. STELZIG  
BRIAN J. STOKES  
DEREK L. STREETER  
CRAIG J. TIPPINS  
THOMAS E. TOLER  
TUAN T. TON  
JAMES D. TURINETTI IV  
BRETT M. TURNER  
JASON J. TURNER  
STEPHANIE J. TUTTON  
MARTHA S. VANDRIEL  
STEPHANIE D. VAUGHN  
GERARD A. VAVRINA  
SHELLEY L. VOLKWEIN  
PATRICK L. WALDEN  
CHARLES A. WALTERS, JR.  
GERALD S. WELLS, JR.  
DAVID R. WILLS  
JAMES L. WILMETH IV  
JOHN F. WINTERS  
RAY P. WOJCIK  
JEFFREY T. WYATT, SR.  
HAROLD P. XENITELIS  
PAUL B. ZEPERNICK  
FRANCESCA ZIEMBA  
D005130  
D005382  
G001036  
G001094

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT  
TO THE GRADE INDICATED IN THE UNITED STATES ARMY  
UNDER TITLE 10, U.S.C., SECTION 624:

*To be colonel*

JOSE L. AGUILAR  
BLACE C. ALBERT  
CHRISTOPHER E. ALBUS  
GREGORY K. ANDERSON  
DAVID R. APFLEGATE  
NICHOLAS D. ARATA  
GREGORY A. BAKER  
MICHAEL A. BALL  
MARTIN J. BARR  
CHRISTOPHER J. BARRON  
DANIEL J. BARZYK

DANIEL G. BEATTY  
CHRISTOPHER G. BECK  
ERSKINE R. BENTLEY II  
SEAN C. BERNABE  
CRAIG BERRYMAN  
GEORGE M. BOND  
GERALD A. BOSTON  
DAVID W. BOTTCHER  
MICHAEL A. BOTTIGLIERI  
FRANK W. BREWSTER II  
DETRICK L. BRISCOE  
DOUGLAS L. BROCKHARD, JR.  
MARTHA K. BROOKS  
DONALD M. BROWN  
EDMOND M. BROWN  
ERIK M. BROWN  
TIMOTHY D. BROWN  
JOHN G. BUCK  
MICHAEL F. BURNS III  
DEAN E. BUSHNELL  
CURTIS A. BUZZARD  
DAVID S. CANNON  
CAMERON M. CANTLON  
CHRISTOPHER J. CARDONI  
WILLIAM J. CARTY  
PHILLIP A. CHAMBERS  
JANICE H. CHEN  
CHRIS W. CHRONIS  
KEVIN F. CIOCCA  
RALPH L. CLAYTON III  
RICHARD E. CLEVELAND  
MARK A. COLBROOK  
JOHN R. COOK  
GERY B. CUMMINGS  
JOHN M. CYRULIK  
BARRY E. DANIELS, JR.  
MICHAEL J. DANIELS  
JAMES A. DAVEL  
JOHNNY K. DAVIS  
JOHN P. DELANEY  
ANTHONY G. DEMARTINO  
THOMAS A. DENZLER  
JOHN P. DIGIAMBATTISTA  
BRIAN E. DILLON  
CHRISTOPHER M. DONESKI  
DAVID S. DOYLE  
CHRISTOPHER T. DREW  
JOSEPH M. DUNCAN  
MATTHEW L. EICHBURG  
MARCUS S. EVANS  
JERRY L. FARNSWORTH II  
CEDRICK A. FARRIOR  
DAVID G. FIVECOAT  
LEE A. FLEMMING, JR.  
DAVID S. FLYNN  
MITCHELL D. FRANKS  
ANNA R. FRIEDERICHMAGGARD  
RICHARD A. FROMM II  
PATRICK L. GAYDON  
JAMES E. GAYLORD, JR.  
SCOTT R. GERBER  
DARREN S. GERBLICK  
ERIK O. GILBERT  
JAYSON C. GILBERTI  
LYNDA M. GRANFIELD  
SCOTT A. GREEN  
ROSENDO T. GUIEB  
THOMAS B. GUKELSEN  
JOHN W. HAEFFNER  
SCOTT W. HALSTEAD  
SCOTT J. HALVERSON  
BRIAN J. HAMMER  
THOMAS E. HANSON  
DAVID W. HARDY  
ROBERT J. HARMAN, JR.  
JOHN T. HARRIS  
PATRICK L. HARVEY  
ANTHONY J. HEALEY  
ROGER P. HEDGEPEETH  
MICHAEL B. HEDGES  
JOHN C. HERMELING  
SALOME HERRERA, JR.  
JOHN M. HINCK  
KELLY E. HINES  
BRYAN J. HOFF  
JOSEPH C. HOLLAND  
TIMOTHY W. HOLMAN  
SCOTT G. HOOPER  
WOODARD B. HOPKINS  
MICHAEL P. HOSIE  
EDWARD B. HOUSTON  
CALVIN C. HUDSON II  
TIMOTHY D. HUENING  
KELLY W. IVANOFF  
ISAAC O. JOHNSON  
STEVEN R. JOHNSON  
WILLIAM B. JOHNSON  
GUY M. JONES  
MONROE C. JONES  
ANTHONY G. JUDGE  
MICHAEL A. JUNOT  
JAMES W. KAINE  
DANIEL F. KELLEY, JR.  
ROBERT M. KILILA  
HOWARD C. KIRK IV  
JASON A. KIRK  
JAY F. KLAUS  
KENNETH J. KLIETHERMES  
JOHN D. KLINE  
CHARLES D. KRUMWIEDE  
KEVIN P. LANDERS, SR.  
KEVIN C. LEAHY  
DAVID S. LEE  
RODGER S. LEMONS  
MARK S. LEVINE  
VERNON F. LIGHTNER  
OTTO K. LILLER

