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Senate

The Senate met at 2 p.m. and was called to order by the Honorable CHRISTOPHER MURPHY, a Senator from the State of Connecticut.

PRAYER

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

Let us pray.

God of all mercies, You continue to provide us with refuge and strength. We don't boast about tomorrow, for no one knows what a day may bring. Lord, we ask You to comfort the victims and families of the deadly Navy Yard shooting, providing them with a peace that the world can't give or take away. Use our Senators today to hasten the time when harmony will dominate discord and hope will triumph over despair.

We also ask Your richest blessings upon our U.S. Capitol Police who daily risk their lives for freedom. Bless also all the members of our armed services. Thank You for giving us these guardians of freedom and servants of liberty.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 16, 2013.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable CHRISTOPHER MURPHY, a Senator from the State of Connecticut, to perform the duties of the Chair.

PATRICK J. LEAHY,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

NAVY YARD SHOOTINGS

Mr. REID. Mr. President, the Sergeant at Arms is here on the Senate floor. The Republican leader is here.

When I was doing my exercise this morning, I heard there was an incident at the Navy Yard and traffic was tied up. I didn't know what it was. Of course, coming to the Capitol I knew something was up because I saw our police officers with their automatic weapons that they usually don't carry, at least in view of everybody on Constitution Avenue and other places.

I was saddened to hear about the events here in Washington, alluded to in the prayer by the Chaplain, that occurred at the Navy Yard this morning, hearing that a number of people have been injured. I don't know all the details. We know at least there is one dead. I don't know all the details—I don't know a lot of the details of this tragedy or who the perpetrator or perpetrators may be. But according to the reports we have received, several people were killed and several were injured, including a Washington Metropolitan police officer and a military police officer. My sympathies are, of course, with those families who have loved ones who died, with those who have been injured, and my wishes go out to all of those who work in the Navy Yard complex which is a short distance from here and the surrounding neighborhood.

As usual with these events, we have to recognize the first responders who rushed to the scene and their professionalism. I don't know all about it, but I am certain it was there. My thanks go to the brave law enforcement officials who are on the scene and who put their lives on the line. Today we realize that they do put their lives on the line to keep this Capitol complex safe and the city safe.

I urge everyone in the area to follow law enforcement direction for their own safety, whether that be sheltering in place or simply avoiding the Navy Yard area today. The shooters, to my knowledge, have not been apprehended. I have been told they have their fixation on who one of them might be, but we will all continue to follow this situation as it develops.

Based upon this, as I indicated, I have spoken with the Sergeant at Arms, and the Republican leader has been advised of everything I have said and what I am going to suggest. In light of the events at the Navy Yard, we have decided to recess the Senate until tomorrow morning. The vote scheduled for this evening will be rescheduled. We will have an announcement later on the time of those votes.

Mr. MCCONNELL. Mr. President, if the majority leader would suspend.

Mr. REID. Mr. President, I am sorry I didn't do that.

RECOGNITION OF THE MINORITY LEADER

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

NAVY YARD SHOOTINGS

Mr. MCCONNELL. Mr. President, I have a few observations about the events of the day.

We are all thinking about today's tragic shootings at the Navy Yard, about the victims and their families.

• 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 men and women of the military courageously put their lives on the line in many dangerous places around the world. It is painful for all of us to think about and having to worry about their safety when they come home too.

Many people in the area, and across the country, will be directly affected by this terrible tragedy and we pray for them all. These kinds of incidents always remind us how fragile life is. They also remind those of us who work in and around the Capitol how much we all owe to the men and women who work so hard to keep us safe every day.

I wish to take this opportunity to thank Terry Gainer and his team, Chief Dine, and the entire Capitol Police force for all they do day in and day out, and for everyone else who is working through this tragedy, including the first responders, the medical personnel, and DC police. I want them all to know one thing: We are all thankful for your hard work and your sacrifice. Everyone is deeply grateful, especially on days such as this.

Mr. REID. Mr. President, I appreciate very much my friend's statement. Earlier this morning I had in my office a Capitol Police officer. I said, what is the number on your badge? I don't remember exactly—3,600 and something. I said, look at my cabinet there, look at my badge. Mine was 363.

