



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, SECOND SESSION

Vol. 158

WASHINGTON, FRIDAY, NOVEMBER 30, 2012

No. 152

Senate

The Senate met at 9:15 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.

O God, You are the source of life and peace. Holy is Your Name forever. We know it is You who turns our hearts toward thoughts of unity. Use Your power to transform our lives.

Lord, as our Senators face the challenges of today and tomorrow, give them a faith that will not shrink, though threats by many a foe. May they refuse to tremble on the brink of any earthly woe, believing that all things are possible to those who harness faith's power. Give them an understanding that puts an end to strife, mercy that quenches animosity, and forgiveness that overcomes vengeance. Help them, Lord, to press on in the battle for truth, righteousness, and justice.

We pray in Your sacred 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 assistant legislative clerk read the following letter:

U.S. SENATE,

PRESIDENT PRO TEMPORE,

Washington, DC, November 30, 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.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will resume consideration of the Defense Authorization Act. There will be four rollcall votes at 9:30 a.m.

ORDER OF PROCEDURE

I ask unanimous consent that all votes after the first vote be 10 minutes in duration.

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

BIPARTISANSHIP

Mr. REID. Mr. President, this week something rare occurred here in the Senate: We debated a bill under regular order. No filibusters were mounted, no cloture motions were filed on the motion to proceed. That is certainly a rare occasion. For that reason we have had ample time to debate and consider amendments. This is how the process should work.

Typically, over the last few years we have spent weeks running out the clock on endless procedural motions rather than debating important legislation. It is no wonder the Senate rarely accomplishes anything when it takes more than a week to have a vote even to begin a bill; that is, whether we even take up a bill, start debate on a bill.

I would note, however, that even in this case, and this is an important

piece of legislation, the Defense authorization bill—I did not have to file cloture to get to the bill, but we spent weeks going back and forth to get this bill to the floor. Even though the bill managers are working mightily to make regular order work, a number of Senators have advanced nonrelevant amendments, threatening to derail the process. More than 360 amendments have been filed to this bill, many of them nonrelevant. I understand there is a lot of pent-up feelings about: Why have I not been able to offer amendments the last couple of years? Well, because we have not gotten on bills, and when we do, nothing much happens because of the problems that have developed.

A number of my colleagues, especially this past week, both Democrats and Republicans, have come to me asking for a better path forward in this body, this legislative body we so love. They want the Senate to function again in the manner the Founders envisioned. They want to see us debate legislation, consider relevant amendments, and then vote up or down on the matters before this body. Senators want to see us conclude legislation, pass or fail. Let's decide what we are going to do, not avoid doing something. They do not want to see more good bills filibustered to death without ever even getting a real vote. If a bill is worth bringing to the floor of this body, the Senate, it should get to the floor so we can start the debate.

One reason we have been able to work with 50, 60 amendments on this bill—actually that are disposed of—is because we did not have to waste time for more than a week on a motion to proceed to get to it. So I repeat, if a bill is worth bringing to the floor of this body, it should get to the floor quickly. It deserves an up-or-down vote once we go on it.

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



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S7279

RESERVATION OF LEADER TIME

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

NATIONAL DEFENSE
AUTHORIZATION ACT FOR 2013

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 3254, which the clerk will report by title.

The assistant legislative clerk read as follows:

A 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.

Pending:

Kyl amendment No. 3123, to require regular updates of Congress on the military implications of proposals of the United States and Russia under consideration in negotiations on nuclear arms, missile defense, and long-range conventional strike system matters.

Menendez amendment No. 3232, to enhance sanctions imposed with respect to Iran.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

Mr. WEBB. Mr. President, I would like to take a couple of minutes this morning to discuss Senator SESSIONS' amendment which we will be voting on shortly, amendment No. 3009, which I cosponsor, and explain my views on why this amendment is important in terms of the balance this body traditionally and historically should have with the executive branch of our government.

There are two clarifications in this amendment that I believe are important in terms of how we develop long-term relationships, security relationships, with other countries. The first is that, as we know, recently the President of the United States entered into what they have termed an "enduring strategic partnership agreement" between the United States and the Islamic Republic of Afghanistan which proposes to establish an enduring strategic partnership. This has been done without the consent of the Congress. It has been justified based on the authority of the President to use force in order to respond to these incidents that began on 9/11.

I believe it is important for us as a body to make the distinction that the authorization for the use of military force does not in and of itself authorize the executive branch to enter into long-term security agreements with another country that can affect the number of forces that are there. It can affect a broad range of governmental issues that are far beyond the use of force in terms of dealing with international terrorism.

This is true in our history. It is actually true in the way these other countries—Iraq and now Afghanistan—have been dealing with the same documents.

I can recall during the previous administration when they signed a strategic framework agreement, and then we began working on the status of forces agreement with Iraq. I called at that time for this agreement, the strategic framework agreement, which is a long-term relationship proposed between the United States and Iraq, to be submitted to the Congress for review. I actually had to go into one of these rooms where you close the door as if you were reading a top-secret document even to examine the strategic framework agreement, which was not classified and which the Iraqi Parliament voted on twice. We did not even get to vote on it. I do not think that is the way our system of government should be working.

We are seeing the same situation here with Afghanistan. We should not be entering into a long-term security relationship with Afghanistan purely at the discretion of the executive branch. The Congress should have a part to play in this. That is the second point. The question is, What should the role of Congress be? I think that is what has paralyzed us as a body for the 6 years I have been here in the Senate.

This is not a treaty. This would not be a treaty, so we would not have to go through the entire consent process of a treaty, which could paralyze our foreign policy. The Presiding Officer and I both have worked for several years here now trying to get the Law of the Sea Treaty into place. It has been bouncing around for decades. But it should be more than what they call "consultation." Every time we talk to the executive branch—and I am a former member of the executive branch. I spent 4 years in the Pentagon in the Reagan administration. They say they have "consulted," and the definition of the "consultation" could be the Secretary of State calling the chairman of the Foreign Relations Committee or the Secretary of Defense calling the chairman of the Armed Services Committee or coming over for a meeting. That is not the level of discussion and involvement the Congress should have when we are talking about long-term commitments with countries such as Afghanistan and Iraq.

This amendment is not Draconian. It is very sensible. It basically says that in the situation where we have entered into this proposed relationship with Afghanistan, the key committees over here in the Congress should have 30 days to review the documents before they are put into play. There is no great urgency in terms of when these documents are implemented. It is the same courtesy—it is not actually as far as what the Afghan Parliament is going to be able to do on the other side. For that reason, I commend the Senator from Alabama for having decided to come forward with this amendment. It has my support.

I yield the floor.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. SESSIONS. Mr. President, I call up amendment No. 3009, as modified, and ask for its consideration.

Mr. LEVIN. Mr. President, we would need to see the modification before it is accepted.

Mr. SESSIONS. I believe it is at the desk.

Mr. LEVIN. We would have to reserve the right—if you could call up the amendment and then hold off on any modification until we can see it.

AMENDMENT NO. 3009

Mr. SESSIONS. Mr. President, I call up amendment No. 3009 and ask for its consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS] proposes an amendment numbered 3009.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide for congressional review of any bilateral security agreement with Afghanistan)

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.

Mr. SESSIONS. Mr. President, I would like just like to say that this amendment arose after Senator WEBB expressed concerns at one of our Armed Services Committee hearing fundamentally that Iraq and Afghanistan are voting in their parliaments on the force of status agreements, and we are not even seeing the agreement here, so I appreciate his leadership and am glad to work with him on this piece of legislation. I think his work moves us in the right direction.

We will talk with Chairman LEVIN to see where we are.

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

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

The assistant legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I couldn't miss the opportunity to express our appreciation for the services of Senator WEBB. As all of us know, but it doesn't hurt to be reminded, he is a Vietnam veteran, one of the most highly decorated veterans in the entire war, a combat leader of men in fierce combat. He served the country in a number of different ways and in this Senate. Actually his book, *Fields of Fire*, remains the premier novel on the Vietnam War and is the most studied novel in colleges to this day about the war in Vietnam.

So, at any rate, I just wanted to share those remarks while we had a

minute here and express my appreciation to Senator WEBB for his service to the country and to the Senate.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. LEVIN. Mr. President, on these amendments of Senator SESSIONS and Senator WEBB—and, by the way, I thoroughly and totally join Senator SESSIONS in his comments about Senator WEBB. I think he spoke for the entire body when he made those comments.

We had agreed that we would do the following: There are a number of changes which need to be made in this amendment which the sponsors have agreed to. There are some additional concerns about this amendment, which we believe we can take care of in conference. So the suggestion was made to Senator SESSIONS and Senator WEBB that we voice vote this at this time, and we address some of those concerns and modifications in conference, and I would suggest that we do that at this time.