MICHAEL J. LOOS  
JAMES P. LOWE  
STEPHEN J. LUTSKY  
JAMES W. MACGREGOR  
KYLE J. MARSH  
CHARLES J. MASARACCHIA  
NICK S. MAULDIN  
MICHAEL C. MCCURRY II  
ERIC M. MCFADDEN  
JAMES M. MCGOVERN  
RICHARD J. MCNORTON  
WILLIAM A. MEDINA  
JOHN V. MEYER III  
PATRICK R. MICHAELIS  
DUANE R. MILLER  
JEREMY B. MILLER  
CHARLES D. MILLS  
KENNETH J. MINTZ  
ANTHONY P. MITCHELL  
CHARLES S. MITCHELL  
ROBERT J. MOLINARI  
JEFFREY B. MULLINS  
ANTONIO V. MUNERA  
THOMAS E. MUNSEY  
RICHARD R. NAVARRO, JR.  
ERICA C. NELSON  
JOHN S. NELSON  
QUINCY E. NORMAN  
WILLIAM T. NUCKOLS, JR.  
JOHN W. NUTT  
BRYAN W. OBARR  
MORGAN D. OROURKE  
CARL J. PACKER  
DONALD C. PADGETT  
JOHN M. PAGANINI  
DAVID H. PATTERSON, JR.  
SHANA E. PECK  
MICHAEL D. PELOQUIN  
WILLIAM B. PENLAND  
KRIS N. PERKINS  
MICHAEL P. PETERS, JR.  
MICHAEL J. PHILBIN  
FREDERICK E. PRINS  
KEVIN J. QUARLES  
PAUL P. REESE  
ANDREW T. RENDON  
IAN C. RICE  
THOMAS S. RICKARD  
LEONARD ROSANOFF  
THOMAS G. ROWELL, JR.  
MICHAEL D. RUNEY  
JOSEPH A. RYAN  
MARK E. SCHMITT  
DONALD P. SCHURR  
THOMAS J. SHEEHAN  
JEFFREY M. SHOEMAKER  
ALAN B. SHOREY  
HUGH D. SHOULTS  
MICHAEL J. SIMMERING  
DAVID G. SINK  
CHAD D. SKAGGS  
JASON L. SMALLFIELD  
DALE R. SMITH  
JOHN L. SMITH  
FRANK K. SOBCHAK  
JEFF R. STEWART  
ALBERT H. STILLER  
CHRISTOPHER STONE  
ALAN C. STREETER  
FLEMING T. SULLIVAN  
BRETT G. SYLVIA  
KENNETH J. TAUKE  
GRADY S. TAYLOR  
WILLIAM D. TAYLOR  
MATTHEW T. TEDESCO  
MAXWELL S. THIBODRAUX  
WILLIAM L. THIGPEN  
JEFFERY B. THOMPSON  
RONALD L. TUCKER, JR.  
JERRY A. TURNER  
MATTHEW R. TYLER  
RICHARD P. ULLIAN  
ANDREW C. ULRICH  
ROBERT V. URQUHART, JR.  
SHAWN M. VAIL  
MATTHEW J. VANWAGENEN  
DOUGLAS C. VANWEELDEN III  
DOUGLAS G. VINCENT  
THOMAS VONESCHENBACH  
CAREY M. WAGEN  
JOHN P. WANAT  
JAMES A. WANOVICH  
HEATHER J. WARDEN  
STEVEN H. WARREN  
TODD R. WASMUND  
JEFFREY W. WHITE  
ALAN A. WIERNICKI  
THOMAS M. WILLIAMS  
CHRISTOPHER R. WILLIS  
DANIEL B. WILSON  
ROBERT L. WILSON  
ROBERT C. WITTIG  
DAVID B. WOMACK  
DAVID M. WOOD  
HARRY T. WOODMANSEE III  
MATTHEW C. ZIMMERMAN  
D010875  
D002780  
D002807  
D006212  
D002977  
D005615

IN THE NAVY

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT  
TO THE GRADES INDICATED IN THE REGULAR  
NAVY UNDER TITLE 10, U.S.C., SECTION 531:



*To be commander*

DAVID SAMMETT

*To be lieutenant commander*

CENDIE R. CRAWLEY  
TIMOTHY R. DURKIN

THE FOLLOWING NAMED OFFICERS FOR TEMPORARY  
APPOINTMENT TO THE GRADE INDICATED IN THE  
UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION  
5721:

*To be lieutenant commander*

TIMOTHY R. ANDERSON  
CARICE J. BRANTLEY  
MATTHEW P. BROUILLARD

DAVID E. BYRNE  
ADAM R. CADIVIUS  
JOSEPH A. CAMPBELL  
MICHAEL G. CHARNOTA  
SHANE V. COOK  
AARON D. COUDRAY  
CHON B. DAREING  
JAMES P. DUVALL  
JAMES M. ELMORE II  
RICHARD R. EMERSON  
SHANE M. FOX  
ROBERT L. FRANKLIN III  
JASON R. HARR  
NEAL HEATON  
MICHAEL J. HELLARD  
ROBERT INMAN  
JEREMY L. JAMES

DEVINE JOHNSON  
JAMES H. KEPPEL IV  
ROBERT W. KULISAN  
JOHNNY R. LYKINS, JR.  
AARON P. MALE  
JEREMY C. MEDLIN  
ERIK A. NYHEIM  
MICHAEL P. QUARG  
ROBERT RAGON  
JEFFREY W. RANSOM  
GRANT H. RIEDL  
CHRISTOPHER W. ROSE  
MICHAEL SARRAILLE  
SAMUEL M. SCOVILL  
JOSEPH F. WALTER  
GEORGE B. WATKINS