So Senator MCCONNELL is absolutely right, we take for granted the work these men and women do for us here. It is significant. They do everything they can to protect us and all of the thousands of people who work in this Capitol complex.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent, as if in executive session, that the order for consideration of the Campbell-Smith and Kaplan nominations be modified to be after consultation with Senator MCCONNELL, with all of the provisions remaining in effect.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

ADDITIONAL STATEMENTS

HONOR FLIGHT OF NORTHERN COLORADO

• Mr. UDALL of Colorado. Mr. President, I rise today to pay tribute to the outstanding military service of a group of incredible Coloradans. At critical times in our Nation's history, these veterans each played a role in defending the world from tyranny, truly earning their reputation as guardians of peace and democracy through their service and sacrifice. Now, thanks to Honor Flight, these combat veterans came to Washington, DC, to visit the national memorials built to honor those who served and those who fell.

They have also come to share their experiences with later generations and to pay tribute to those who gave their lives. I am proud to welcome them here, and I join with all Coloradans in thanking them for all they have done for us.

I also want to thank the volunteers from Honor Flight of Northern Colorado who made this trip possible. These volunteers are great Coloradans in their own right, and their mission to bring our veterans to Washington, DC, is truly commendable.

I wish to publicly recognize the veterans who visited our Nation's capital, many seeing for the first time the memorials built as a tribute to their selfless service. Today, I honor these Colorado veterans on their visit to Washington, DC, and I join them in paying tribute to those who made the ultimate sacrifice in defense of liberty.

Veterans from World War II include: Homer Anderson, Ernest Baugh, Norman Bever, William Compton, Alton Cooper, Arthur Cushing, Robert Davis, Harold Dawe, Jr., Richard Doyle, Robert Eldridge, Stewart Fonda, Jr., Donald Forry, Albert Gablehouse, Charles Gebauer, William Hammond, Sidney Hanks, William Hargis, Walter Hayward, Herman Huwa, Reinard Janssen, Donald Larson, Evelyn Lee, John MacQueen, Robert Martin, Isaac Martinez, George Norton, Eugene Olson, Herbert Pugh, Eugene Replogle, William Ripple, Max Rodgers, Loyal Smoke, Glen Springer, Harold Sutton, Donald Steinshouer, Eugene Turnbull, Roger Van Thorre, Charles Webb, James Whitley and Lawrence Zuppan.

Veterans from the Korean War include: Harry Ahlbrandt, Wallace Akers, Ronald Anderson, Joseph Anello, Filbert Baca, Gilbert Ball, Delbert Black, Keith Bordewyk, Delmar Bonser, Emilio Brito, Robert Burkholder, Charles Carihfield, Marvin Carihfield, Charles Dunfee, Sr., Thomas Eckrich, Verne Einspahr, Virtus Einspahr, Frank Faiella, Theodore Farwell, Edwin Foss, Loren Garretson, Henry Geisert, Scott Goshorn, Earl Graham, Howard Hanson, Fred Hara, Jerry Herring, Bernard Hill, John Holloway, Harold Hoyland, Vealess Hudspeth, William Hughes, Jimmie Hylton, John Jacobson, Ray Jacoby, Richard Jagers, Kenneth Jan, Frances Killinger, Jr., Raymond Kosley, Edward Kirvonak, William Krupke, Pat Lanphear, Owen Lecheler, William Leppert, Clarence Lueb, Robert MacLauchlin, Philip Mahoney, Roquez Martinez, Horacio Masearenas, Edward Minch, Howard Morgan, Robert Muller, Leonard Peatrowsky, William Phillips, Dean Pope, Charles Pugh, George Pugh, Teddy Putnum, Thomas Ramm, Tommy Richie, Theodore Roos, Leonard Schmidt, Paul Schroeder, Lloyd Seekamp, Robert Sharrett, Richard Sherman, James Sparks, Boyd Stark, Harvey Steward, Joseph Stockert, Leon Stone, Richard Stoner, Jr., Betty Taylor, Leo Thielen, John Toth, John Wachsmann, Benjamin Wagner, Roger

Warden, Jr., Robert Weber, Lester Weers and James Weitz.

Veterans from other conflicts include: Frank Griggs, James Smith and Robert Wideman.