The ACTING PRESIDENT pro tempore. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 3009) was agreed to.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. I think the order is that we now proceed to consideration of the Cardin amendment.

AMENDMENT NO. 3025

Mr. CARDIN. Mr. Chairman, I call up amendment No. 3025.

The ACTING PRESIDENT pro tempore. The clerk will report:

The assistant legislative clerk read as follows:

The Senator from Maryland [Mr. CARDIN] proposes an amendment numbered 3025.

Mr. CARDIN. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To ensure sufficient sizing of the civilian and contract services workforces of the Department of Defense)

Strike section 341 and insert the following:
SEC. 341. CIVILIAN AND CONTRACT SERVICES WORKFORCE BALANCE.

(a) **IN GENERAL.**—The Secretary of Defense shall, consistent with the requirements of sections 129 and 129a of title 10, United States Code, ensure that the civilian and contract services workforces of the Department of Defense are sufficiently sized, taking into account military strategy requirements and military end-strength.

(b) **COMPTROLLER GENERAL REPORT.**—Not later than 180 days after the date of the en-

actment of this Act, and annually thereafter, the Comptroller General of the United States shall submit to the congressional defense committees a report assessing the sufficiency of sizing of the civilian and contract services workforces of the Department of Defense. The report shall assess whether the sizing is consistent with workforce management and sourcing laws, including sections 129 and 129a of title 10, United States Code.

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be 2 minutes of debate equally divided and controlled on amendment No. 3025 offered by the Senator from Maryland.

Mr. CARDIN. Mr. President, this amendment would eliminate an arbitrary cap on the civilian and contractual workforce. The administration supports this amendment. Without this amendment being adopted, the Department said it will need to significantly divest workload and impose workforce caps.

The amount of civilian and contractual workforce should be determined by mission, by workload and by budget, as the law provides. This arbitrary cap would be like a second sequestration type of cap on the civilian and contractual workforce.

My cosponsors include Senators AKAKA, MIKULSKI, BEGICH, DURBIN, BROWN of Ohio, MCCASKILL, HARKIN, BOXER, LEAHY, and TESTER.

I urge my colleagues to approve the amendment.

The ACTING PRESIDENT pro tempore. The senator from Arizona.

Mr. MCCAIN. Mr. President, this was unanimously approved by the committee. There is a provision in there that would simply require the Department to plan to reduce funding for civilian and contractor personnel by approximately 5 percent, which would be less reduction than what is contemplated from the military side.

Right now, the President's budget, not counting sequester, would reduce military personnel by 123,900 men and women serving in the military or 5.5 percent over 5 years.

Since 2001, the civilian personnel in the Department of Defense has increased by 100,000, a 16 percent increase and a 37 percent increase in civilian pay costs.

The Department of Defense continues to be top heavy with headquarters. The Office of the Secretary will grow by 25 percent from 2001 to 2017.

Look, we all know that the Department of Defense is being downsized, so there has to be, obviously, a commensurate reduction in civilians, which is actually less than what is actually contemplated in the military.

This was unanimously reported, and I have had conversations with the Secretary of Defense, who agrees that we need to reduce the civilian personnel as well as the uniformed personnel.

I urge my colleagues to reject this amendment.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. I ask unanimous consent that I be allowed to proceed for 10 seconds.

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

Mr. LEVIN. Mr. President, I oppose this amendment. We are cutting military end strength by 5 percent over the next 5 years. In this budget situation, we have no choice but to cut the Defense Department civilian employee and contractor workforces as well. This gives flexibility to the Department of Defense when and where to make the cuts.

We have got to make some reductions in the defense budget. This does it in a way which is flexible and necessary, so I too oppose the amendment.

Mr. CARDIN. Mr. Chairman, how much time remains?

The ACTING PRESIDENT pro tempore. There are 16 seconds remaining.

Mr. CARDIN. Mr. President, let me just point out the civilian workforce is going to be cut. According to the House Armed Services Committee, over 10,000 positions will be eliminated in FY12 alone.

The House bill does not contain this provision. This provision imposes an effective cap on civilian and contractual workers.

Mr. MCCAIN. Regular order here.

The ACTING PRESIDENT pro tempore. The Senator's time has expired. Under the previous order, the question is on agreeing to the amendment of the Senator from Maryland, Mr. CARDIN.

Mr. MCCAIN. I ask unanimous consent that the Senator from Maryland be given an additional 3 minutes, if he so desires.

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

The Senator from Maryland.

Mr. CARDIN. Mr. President, I will not take 3 minutes.

The point I am bringing up is that what this would do is impose an additional cap on civilian and contractual. They are already controlled by law. The law says by mission and budget. That is what it should be. The administration supports this amendment, and I would urge my colleagues to approve it.

I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Maryland, Mr. CARDIN.

Mr. MCCAIN. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Sen-

ator from Utah (Mr. HATCH), the Senator from Nevada (Mr. HELLER), and the Senator from Illinois (Mr. KIRK).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted "nay."

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 41, nays 53, as follows:

[Rollcall Vote No. 214 Leg.]

YEAS—41

Akaka	Inouye	Pryor
Begich	Kerry	Reed
Blumenthal	Landrieu	Reid
Boxer	Lautenberg	Sanders
Brown (OH)	Leahy	Schumer
Cantwell	Lieberman	Shaheen
Cardin	McCaskill	Snowe
Casey	Menendez	Stabenow
Coons	Merkley	Tester
Durbin	Mikulski	Udall (CO)
Franken	Murkowski	Udall (NM)
Gillibrand	Murray	Warner
Hagan	Nelson (NE)	Webb
Harkin	Nelson (FL)	

NAYS—53

Ayotte	Crapo	Lugar
Barrasso	DeMint	Manchin
Baucus	Enzi	McCain
Bennet	Feinstein	McConnell
Bingaman	Graham	Moran
Blunt	Grassley	Paul
Boozman	Hoeven	Portman
Brown (MA)	Hutchison	Risch
Burr	Inhofe	Roberts
Carper	Isakson	Rubio
Chambliss	Johanns	Sessions
Coats	Johnson (SD)	Shelby
Coburn	Johnson (WI)	Thune
Cochran	Klobuchar	Toomey
Collins	Kohl	Vitter
Conrad	Kyl	Whitehouse
Corker	Lee	Wicker
Cornyn	Levin	

NOT VOTING—6

Alexander	Heller	Rockefeller
Hatch	Kirk	Wyden

The amendment (No. 3025) was rejected.

Mrs. FEINSTEIN. Mr. President, I move to reconsider the vote.

Ms. KLOBUCHAR. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. Mr. President, there is now going to be a 2-minute debate on the Menendez amendment on Iran sanctions.

What Senator MCCAIN and I asked for last night, and we again ask for now, is that the Members let us know which amendments they believe need to be voted on if a rollcall vote and a debate is necessary because we are going to attempt to put together a unanimous consent agreement which will lay out the amendments that would be voted on before cloture next Monday.

It was our expectation by the end of the day that cloture was going to be filed by the leader. We can try to avoid that problem if we can work out a finite list of amendments to put in a unanimous consent agreement so we can work toward the final completion of this bill.

So I urge Members during this period to work with our staffs and let them

know what amendments they believe must be disposed of prior to the end of this bill.

AMENDMENT NO. 3232

The ACTING PRESIDENT pro tempore. Under the previous order there will now be 2 minutes of debate equally divided prior to a vote on amendment No. 3232 offered by the Senator from New Jersey, Mr. MENENDEZ.

The Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank Senator MENENDEZ and Senator KIRK for this very important action of tightening sanctions on Iran.

The centrifuges are still spinning in Tehran, and we have enacted strong sanctions. They have had some effect, but we have not had sufficient effect.

I thank Senator MENENDEZ and Senator KIRK for this language in this amendment. I will not go through a list of all the actions that will be taken against Iran, but the screws need to be tightened. This is an important act, and it can—I emphasize, can—lead to a way to prevent a conflagration in the Middle East.

I thank Senator MENENDEZ for his leadership, and I yield the floor.

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

Mr. MENENDEZ. Mr. President, I thank Senator MCCAIN for his support and his words, and the chairman for his help in getting us here. This is a bipartisan amendment that is vital to U.S. national security and regional stability in the Middle East.

Our most recent sanctions that we passed a year ago 100 to 0 are working toward crippling Iran's economy, but Iran hasn't quit trying. That is why we need to go further with this amendment and apply additional sanctions to Iran's energy, port, shipping, shipbuilding sectors that support their nuclear program, and the sales of certain commodities that support those sectors.

Just this week the IAEA said Iran has not slowed down its enrichment activities. They continue to deny access for inspection of facilities, and they have actually conducted live tests of conventional explosives that could be used to detonate a nuclear weapon. We must make clear to the Iranians that toughing out and waiting out is not an option; that it will only get worse. And I hope we have, on behalf of Senator KIRK, myself, Senators LIEBERMAN and CASEY, and many other colleagues, the strong bipartisan vote we had last year.

SANCTIONS CREDIBILITY

Mr. JOHNSON. Mr. President, in August, Congress passed and the President signed into law the Iran Threat Reduction and Syria Human Rights Act of 2012. This measure, coupled with CISADA and last year's powerful Iran Central Bank legislation authored by Senators MENENDEZ and KIRK, have helped dramatically to increase pressure on the Iranian government to halt its illicit nuclear activities. Iran's petroleum exports have dropped by more

than half this year, producing losses of over \$100 million each day to Iran's economy. Even so, Iran continues to press forward aggressively with its enrichment program and to suppress the rights of its citizens.

The bipartisan amendment proposed by Senators MENENDEZ and KIRK to the 2013 National Defense Authorization Act will further tighten sanctions on Iran and increase the economic pressure on its leaders. I have worked closely with Senator MENENDEZ and respect his fierce commitment to this issue, and to giving the administration all of the tools it needs to deal with Iran. I support the amendment. Our sanctions laws have become increasingly complex, however, and to assure that the new provisions can be effectively implemented, I hope we can work with officials in the Departments of State and Treasury to continue to refine these provisions as the bill moves to conference. This is a complex area of the law, and we need to have a sure hand as we go forward toward conference, drawing clear lines and avoiding any unintended consequences that might undermine the credibility of the overall sanctions regime.

Mr. MENENDEZ. I welcome my colleague's support, and I agree to work with him to refine the new sanctions provisions contained in this amendment to make them as workable and effective as possible as the bill moves forward.

Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. Mr. President, I ask unanimous consent for 30 seconds on this amendment.

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

Mr. LEVIN. I strongly support this amendment. It will continue to tighten sanctions on Iran and to bring into strong participation the international community.

This amendment is a continuing effort. The administration has made major efforts. I commend them for it. But this will add great strength to the existing sanctions which are essential to force Iran to comply with the international community.

The administration has raised concerns—we know that—about some provisions of this amendment. They have indicated that the amendment does not give them sufficient waiver flexibility. The Banking Committee has raised some issues, and we will try to address, if we can, in an appropriate way some of these concerns in conference. But I strongly support this amendment and hope it gets the unanimous support or near unanimous support in this body.

The ACTING PRESIDENT pro tempore. Under the previous order, the

question occurs on amendment No. 3232.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK), the Senator from Nevada (Mr. HELLER), the Senator from Utah (Mr. HATCH), and the Senator from Tennessee (Mr. ALEXANDER).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted "yea," and the Senator from Nevada (Mr. HELLER) would have voted "yea."

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 94, nays 0, as follows:

[Rollcall Vote No. 215 Leg.]

YEAS—94

Akaka	Franken	Moran
Ayotte	Gillibrand	Murkowski
Barrasso	Graham	Murray
Baucus	Grassley	Nelson (NE)
Begich	Hagan	Nelson (FL)
Bennet	Harkin	Paul
Bingaman	Hoeven	Portman
Blumenthal	Hutchison	Pryor
Blunt	Inhofe	Reed
Boozman	Inouye	Reid
Boxer	Isakson	Risch
Brown (MA)	Johanns	Roberts
Brown (OH)	Johnson (SD)	Rubio
Burr	Johnson (WI)	Sanders
Cantwell	Kerry	Schumer
Cardin	Klobuchar	Sessions
Carper	Kohl	Shaheen
Casey	Kyl	Shelby
Chambliss	Landrieu	Snowe
Coats	Lautenberg	Stabenow
Coburn	Leahy	Tester
Cochran	Lee	Thune
Collins	Levin	Toomey
Conrad	Lieberman	Udall (CO)
Coons	Lugar	Udall (NM)
Corker	Manchin	Vitter
Cornyn	McCain	Warner
Crapo	McCaskill	Webb
DeMint	McConnell	Whitehouse
Durbin	Menendez	Wicker
Enzi	Merkley	
Feinstein	Mikulski	

NOT VOTING—6

Alexander	Heller	Rockefeller
Hatch	Kirk	Wyden

The amendment (No. 3232) was agreed to.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, we are fortunate to have two of the most seasoned veterans managing this bill. They understand the legislation. They have worked together for a quarter of a century on this. No one knows this subject matter better than these two managers.

Having said that, they are now going to put their experience to a test because they are going to come up with a finite list. People have wanted to start legislating the way we have legislated. That is what we are doing here. As I mentioned this morning, we have almost 400 amendments that have been filed on this bill, but that is not un-

usual. People have a pent-up desire to offer amendments and we all understand that. But from that list, these two managers are going to cull a number of amendments to come up with a finite list; that is, a list of amendments that should be disposed of.

They are going to do that by unanimous consent, and I hope everyone will cooperate. They will be as fair as they can to Democrats and Republicans. People should look at the list. If they don't like it, then they should talk to one of the managers, but that is the way it is. There will be no more votes after the next one, but by noon today there will be a determination as to whether there will be further activity on this legislation.

We have a vote that is now going to be announced by the Chair in a minute. I hope everybody understands we have made great progress on this bill. This legislation has passed 51 consecutive years. This will be the 52nd year we have passed this bill. It would be untoward and not good for our fighting men and women not to pass this legislation. Once we pass it, we can't spend a lot more time on it. This is a massive bill. It has to go to conference with the House. The two managers and the conferees have to work something out so we will have a final product before the end of the year.

Mr. LEVIN. Would the leader yield?

Mr. REID. I would be happy to yield.

Mr. LEVIN. In addition to putting together a finite list, which would be the amendments which would apparently require rollcall votes, we will continue to try to clear amendments which can be cleared on both sides. It is the amendments which we believe would require rollcall votes in order for us to proceed that we are going to put on a finite list. So don't give up on amendments just because they are not on the list. If we indicate to our colleagues that we have a reasonable chance of clearing those amendments today or Monday, we would add those to the possibilities.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. Mr. President, again, I hope our colleagues understand we are either going to do this finite list or we will have cloture and nonrelevant amendments will automatically fall. I hope everybody understands this is one of two options, and it seems to me if we agree on a finite list, we can then have a better chance for amendments to be considered.

I wish to thank the majority leader and all our colleagues for their patience throughout this very difficult process. I hope, in the interests of achieving the objective of passing this legislation, we will allow the amendments that are relevant and debate and votes.

Mr. REID. Finally, I ask all Senators to know that word "cloture" did not purse my lips.

Mr. LEVIN. Would all Senators please note—I wish to thank the leader

for this—he used the word, referring to Senator MCCAIN and me, as “seasoned” Senators rather than older Senators. Thank you.

AMENDMENT NO. 3073

The ACTING PRESIDENT pro tempore. The next amendment to be offered is amendment No. 3073.

The Senator from Florida.

Mr. NELSON of Florida. I call up amendment No. 3073.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Florida [Mr. NELSON] proposes an amendment numbered 3073.

Mr. NELSON of Florida. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation)

At the end of subtitle D of title VI, add the following:

SEC. 643. REPEAL OF REQUIREMENT OF REDUCTION OF SURVIVOR BENEFITS PLAN SURVIVOR ANNUITIES BY DEPENDENCY AND INDEMNITY COMPENSATION.

(a) REPEAL.—

(1) IN GENERAL.—Subchapter II of chapter 73 of title 10, United States Code, is amended as follows:

(A) In section 1450, by striking subsection (c).

(B) In section 1451(c)—

(i) by striking paragraph (2); and

(ii) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(2) CONFORMING AMENDMENTS.—Such subchapter is further amended as follows:

(A) In section 1450—

(i) by striking subsection (e);

(ii) by striking subsection (k); and

(iii) by striking subsection (m).

(B) In section 1451(g)(1), by striking subparagraph (C).

(C) In section 1452—

(i) in subsection (f)(2), by striking “does not apply—” and all that follows and inserting “does not apply in the case of a deduction made through administrative error.”; and

(ii) by striking subsection (g).

(D) In section 1455(c), by striking “, 1450(k)(2).”.

(b) PROHIBITION ON RETROACTIVE BENEFITS.—No benefits may be paid to any person for any period before the effective date provided under subsection (f) by reason of the amendments made by subsection (a).

(c) PROHIBITION ON RECOUPMENT OF CERTAIN AMOUNTS PREVIOUSLY REFUNDED TO SBP RECIPIENTS.—A surviving spouse who is or has been in receipt of an annuity under the Survivor Benefit Plan under subchapter II of chapter 73 of title 10, United States Code, that is in effect before the effective date provided under subsection (f) and that is adjusted by reason of the amendments made by subsection (a) and who has received a refund of retired pay under section 1450(e) of title 10, United States Code, shall not be required to repay such refund to the United States.