Our Nation asked a great deal of these individuals—to leave their families to fight in unknown lands and put their lives on the line. Each one of these brave Coloradans bravely answered the call. They served our country with courage, and in return, let us ensure they are shown the honor and appreciation they deserve. Please join me in thanking these Colorado veterans and the volunteers of Honor Flight of Northern Colorado for their tremendous service.●

MESSAGE FROM THE HOUSE

At 2:08 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2775. An act to condition the provision of premium and cost-sharing subsidies under the Patient Protection and Affordable Care Act upon a certification that a program to verify household income and other qualifications for such subsidies is operational, and for other purposes.

ADDITIONAL COSPONSORS

S. 411

At the request of Mr. ROCKEFELLER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 411, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 569

At the request of Mr. BROWN, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. 569, a bill to amend title XVIII of the Social Security Act to count a period of receipt of outpatient observation services in a hospital toward satisfying the 3-day inpatient hospital requirement for coverage of skilled nursing facility services under Medicare.

S. 1442

At the request of Ms. CANTWELL, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1442, a bill to amend the Internal Revenue Code of 1986 to make permanent the minimum low-income housing tax credit rate for unsubsidized buildings and to provide a minimum 4 percent credit rate for existing buildings.

AMENDMENT NO. 1895

At the request of Mr. WARNER, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of amendment No. 1895 intended to be proposed to S. 1392, a bill to promote energy savings in residential buildings and industry, and for other purposes.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1928. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1928. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

On page 47, between lines 16 and 17, insert the following:

SEC. 4. LEAD EXPOSURE REDUCTION.

(a) **SHORT TITLE.**—This section may be cited as the “Lead Exposure Reduction Amendments Act of 2013”.

(b) **DEFINITIONS.**—Section 401 of the Toxic Substances Control Act (15 U.S.C. 2681) is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and indenting the clauses appropriately;

(B) in the first sentence, by striking “The term” and inserting the following:

“(A) **IN GENERAL.**—The term”;

(C) by striking “Such term includes—” and inserting the following:

“(B) **INCLUSIONS.**—The term ‘abatement’ includes—”; and

(D) by adding at the end the following:

“(C) **EXCLUSIONS.**—The term ‘abatement’ does not include any renovation, remodeling, or other activity—

“(i) the primary purpose of which is to repair, restore, or remodel target housing, public buildings constructed before 1978, or commercial buildings; and

“(ii) that incidentally results in a reduction or elimination of lead-based paint hazards.”;

(2) by redesignating—

(A) paragraphs (4) through (12) as paragraphs (5) through (13);

(B) paragraph (13) as paragraph (15); and

(C) paragraphs (14) through (17) and paragraphs (18) through (21), respectively;

(3) by inserting after paragraph (3) the following:

“(4) **EMERGENCY RENOVATION.**—The term ‘emergency renovation’ means a renovation or remodeling activity that is carried out in response to an event—

“(A) that is an act of God, as that term is defined in section 101(1) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980; or

“(B) that if not attended to as soon as is practicable—

“(i) presents a risk to the public health or safety; or

“(ii) threatens to cause significant damage to equipment or property.”;

(4) by striking paragraph (10) (as redesignated by paragraph (2)) and inserting the following:

“(10) **LEAD-BASED PAINT.**—

“(A) **IN GENERAL.**—The term ‘lead-based paint’ means paint or other surface coatings that contain lead in excess of—

“(i) 1.0 milligrams per centimeter squared; or

“(ii) 0.5 percent by weight.

“(B) **TARGET HOUSING.**—With respect to paint or other surface coatings on target housing, the term ‘lead-based paint’ means paint or other surface coatings that contain lead in excess of the lower of—

“(i) the level described in subparagraph (A); or

“(ii) a level established by the Secretary of Housing and Urban Development under section 302(c) of the Lead-Based Paint Poisoning Prevention Act.”;

(5) by inserting after paragraph (13) (as redesignated by paragraph (2)) the following:

“(14) **POSTABATEMENT CLEARANCE TESTING.**—The term ‘postabatement clearance testing’ means testing that—

“(A) is carried out upon the completion of any lead-based paint activity to ensure that—

“(i) the reduction is complete; and

“(ii) no lead-based paint hazards remain in the area in which the lead-based paint activity occurs; and

“(B) includes a visual assessment and the collection and analysis of environmental samples from an area in which lead-based paint activities occur.”; and

(6) by inserting after paragraph (15) (as redesignated by paragraph (2)) the following:

“(16) **RENOVATION.**—The term ‘renovation’ has the meaning given such term in section 745.83 of title 40, Code of Federal Regulations, as in effect on the date of enactment of this paragraph.