(d) REPEAL OF AUTHORITY FOR OPTIONAL ANNUITY FOR DEPENDENT CHILDREN.—Section 1448(d) of such title is amended—

(1) in paragraph (1), by striking “Except as provided in paragraph (2)(B), the Secretary

concerned” and inserting “The Secretary concerned”; and

(2) in paragraph (2)—

(A) by striking “DEPENDENT CHILDREN.—” and all that follows through “In the case of a member described in paragraph (1),” and inserting “DEPENDENT CHILDREN ANNUITY WHEN NO ELIGIBLE SURVIVING SPOUSE.—In the case of a member described in paragraph (1),”;

(B) by striking subparagraph (B).

(e) RESTORATION OF ELIGIBILITY FOR PREVIOUSLY ELIGIBLE SPOUSES.—The Secretary of the military department concerned shall restore annuity eligibility to any eligible surviving spouse who, in consultation with the Secretary, previously elected to transfer payment of such annuity to a surviving child or children under the provisions of section 1448(d)(2)(B) of title 10, United States Code, as in effect on the day before the effective date provided under subsection (f). Such eligibility shall be restored whether or not payment to such child or children subsequently was terminated due to loss of dependent status or death. For the purposes of this subsection, an eligible spouse includes a spouse who was previously eligible for payment of such annuity and is not remarried, or remarried after having attained age 55, or whose second or subsequent marriage has been terminated by death, divorce or annulment.

(f) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the later of—

(1) the first day of the first month that begins after the date of the enactment of this Act; or

(2) the first day of the fiscal year that begins in the calendar year in which this Act is enacted.

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be 2 minutes of debate, equally divided, prior to a vote in relation to amendment No. 3073.

The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I can explain this in 60 seconds. This is the widows and orphans offset. It is a moral issue because under the Veterans' Administration, someone who dies service connected gets compensation of about \$1,100 a month for their widow. At the same time, many of those people have a life insurance contract, an annuity, called a survivor benefit plan. It pays equally the same amount. Current law offsets the two.

The Senate has passed this six times in the last decade, and we have whittled away at that offset in conference, but the major part of the offset is still there. That is the essence for the widows and orphans.

We have seen the movie “Lincoln.” Remember what Lincoln said in his second inaugural address; that the cost of war is borne not only by those who fight but by their widows and orphans.

The ACTING PRESIDENT pro tempore. Who yields time in opposition?

The Senator from Tennessee.

Mr. CORKER. Mr. President, I strongly support the policy Senator NELSON has laid out. As a matter of fact, I have voted for it every single time he has brought it to the floor, and I thank him for pointing out this problem that exists.

However, circumstances are different this time. We are all operating under

the Budget Control Act. The Nation is watching as we try to deal with fiscal issues that are before us. The amounts that are in the Budget Control Act are counted as it relates to dealing with our deficit and, unfortunately, this is not offset over the next decade, and that violates the budget by \$7 billion.

For that reason, the pending measure, amendment No. 3073 to S. 3254, the National Defense Reauthorization Act, would cause the underlying legislation to exceed the authorizing committee's section 302(a) allocation of new budget authority for outlays. Therefore, I raise a point of order against the measure pursuant to section 302(f) of the Congressional Budget Act of 1974.

I encourage all of us who want to solve this problem before the year ends to vote against it. I thank the Chair.

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

Mr. NELSON of Florida. I move to waive and ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Washington (Mr. MURRAY), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Utah (Mr. HATCH), the Senator from Nevada (Mr. HELLER), the Senator from Texas (Mrs. HUTCHISON), and the Senator from Illinois (Mr. KIRK).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted “nay,” and the Senator from Utah (Mr. HATCH) would have voted “yea.”

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 58, nays 34, as follows:

[Rollcall Vote No. 216 Leg.]

YEAS—58

Akaka	Gillibrand	Nelson (NE)
Baucus	Hagan	Nelson (FL)
Begich	Harkin	Pryor
Bennet	Inouye	Reed
Bingaman	Johnson (SD)	Reid
Blumenthal	Kerry	Rubio
Blunt	Klobuchar	Sanders
Boozman	Kohl	Schumer
Boxer	Landrieu	Shaheen
Brown (MA)	Lautenberg	Snowe
Brown (OH)	Leahy	Stabenow
Cantwell	Levin	Tester
Cardin	Lieberman	Udall (CO)
Casey	Manchin	Udall (NM)
Collins	McCaskill	Warner
Conrad	Menendez	Webb
Coons	Merkley	Whitehouse
Durbin	Mikulski	Wicker
Feinstein	Moran	
Franken	Murkowski	

NAYS—34

Ayotte	Enzi	McConnell
Barrasso	Graham	Paul
Burr	Grassley	Portman
Carper	Hoeven	Risch
Chambliss	Inhofe	Roberts
Coats	Isakson	Sessions
Coburn	Johanns	Shelby
Cochran	Johnson (WI)	Thune
Corker	Kyl	Toomey
Cornyn	Lee	Vitter
Crapo	Lugar	
DeMint	McCain	

NOT VOTING—8

Alexander	Hutchison	Rockefeller
Hatch	Kirk	Wyden
Heller	Murray	

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 58, the nays are 34. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. UDALL of New Mexico. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

AMENDMENT NO. 3123, AS MODIFIED

Mr. KYL. If the Democratic manager of the bill has nothing right at this moment, I wish to modify an amendment which is at the desk, No. 3123, and ask that the amendment be withdrawn and the Senate consider, instead, the amendment I have at the desk.

Mr. LEVIN. Would the Senator yield, because I want to make sure we are on the same track.

Mr. KYL. I yield to the Senator.

Mr. LEVIN. Is this the amendment that has been amended after discussions with Senator KERRY?

Mr. KYL. That is correct.

Mr. LEVIN. Then is it the Senator's intent to send a new amendment to the desk? Is that it?

Mr. KYL. The original amendment, No. 3123, would be withdrawn. The modification of that amendment, as written by Senator KERRY, and I believe cleared by the Senator's side, would be the modified.

Mr. LEVIN. So, in other words, it would be the same numbered amendment, as modified?

Mr. KYL. That is correct.

Mr. LEVIN. What is the intent of my friend from Arizona to do with that amendment now?

Mr. KYL. To make about a 45-second statement.

Mr. LEVIN. Then have it adopted?

Mr. KYL. Eventually, but not today.

Mr. LEVIN. Not to have it adopted at this time by voice vote?

Mr. KYL. Correct, although I would say I am not going to need a rollcall vote at the end.

Mr. LEVIN. At some point the Senator would be happy to take a voice vote on it?

Mr. KYL. Yes. This amendment is also offered by Senators LIEBERMAN, INHOFE, RISCH, LUGAR, SESSIONS, DEMINT, CORNYN, RUBIO, WICKER,

AYOTTE, COLLINS, CORKER, and VITTER. I do understand it has been cleared by both sides, and I do appreciate the cooperation with Senator KERRY.

The amendment provides that the administration shall brief the appropriate committees on the dialogue between the United States and Russia on issues related to or limits on or controls on nuclear arms, missile defense systems, or long-range conventional strike systems.

I think it is in the administration's interests to consult with the Congress and keep us adequately briefed on these discussions because they could, of course, eventually lead to an agreement which might then require the advice and consent of the Senate.

I note former Senator Arthur Vandenburg first said, "If I'm going to be in on the crash landing, I want to be in on the takeoff," meaning, of course, that it is much easier for the administration to obtain our consent if they seek advice during the consultation process. I would confess this amendment was prompted by recent press stories, including one on November 8, which reported that our Ambassador to Russia, Michael McFaul said, "President Obama would like to have a serious conversation with President Putin about a further round of reductions in nuclear weapons to build on the START treaty."

I conclude that another round of negotiations or discussions with Russia concerning nuclear arms will be extremely complicated and important and is likely to concern the missile defenses as conventional long-range strike systems, about which I know I and others have serious misgivings. I think this suggests the necessity and the desirability of the kind of consultation we would be requesting of the administration prior to any agreement being reached.

I appreciate my colleagues' indulgence. At the appropriate time I will ask for approval of the amendment, as modified.

The ACTING PRESIDENT pro tempore. The amendment is so modified.

The amendment (No. 3123), as modified, is as follows:

(Purpose: To require briefings on dialogue between the United States and the Russian Federation on nuclear arms, missile defense, and long-range conventional strike systems)

At the end of subtitle G of title X, add the following:

SEC. 1074. BRIEFINGS ON DIALOGUE BETWEEN THE UNITED STATES AND THE RUSSIAN FEDERATION ON NUCLEAR ARMS, MISSILE DEFENSE, AND LONG-RANGE CONVENTIONAL STRIKE SYSTEMS.

(a) BRIEFINGS.—Not later than 60 days after the date of the enactment of this Act, and not less than twice each year thereafter, the President, or the President's designee, shall brief the Committees on Foreign Relations and Armed Services of the Senate on the dialogue between the United States and the Russian Federation on issues related to limits or controls on nuclear arms, missile defense systems, or long-range conventional strike systems.

(b) SENSE OF THE SENATE ON CERTAIN AGREEMENTS.—It is the sense of the Senate that any agreement between the United States and the Russian Federation related to missile defense, nuclear weapons, or long-range conventional strike systems obligating the United States to reduce or limit the Armed Forces or armaments of the United States in any militarily significant manner may be made only pursuant to the treaty-making power of the President as set forth in Article II, section 2, clause 2 of the Constitution of the United States.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. Let me thank Senator KYL with the way in which he has worked with Senator KERRY. It is very constructive and very important. I want to tell him how much we all appreciate that working together.

I believe Senator SHAHEEN is going to want to be recognized for up to 10 minutes to talk on an amendment.

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

Mrs. SHAHEEN. Mr. President, I rise to speak to a provision that is actually already in this bill, the NDAA authorization bill before us. It is a provision that would provide for reproductive health parity for women in the military.

You know, we talk a lot in this Chamber and in the Armed Services Committee about the service of our men and women in uniform. We talk about their courage in the face of our enemies, we talk about their selflessness as they continually deploy around the world, sometimes uprooting their families and sometimes leaving them behind. We talk about our responsibilities to the men and women who are serving, from the tools they will need to accomplish their missions to the support they have earned when they return home.

I am pleased, as I know we all are, about the growing recognition of the unprecedented contribution our female servicemembers are making to our national defense. There are over 214,000 women serving in our Armed Forces. They make up over 14 percent of our total Armed Forces. Women are flying our F-15 Strike Eagles, Apaches, and Black Hawks. Women are training to be Marine Corps infantry officers and working alongside our special operations units in Afghanistan. Women are an integral part of nearly all of our military operations. Earlier this year the Department of Defense opened 14,000 new positions to women.

When he was asked about the move, Secretary Panetta said, "Through their courage, sacrifice, patriotism and great skill, women have proven their ability to serve in an expanding number of roles on and off the battlefield."

The women serving in the U.S. military continue to overcome barriers and strive for new opportunities to serve their country. They have carried on the finest traditions of our military and should make us all very proud.

Yet despite their service, women in the military continue to face discrimination when it comes to reproductive

health care. In the United States, women are receiving health care through Medicaid, Medicare, the Federal Employees Health Benefits Program, and the Indian Health Service, so all of the Federal health care programs. All have access to the care they need if they face pregnancy resulting from rape or incest.

Even women incarcerated in Federal prison are protected in the case of rape. Yet right now our women in the military are not granted the same access to abortion services in cases of rape or incest.

To be clear, a general ban on abortion coverage remains for millions of women who receive health care through the Federal Government. However, in nearly all cases, these bans allow for coverage if the life of the mother is in danger or if the pregnancy is the result of rape or incest. It is simply unfair that military women continue to be denied such reproductive health care.

Like so many of us in the Chamber, I was so encouraged that during this year's markup of the NDAA, a strong bipartisan majority of my colleagues on the Armed Services Committee, including Chair LEVIN and Ranking Member MCCAIN, supported providing reproductive health parity to our service-women.

The NDAA bill before us will finally bring the Department of Defense policy on abortion coverage in line with the policies governing the rest of the Federal Government.

Over the coming weeks, I will continue to work with my colleagues here in the Senate, many of whom are long-time champions on this issue, to ensure that this provision is included during the conference with the House and ultimately signed by the President.

In the end, this is an issue of basic equality. Women serving in our Armed Forces should be able to access the same reproductive health services as the civilians they protect. Access to care should no longer be one of the sacrifices women in the U.S. military are forced to make. Women in the military deserve the best, most comprehensive health care we can provide.

I am encouraged by the bipartisan support this provision has received thus far, and I am hopeful we will see it become law this year. It is way past time, and it is the least we can do for our female servicemembers.

Thank you very much, Mr. Chairman and the ranking member, for your support on this provision.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. I thank the Senator from New Hampshire. She is an advocate and a very active and important member of our committee.

I also would wish to thank her for arranging yesterday's event on behalf of and in memory of one of the great Members of this body, Warren Rudman. I thought it was a wonderful event, and I thank the Senator, both senators

from New Hampshire, for arranging what I think was a very fitting tribute to one of the real giants of the Senate in the New Hampshire tradition, so I thank the Senator.

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

Mrs. SHAHEEN. If I could briefly reply, I very much appreciate the Senator's remarks about yesterday's reception and especially the wonderful tribute you made to Senator Rudman, who was a real giant, not just in the Senate but, of course, in New Hampshire. It was such a remarkable collection of celebrated political people from this country's history who were there yesterday to give tribute, and I so appreciate that.

Also, I so much appreciate Senator MCCAIN's support for this provision in the bill and thank the Senator for that.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. Mr. President, before Senator SHAHEEN leaves the floor, I want to add my thanks to her and for those words expressed by Senator MCCAIN. Senator SHAHEEN is, indeed, an extraordinary Member of this body and a great asset for us on the Armed Services Committee. I very much appreciate her work on so many issues including the one she just spoke about.

I so much regret I was unable to be at that event yesterday for Senator Rudman, because my memories of him are warm and I had very much looked forward to being there. I could not be there, but I know that Senator MCCAIN—I don't know who else spoke. I have heard rave reviews about the quality of the speeches.

Mr. MCCAIN. The Vice President of the United States also was in attendance.

Mr. LEVIN. And I understand that there was a quantity, and there was also a fairly long speech by the Vice President which delayed things on the floor by a few hours—by a few minutes, excuse me. But I hear it was a wonderful tribute. I only wish I could have been there.

Mr. MCCAIN. As my friend from Michigan knows, the Vice President of the United States is not notorious for his brevity.

Mrs. SHAHEEN. Yes, there was an interesting bet between former Secretary Cohen and the Vice President relative to who would have the shortest speech, and I think the Vice President lost that.

But I thank the Senator for his kind words, and the Senator would have loved it.

Mr. LEVIN. I didn't have to be there to know that the Vice President would lose any bet where he is betting anyone that he will be shorter than anybody on any subject.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

Mr. SESSIONS. Mr. President, 15 months ago in August, the debt ceiling of the United States was reached; that

is, that we had borrowed all of the money we could lawfully borrow. A big discussion occurred and a number of things came out of it.

Finally, it was agreed to raise the debt ceiling so the government could continue to borrow. Almost 40 cents of every dollar we spend now is borrowed. It is unbelievable, but it is true. We also agreed that over 10 years, we would reduce spending by \$2.1 trillion. That is a lot of money, but compared to what we are spending, it is not so much.

For example, we were expected to spend, over the next 10 years, \$47 trillion over the—basically, \$37 trillion we would spend now if we maintain the current level, and we agreed to reduce it from 47 to 45. Spending over 10 years would grow by \$8 trillion instead of \$10 trillion, not something that would destroy the Republic, but it was a step of noticeable weight to change the debt course of America. We still remain, after that agreement, totally on an unsustainable debt course. We have more work to do.

But the point I want to make is it passed both Houses of Congress, it had the support of both leaders and the President of the United States. It didn't freeze spending in a lot of things, it didn't cut spending in a lot of things, but it did reduce the growth of spending and give us some real teeth through that on certain accounts—not all accounts.

Well, today was the third vote in recent weeks in which this Senate said: We will abide by and adhere to the agreement we reached. We will not spend more than we agreed to spend just August a year ago. This is a 10-year agreement. We promised to stay within those limits for 10 years. Yet within 15 months, a little over a year, we have now had the fifth bill on the floor of the Senate that violated that agreement. And this is the third time the Members of the Senate said: No, we are not going to keep violating that agreement.

This survivor benefit program reform is something I have favored. I worked with Senator NELSON years ago. I was a cosponsor with him of the legislation, and we have tried a lot of ways to do it. But we agreed to spending limitations. The amendment Senator NELSON offered today had a great goal, it is something I think we can figure a way to advance for sure, but there was no reduction of spending and no pay-for for this amendment. There just wasn't. At the last moment he walks in with \$7 billion—almost \$7 billion—in new spending, none of which was paid for, in blatant, direct, total violation of the agreement we reached in August a year ago.

We had Members, Republican Members—and I appreciate Senator CARPER breaking ranks and voting to uphold the budget—who wanted to vote for this and felt bad they were not able to allow the amendment to advance, but it violates the budget. So I was proud

of that. I think it is the right thing for America.