“(17) **RENOVATION AND REMODELING REGULATION.**—The term ‘renovation and remodeling regulation’ means a regulation promulgated under section 402(a) and revised pursuant to section 402(c)(3)(A), as such regulation is applied to renovation or remodeling activities in target housing, public buildings constructed before 1978, and commercial buildings.”.

(c) **LEAD-BASED PAINT ACTIVITIES TRAINING AND CERTIFICATION.**—Section 402(c) of the Toxic Substances Control Act (15 U.S.C. 2682(c)) is amended—

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

“(2) **STUDY OF CERTIFICATION.**—

“(A) **IN GENERAL.**—Not later than 1 year prior to proposing any renovation and remodeling regulation after the date of enactment of the Lead Exposure Reduction Amendments Act of 2013, the Administrator shall conduct, submit to the Congress, and make available for public comment (after peer review) the results of, a study of the extent to which persons engaged in various types of renovation and remodeling activities in target housing, public buildings constructed before 1978, or commercial buildings—

“(i) are exposed to lead in the conduct of such activities; and

“(ii) disturb lead and create a lead-based paint hazard on a regular or occasional basis in the conduct of such activities.

“(B) **SCOPE AND COVERAGE.**—Each study conducted under subparagraph (A) shall consider the risks described in clauses (i) and (ii) of such subparagraph with respect to each separate building type described in such subparagraph, as the regulation to be proposed would apply to each such building type.”;

(2) in paragraph (3)—

(A) in the first sentence by striking “Within 4 years” and inserting the following:

“(A) **IN GENERAL.**—Not later than 4 years”; and

(B) by adding at the end the following:

“(B) **EXEMPTION.**—An emergency renovation shall be exempt from any renovation and remodeling regulation, and a person carrying out an emergency renovation shall be exempt from any regulation promulgated under section 406(b) with respect to the emergency renovation.

“(C) **PROHIBITION ON POSTABATEMENT CLEARANCE REQUIREMENT.**—No renovation and remodeling regulation may require postabatement clearance testing.”; and

(3) by adding at the end the following:

“(4) **TARGET HOUSING OWNERS.**—

“(A) **IN GENERAL.**—Not later than 60 days after the date of enactment of this paragraph, and subject to subparagraph (B), the Administrator shall promulgate regulations to permit an owner of a residential dwelling that is target housing, who resides in such residential dwelling, to authorize a contractor to forgo compliance with the requirements of a renovation and remodeling regulation with respect to such residential dwelling.

“(B) **WRITTEN CERTIFICATION.**—The regulations promulgated under subparagraph (A) shall require that an owner of a residential dwelling that is target housing, who resides in such residential dwelling, may only authorize a contractor to forgo compliance with the requirements of a renovation and remodeling regulation if the owner submits to such contractor a written certification stating that—

“(i) the renovation or remodeling project is to be carried out at the residential dwelling in which the owner resides;

“(ii) no pregnant woman or child under the age of 6 resides in the residential dwelling as of the date on which the renovation or remodeling project commences, or will reside in the residential dwelling for the duration of such project; and

“(iii) the owner acknowledges that, in carrying out the project, such contractor will be exempt from the requirements of a renovation and remodeling regulation.

“(C) **RESTRICTION.**—A contractor may not forgo compliance with the requirements of a renovation and remodeling regulation pursuant to a written certification submitted under subparagraph (B) if such contractor has actual knowledge of a pregnant woman or child under the age of 6 residing in the residential dwelling as of the date on which the renovation or remodeling commences (and for the duration of such project).

“(D) **LIMITATION OF CONTRACTOR LIABILITY.**—The Administrator may not hold a contractor responsible for a misrepresentation made by the owner of a residential dwelling in a written certification submitted under subparagraph (B), unless the contractor has actual knowledge of such a misrepresentation.