We can do this. I believe our message is being sent. We brought up a popular bill, the Sportsmen's Act, and I was for that, but it wasn't paid for or it spent more money than we agreed to in the Budget Control Act. So this amendment would have spent more money—\$7 billion more than we agreed to. We blocked the Sportsmen's Act and it was \$140 million more than we agreed to. The Senate said no, even though many of us liked what was in that bill. This was \$7 billion above what we agreed to, and even with the good cause we said we should adhere to the limits we have.

If we have new priorities that we want to fund, can't we find wasteful spending somewhere in our government? One of the dysfunctions we have, one of the reasons it is so hard to get something such as that accomplished and fund a new spending program without borrowing the money, just increasing the debt, is everybody is jealous of their account. How silly is that. We should all be focusing on the national interest. So when we say we are going to reduce this program over here and we are going to pay for the benefits for widows, people automatically say: No, you can't take my money. But it is all the taxpayers' money, isn't it? It is not this Senator's money or this committee's money, it is not this program's money. It is all the taxpayers' money.

We have been in denial. We think business as usual is going to continue, but this country has never, ever, ever been in a more systemic, dangerous position with regard to our finances. Never. We have had expert testimony on that. So we have to be honest about it. We have to do the right thing. We can't have a Senator waltz in, even with something we would wish to support, and ask us to vote for it when it adds \$7 billion above the amount we agreed to spend. I wanted to say that because it is a troubling situation for us.

One more thing. The President of the United States is the one person who speaks for America. He is now pushing and advancing an agenda that seems to me to raise taxes. But will it reduce spending? No. It seems the new taxes are to fund new spending. Well, we don't have the numbers, so I am going to be asking him to see the numbers. I am the ranking member on the Budget Committee. I want to see how much new spending they have and how much new taxes they have, and if it is like what we have been seeing, there is a lot of flimflam. We had a budget projection that was voted down 100 percent, not a single vote. The budget he sent out earlier this year increased taxes \$1.8 trillion but increased spending \$1.4. So it didn't pay down the debt.

I hope the President will look the American people in the eye and tell them we are on an unsustainable course. I have not heard him say that. Why won't he say that? His own debt commissioner, Erskine Bowles, said we

face the most predictable debt crisis in our Nation's history. Why won't the President say we can't continue on this path and we have to change? Why won't he say we need to tighten our belt across the government? This is one of the problems we have at the end of this year.

I wanted to say to my friends who may have seen this differently that those people who voted a few minutes ago to uphold the budget, not to waive the Budget Act but to stay with the budget agreement we signed, I believe were doing what they truly felt was in the best interest of America. I don't think they should be in any way accused of being hard-hearted. It is time for us to at least agree to stand by the numbers we have agreed to.

Mr. President, I yield the floor.

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

Mr. UDALL of New Mexico. Mr. President, I rise today to talk about two of my amendments to the Defense authorization bill. I will maybe at a later point speak on some of the other amendments I had filed, but I am not going to offer the amendments at this time.

I first rise to speak on the Udall-Corker amendment No. 3049. Last year I introduced S. 1798, the Open Burn Pits Registry Act with Senator CORKER. We have met with veterans and Active-duty members of the military and they have told us how important it is that we act now on this issue. The Senate Veterans' Affairs Committee agrees and has passed the legislation after holding hearings.

This week, Senator CORKER and I submitted amendment No. 3049 to the Defense authorization bill because our veterans and Active-duty members suffering from exposure to burn pits should not have to wait any longer.

I began this work because of service-members such as MSgt Jesse Baca, a member of the New Mexico Air National Guard, and his wife Maria. Master Sergeant Baca was stationed in Balad, Iraq, and exposed to burn pits. Because of the burn pits he has battled cancer, chronic bronchialitis, chemical-induced asthma, brain lesions, TBI, PTSD, and numerous other ailments. He knows firsthand the suffering caused by burn pits and the need for answers.

In both Afghanistan and Iraq, open air burn pits were widely used at forward operating bases. Disposing of trash and other debris was a major challenge. Commanders had to find a way to dispose of the waste while concentrating on the important mission at hand. The solution that was chosen, however, had serious risks. Pits of waste were set on fire, sometimes using jet fuel for ignition.

For example, the air samples at Joint Base Balad turned up some nasty stuff: particulate matter, chemicals that form from the incomplete burning of coal, oil, and gas, garbage, or other organic substances, also volatile organic

compounds such as acetone and benzene—benzene is known to cause leukemia—and dioxins associated with Agent Orange.

A scientific study by the American Lung Association found the following:

Emissions from burning waste contain fine particulate matter, sulfur dioxides, carbon monoxide, volatile organic compounds and various irritant gases such as nitrogen oxides that can scar the lungs.

All of this was in the air and our veterans have begun to raise the alarm.

We are forever in debt for their service so we must ask the question: How did these burn pits impact the health of our returning heroes? This amendment is a step toward finding the answers we owe them.

This amendment is supported by numerous groups, including Burn Pits 360, Veterans of Foreign Wars, the Association of the U.S. Navy, Retired Enlisted Association, Uniformed Services Disabled Retirees, and the National Military Family Association.

I urge the Senate to adopt this amendment so that Master Sergeant Baca and his fellow servicemembers and veterans can begin to heal.

Now I want to speak about a second amendment. This is an amendment that deals with the issue of buying American solar. This amendment is Udall No. 3150, sponsored by Senators Schumer, Bingaman, and Wyden.

Solar power increases energy security for American military installations, but we should be using Buy American-compliant solar panels. The Department of Defense is a leader on utilizing solar power, not for environmental reasons but for energy security reasons. When we use taxpayer funds to support military solar power, we need a level playing field for U.S. solar manufacturers in the contracting process. Today we have U.S. military bases with Chinese solar that violates the trade laws, but there is no U.S. solar on Chinese military bases.

The 2011 Defense authorization bill took an important step to clarify DOD's Buy American Act requirements, making sure they apply to solar. My amendment is needed to close existing loopholes in the 2011 Buy American solar requirements. It would ensure Buy American standards apply to solar on DOD property that is used to meet DOD energy goals.

This amendment is nearly identical to the one passed on voice vote last year but dropped in conference with the House. The change from last year's amendment is a 1-year term so we can test this provision. CBO estimated the cost of this amendment as insignificant, so we know this amendment does not raise costs. The difference in price is very small. Chinese solar now has significant tariffs. Nations that are in the WTO are not discriminated against. Buy American does not bar nations that allow reciprocal access to U.S. firms. Existing exemptions, such as availability and cost, still apply. We do not expect this to harm DOD's procurement in any way.

I would once again urge the Senate, when we have the opportunity, to adopt this amendment.

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

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

Mr. LEVIN. Mr. President, in a moment I am going to call up a list of nine amendments which have been cleared by Senator McCain and myself. We expect that there will be, in perhaps an hour or so, an additional list of perhaps 15 or 20 cleared amendments. Shortly thereafter it would be our expectation to propound a unanimous consent proposal with a finite list of amendments that would be considered before final passage.

At the time we do that, we would give our colleagues perhaps 20 minutes after we read that proposed unanimous consent agreement to come to the floor, if they choose, and talk to us about it or, if they so choose, to object.

We hope that will not happen, obviously. We worked very hard with colleagues. Nonetheless, that is the procedure we are planning on following.

The PRESIDING OFFICER. The Senate will be in order.

AMENDMENTS NOS. 3052, 3075, 3133, 3182, 3183, 3233, 3236, 3248, 3283 EN BLOC

Mr. LEVIN. Mr. President, I now call up a list of nine amendments which have been cleared, as I indicated before: McCain amendment No. 3052, Whitehouse amendment No. 3075, Snowe amendment No. 3133, Sanders amendment No. 3182, Sanders amendment No. 3183, Warner amendment No. 3233, Coburn amendment No. 3236, Sanders amendment No. 3248, Rubio amendment No. 3283.

The PRESIDING OFFICER. Is there objection? Without objection the amendments are considered en bloc.

Is there further debate on the amendments? If not, the question is on agreeing to the amendments.

The amendments were agreed to, as follows:

AMENDMENT NO. 3052

(Purpose: To provide a military resource plan to meet the United States Force Posture Strategy in the Asia Pacific Region)

At the end of subtitle F of title X, add the following:

SEC. 1064. REPORT ON MILITARY RESOURCES NECESSARY TO EXECUTE UNITED STATES FORCE POSTURE STRATEGY IN THE ASIA PACIFIC REGION.

(a) REVIEW REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall, in consultation with the Chairman of the Joint Chiefs of Staff, conduct a comprehensive review of the national defense strategy, force structure, force modernization plans, infrastructure, budget plan, and other elements of the defense program and

policies of the United States with regard to the Asia Pacific region to determine the resources, equipment, and transportation required to meet the strategic and operational plans of the United States.

(2) ELEMENTS.—The review required under paragraph (1) shall include the following elements:

(A) The force structure, force modernization plans, infrastructure, budget plan, and other elements of the defense program of the United States associated with the Asia Pacific region that would be required to execute successfully the full range of missions called for in the national defense strategy.

(B) An estimate of the timing for initial and final operational capability for each unit based in, realigned within, or identified for support to the Asia Pacific region.

(C) An assessment of the strategic and tactical sea, ground, and air transportation required for the forces assigned to the Asia Pacific region to meet strategic and operational plans.

(D) The specific capabilities, including the general number and type of specific military platforms, their permanent station, and planned forward operating locations needed to achieve the strategic and warfighting objectives identified in the review.

(E) The forward presence, phased deployments, pre-positioning, and other anticipatory deployments of manpower or military equipment necessary for conflict deterrence and adequate military response to anticipated conflicts.

(F) The budget plan that would be required to provide sufficient resources to execute successfully the full range of missions and phased operations in the Asia Pacific region at a low-to-moderate level of risk and any additional resources (beyond those programmed in the current future-years defense program) required to achieve such a level of risk.

(G) Budgetary recommendations that are not constrained to comply with and are fully independent of the budget submitted to Congress by the President pursuant to section 1105 of title 31, United States Code.

(b) CJCS REVIEW.—Upon the completion of the review under subsection (a), the Chairman of the Joint Chiefs of Staff shall prepare and submit to the Secretary of Defense the Chairman's assessment of the review, including the Chairman's assessment of risk and a description of the capabilities needed to address such risk.

(c) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the results of the review required under subsection (a).

(2) CONTENT.—The report required under paragraph (1) shall include the following elements:

(A) A description of the elements set forth under subsection (a)(1).

(B) A description of the assumptions used in the examination, including assumptions relating to—

(i) the status of readiness of the Armed Forces;

(ii) the cooperation of allies, mission-sharing, and additional benefits to and burdens on the Armed Forces resulting from coalition operations;

(iii) warning times;

(iv) levels of engagement in operations other than war and smaller-scale contingencies and withdrawal from such operations and contingencies;

(v) the intensity, duration, and military and political end-states of conflicts and smaller-scale contingencies; and

(vi) the roles and responsibilities that would be discharged by contractors.

(C) Any other matters the Secretary of Defense considers appropriate.

(D) The assessment of the Chairman of the Joint Chiefs of Staff under subsection (b), including related comments of the Secretary of Defense.

(3) FORM.—The report required under paragraph (1) may be submitted in classified or unclassified form.

AMENDMENT NO. 3075

(Purpose: To express the sense of the Senate on the continuing progress of the Department of Defense in implementing its Item Unique Identification Initiative)

At the end of subtitle B of title VIII, add the following:

SEC. 826. SENSE OF SENATE ON THE CONTINUING PROGRESS OF THE DEPARTMENT OF DEFENSE IN IMPLEMENTING ITS ITEM UNIQUE IDENTIFICATION INITIATIVE.

(a) FINDINGS.—The Senate makes the following findings:

(1) In 2003, the Department of Defense initiated the Item Unique Identification (IUID) Initiative, which requires the marking and tracking of assets deployed throughout the Armed Forces or in the possession of Department contractors.

(2) The Initiative has the potential for realizing significant cost savings and improving the management of defense equipment and supplies throughout their lifecycle.

(3) The Initiative can help the Department combat the growing problem of counterfeits in the military supply chain.

(b) SENSE OF SENATE.—It is the sense of the Senate—

(1) to support efforts by the Department of Defense to implement the Item Unique Identification Initiative;

(2) to support measures to verify contractor compliance with section 252.211-7003 (entitled "Item Identification and Valuation") of the Defense Supplement to the Federal Acquisition Regulation, on Unique Identification, which states that a unique identification equivalent recognized by the Department is required for certain acquisitions;

(3) to encourage the Armed Forces to adopt and implement Item Unique Identification actions and milestones; and

(4) to support investment of sufficient resources and continued training and leadership to enable the Department to capture meaningful data and optimize the benefits of the Item Unique Identification Initiative.

AMENDMENT NO. 3133

(Purpose: To terminate the Federal authorization of the National Veterans Business Development Corporation)

At the end of subtitle H of title X, add the following:

SEC. 1084. NATIONAL VETERANS BUSINESS DEVELOPMENT CORPORATION.

(a) IN GENERAL.—The Small Business Act (15 U.S.C. 631 et seq.) is amended by striking section 33 (15 U.S.C. 657c).

(b) CORPORATION.—On and after the date of enactment of this Act, the National Veterans Business Development Corporation and any successor thereto may not represent that the corporation is federally chartered or in any other manner authorized by the Federal Government.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) SMALL BUSINESS ACT.—The Small Business Act (15 U.S.C. 631 et seq.), as amended by this section, is amended—

(A) by redesignating sections 34 through 45 as sections 33 through 44, respectively;

(B) in section 9(k)(1)(D) (15 U.S.C. 638(k)(1)(D)), by striking "section 34(d)" and inserting "section 33(d)";

(C) in section 33 (15 U.S.C. 657d), as so redesignated—

(i) by striking “section 35” each place it appears and inserting “section 34”;

(ii) in subsection (a)—

(I) in paragraph (2), by striking “section 35(c)(2)(B)” and inserting “section 34(c)(2)(B)”;

(II) in paragraph (4), by striking “section 35(c)(2)” and inserting “section 34(c)(2)”;

(III) in paragraph (5), by striking “section 35(c)” and inserting “section 34(c)”;

(iii) in subsection (h)(2), by striking “section 35(d)” and inserting “section 34(d)”;

(D) in section 34 (15 U.S.C. 657e), as so redesignated—

(i) by striking “section 34” each place it appears and inserting “section 33”;

(ii) in subsection (c)(1), by striking section “34(c)(1)(E)(ii)” and inserting section “33(c)(1)(E)(ii)”;

(E) in section 36(d) (15 U.S.C. 657i(d)), as so redesignated, by striking “section 43” and inserting “section 42”;

(F) in section 39(d) (15 U.S.C. 657l(d)), as so redesignated, by striking “section 43” and inserting “section 42”;

(G) in section 40(b) (15 U.S.C. 657m(b)), as so redesignated, by striking “section 43” and inserting “section 42”.

(2) TITLE 10.—Section 1142(b)(13) of title 10, United States Code, is amended by striking “and the National Veterans Business Development Corporation”.

(3) TITLE 38.—Section 3452(h) of title 38, United States Code, is amended by striking “any of the” and all that follows and inserting “any small business development center described in section 21 of the Small Business Act (15 U.S.C. 648), insofar as such center offers, sponsors, or cosponsors an entrepreneurship course, as that term is defined in section 3675(c)(2).”.

(4) FOOD, CONSERVATION, AND ENERGY ACT OF 2008.—Section 12072(c)(2) of the Food, Conservation, and Energy Act of 2008 (15 U.S.C. 636g(c)(2)) is amended by striking “section 43 of the Small Business Act, as added by this Act” and inserting “section 42 of the Small Business Act (15 U.S.C. 657o)”.

(5) VETERANS ENTREPRENEURSHIP AND SMALL BUSINESS DEVELOPMENT ACT OF 1999.—Section 203(c)(5) of the Veterans Entrepreneurship and Small Business Development Act of 1999 (15 U.S.C. 657b note) is amended by striking “In cooperation with the National Veterans Business Development Corporation, develop” and inserting “Develop”.

AMENDMENT NO. 3182

(Purpose: To require an annual report on Federal contracting fraud)

At the end of subtitle E of title VIII, add the following:

SEC. 888. ANNUAL REPORT ON DEFENSE CONTRACTING FRAUD.

(a) ANNUAL STUDY AND REPORT.—The Secretary of Defense shall conduct an annual study on defense contracting fraud and submit a report containing the findings of such study to the congressional defense committees.

(b) REPORT CONTENTS.—The report required under subsection (a) shall include with respect to the most recent reporting period the following elements:

(1) An assessment of the total value of Department of Defense contracts entered into to with contractors that have been indicted for, settled charges of, been fined by any Federal department or agency for, or been convicted of fraud in connection with any contract or other transaction entered into with the Federal Government.

(2) Recommendations by the Inspector General of the Department of Defense or other appropriate Department of Defense official regarding how to penalize contractors

repeatedly involved in fraud in connection with contracts or other transactions entered into with the Federal Government, including an update on implementation by the Department of any previous such recommendations.

AMENDMENT NO. 3183

(Purpose: To require public availability of the database of senior Department officials seeking employment with defense contractors)

At the end of subtitle D of title VIII, add the following:

SEC. 888. PUBLIC AVAILABILITY OF DATABASE OF SENIOR DEPARTMENT OF DEFENSE OFFICIALS SEEKING EMPLOYMENT WITH DEFENSE CONTRACTORS.