“(5) **TEST KITS.**—

“(A) **IN GENERAL.**—

“(i) **RECOGNITION.**—The Administrator shall recognize for use under this title a qualifying test kit, and publish in the Federal Register notice of such recognition.

“(ii) **SUSPENSION OF ENFORCEMENT OF CERTAIN REGULATIONS.**—If, not later than 1 year after the date of enactment of this paragraph, the Administrator does not recognize a qualifying test kit under clause (i), the Administrator—

“(I) shall publish in the Federal Register notice of such failure to recognize a qualifying test kit; and

“(II) except as provided in clause (iii), may not enforce any post-1960 building renovation and remodeling regulation, with respect to a period beginning on the date that is 1 year after the date of enactment of this paragraph and ending on the date that is 6 months after the date on which the Administrator—

“(aa) recognizes for use under this title a qualifying test kit; and

“(bb) publishes in the Federal Register notice of such recognition and of the date on which enforcement of the post-1960 building renovation and remodeling regulations will resume.

“(iii) **APPLICABILITY OF SUSPENSION.**—The Administrator shall not suspend enforcement of any post-1960 building renovation

and remodeling regulation for the period described in clause (ii)(II) with respect to a residential dwelling in which a pregnant woman or child under the age of 6 resides.

“(B) QUALIFYING TEST KIT.—In this subsection, the term ‘qualifying test kit’ means a chemical test that—

“(i) can determine the presence of lead-based paint, as defined in section 401(10)(A);

“(ii) has a false positive response rate of 10 percent or less;

“(iii) has a false negative response rate of 5 percent or less;

“(iv) does not require the use of off-site laboratory analysis to obtain results;

“(v) is inexpensively and commercially available; and

“(vi) does not require special training to use.

“(C) POST-1960 BUILDING RENOVATION AND REMODELING REGULATION.—In this subsection, the term ‘post-1960 building renovation and remodeling regulation’ means a renovation and remodeling regulation, as it applies to—

“(i) target housing constructed after January 1, 1960;

“(ii) public buildings constructed between January 1, 1960 and January 1, 1978; and

“(iii) commercial buildings constructed after January 1, 1960.

“(6) APPLICABILITY OF CERTAIN PENALTIES.—Any renovation and remodeling regulation requiring the submission of documentation to the Administrator shall provide—

“(A) an exemption from an applicable penalty for failure to comply with such requirement for a person who—

“(i) is submitting the required documentation for the first time; and

“(ii) submits documentation that contains only de minimus or typographical errors, as determined by the Administrator; and

“(B) a process by which a person described in subparagraph (A) may resubmit the required documentation.

“(7) ACCREDITATION OF RECERTIFICATION COURSES.—The hands-on training requirements required by subsection (a)(2)(D) shall not apply to any recertification course accredited by the Environmental Protection Agency that is otherwise required to be completed under this title by a person that is certified to engage in renovation and remodeling activities.”.

ORDERS FOR TUESDAY, SEPTEMBER 17, 2013

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. tomorrow, Tuesday, September 17; that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business until noon, with Senators permitted to speak for up to 10 minutes each, with the majority controlling the first 30 minutes and the Republicans the next 30 minutes; and following morning business the Senate return to consideration of S. 1392.

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

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 it adjourn under the previous order.

There being no objection, the Senate, at 2:09 p.m., adjourned until Tuesday, September 17, 2013, at 10 a.m.

DISCHARGED NOMINATIONS

The Senate Committee on Homeland Security and Governmental Affairs was discharged from further consideration of the following nomination under the authority of the order of the Senate of 01/07/2009 and the nomination was placed on the Executive Calendar:

*JON T. RYMER, OF TENNESSEE, TO BE INSPECTOR GENERAL, DEPARTMENT OF DEFENSE.

The Senate Committee on Homeland Security and Governmental Affairs was discharged from further consideration of the following nomination under the authority of the order of the Senate of 01/07/2009 and the nomination was placed on the Executive Calendar:

*STEVE A. LINICK, OF VIRGINIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF STATE.

*Nominee has committed to respond to requests to appear and testify before any duly constituted committee of the Senate.