Section 847(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 10 U.S.C. 1701 note) is amended by adding at the end the following new paragraph:

“(3) PUBLIC AVAILABILITY OF INFORMATION.—The Secretary of Defense shall make available online to the public any information contained in the database or repository required under paragraph (1) that is not confidential, personal, or proprietary in nature.”.

AMENDMENT NO. 3233

(Purpose: To promote a more efficient, responsive, and effective bilateral defense trade relationship between the United States and India)

At the end of subtitle D of title XII, add the following:

SEC. 1246. BILATERAL DEFENSE TRADE RELATIONSHIP WITH INDIA.

(a) REPORT.—

(1) IN GENERAL.—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 report that articulates the vision of the Department of Defense for defense trade relations between the United States and India within the context of the overall bilateral defense relationship.

(2) CONTENT.—The report required under paragraph (1) shall include the following elements:

(A) A description of the Department's approach for normalizing defense trade.

(B) An assessment of the defense capabilities that could enhance cooperation and coordination between the Governments of the United States and India on matters of shared security interests.

(b) COMPREHENSIVE POLICY REVIEW.—

(1) IN GENERAL.—The Secretary of Defense shall lead a comprehensive policy review to examine the feasibility of engaging in co-production and co-development defense projects with India.

(2) SCOPE.—The policy review should—

(A) examine the parameters and requirements for United States-India cooperation as well as the terms and conditions India must fulfill to broach such cooperation; and

(B) consider potential areas of cooperation, including the possibility of co-producing a training aircraft and co-developing counter-IED technology or individual soldier capabilities.

(c) SENSE OF CONGRESS ON INTERNATIONAL INITIATIVES.—It is the sense of Congress that the Department of Defense, in coordination with the Department State, should—

(1) conduct a review of all United States-India bilateral working groups dealing with high technology transfers, including technology security and licensing for dual-use and munitions licenses, and determine the feasibility of establishing a single United States Government working group dedicated to strategic technology trade;

(2) engage counterparts in the Government of India in an intensified dialogue on the cur-

rent challenges related to the compatibility of the Foreign Military Sales and direct commercial sales programs with the Indian Defense Procurement Procedure (DPP), and steps to improve compatibility;

(3) engage counterparts in the Government of India in a dialogue about the elements of an effective defense industrial base, including personnel training, quality assurance, and manufacturing procedures;

(4) consider the establishment of orientation programs for new defense officials in the Government of India about the procedures for United States defense sales, including licensing processes; and

(5) continue and deepen ongoing efforts to assist the Government of India in developing its defense acquisition expertise by assisting with the development of training institutions and human capital.

AMENDMENT NO. 3236

(Purpose: To ensure that the Deputy Chief Management Officer of the Department of Defense obtains information from the military departments and Defense Agencies necessary to conduct defense business system investment reviews)

At the end of subtitle A of title IX, add the following:

SEC. 903. INFORMATION FOR DEPUTY CHIEF MANAGEMENT OFFICER OF THE DEPARTMENT OF DEFENSE FROM THE MILITARY DEPARTMENTS AND DEFENSE AGENCIES FOR DEFENSE BUSINESS SYSTEM INVESTMENT REVIEWS.

Section 2222(g) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(3)(A) The investment management process required by paragraph (1) shall include requirements for the military departments and the Defense Agencies to submit to the Deputy Chief Management Officer such information on covered defense business system programs as the Deputy Chief Management Officer shall require for the review of defense business system programs under the process. Such information shall be submitted to the Deputy Chief Management Officer in a standardized format established by the Deputy Chief Management Officer for purposes of this paragraph.”.

AMENDMENT NO. 3248

(Purpose: To amend the Federal renewable energy purchase requirement to include geothermal heat pumps)

At the end of subtitle B of title XXXI, add the following:

SEC. 3122. RENEWABLE ENERGY.

Section 203(b)(2) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b)(2)) is amended by striking “geothermal,” and inserting “geothermal (including geothermal heat pumps),”.

AMENDMENT NO. 3283

(Purpose: To require a report on implementation by the Government of Bahrain of the recommendations contained in the Report of the Bahrain Independent Commission of Inquiry)

At the end of subtitle C of title XII, add the following:

SEC. 1233. REPORT ON IMPLEMENTATION BY GOVERNMENT OF BAHRAIN OF RECOMMENDATIONS IN REPORT OF THE BAHRAIN INDEPENDENT COMMISSION OF INQUIRY.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on the implementation by the Government of Bahrain of the recommendations contained in

the Report of the Bahrain Independent Commission of Inquiry.

(b) **CONTENT.**—The report required under subsection (a) shall include the following elements:

(1) A description of the specific steps taken by the Government of Bahrain to implement each of the 26 recommendations contained in the Report of the Bahrain Independent Commission of Inquiry.

(2) An assessment of whether each recommendation has been fully complied with by the Government of Bahrain.

(3) An assessment of the impact of the findings of the Report of the Bahrain Independent Commission of Inquiry on progress toward democracy and respect for human rights in Bahrain.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. MCCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, there will be another hour where people will have an opportunity to come to the Senate floor and check on their amendments. We hope our colleagues will take advantage of that opportunity.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I hope our colleagues and staffs who are observing our deliberations would think seriously about their amendments and how they can be consolidated, whether they really need to be considered. We are working through large numbers of amendments. We will probably be revealing a finite list, and we hope we can satisfy all Members' concerns.

I yield.

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. COBURN. 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. COBURN. I ask unanimous consent to speak as in morning business to offer a tribute.

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

HONORING MICHAEL SCHWARTZ

Mr. COBURN. Mr. President, I wish to take a moment to honor a member of my staff who is not retiring but as a result of his ailment can no longer come to work on the Hill. This gentleman's name is Michael Schwartz. He has been my chief of staff for almost 15 years, beginning while I was in the House and here in the Senate as well.

A lot of people on the Hill know Michael. What they know is that he is one of the kindest, gentlest people anyone has ever met. He has been a light focused on how we do things to honor other people.

Michael has been the kind of person who has always focused on others, especially those in need. He is the kind of person who doesn't pass up the homeless we all see around the Capitol but stops and tries to satisfy their need. He

offers them money and food, but he also offers them friendship and his time. He offers them the love and dignity that comes from being reminded that we are all children of the Creator.

Mike has also been an unapologetic defender of the family and of those who cannot defend themselves, whether that be the disability community, the unborn, the infirm, or the elderly. He has reminded me and my staff and all of us that a society is truly measured in how it treats and cares for those less fortunate.

Mike is also a voracious reader and gifted leader. In a city where people stop learning when they gain power, Mike has shown that the closer one gets to power, the more one needs to humble oneself and learn new things. He has been mentoring staff and others for years on the Hill in both reading groups and Bible studies, where he has shared his wisdom, his faith, and his heart.

As many in the Senate know, Mike has ALS, Lou Gehrig's disease. For weeks, he has been battling—actually months—to continue to fulfill his responsibilities here when most of us would have said: It is too difficult, I can't do it. He has overcome challenges that most of us can scarcely imagine. He has done so with grace, humility, and an unbelievable level of courage. Through all this, we have watched him inspire everybody on my team with both his spirit and his tenacity.

In these difficult circumstances, Mike has been an extraordinary servant and faithful leader. He is still the guy who cares more about other people than himself. The kindness he has shown to everyone he has encountered, whether to a homeless person on the street or a leading Senator in the halls, he has reminded our team and me that we are all equal regardless of position in the eyes of God.

Let me close with a passage from 2 Corinthians that reminds me so very much of Mike.

It is written: "I believed; therefore I have spoken." Since we have that same spirit of faith, we also believe and therefore speak because we know that the one who raised the Lord Jesus from the dead will also raise us with Jesus and present us with you to himself. All this is for your benefit, so that the grace that is reaching more and more people—

That wonderful word "grace," too often a shortage in Washington, that Mike so well displays—

may cause thanksgiving to overflow to the glory of God. Therefore, we do not lose heart.

Mike, don't lose heart.

Though outwardly we are wasting away, yet inwardly we are being renewed day by day. For our light and momentary troubles are achieving for us an eternal glory that far outweighs them all. So we fix our eyes not on what is seen, but on what is unseen, since what is seen is temporary, but what is unseen is eternal.

In a place preoccupied by titles and position and power, Mike has shown everyone by his life and his deeds and his words that things that are unseen are

the things that matter. He has shown us what it means to run the race and finish it strongly. Well done, good and faithful servant.

My hope is that God will bless Mike and Roseanne, their children and grandchildren, as he closes this chapter of his life on the Hill. He will still be doing projects for us because his intellect, his insight, and his knowledge are what we cannot bear to do without. So it has been my privilege over the last 15 years to be modeled and mentored by my chief of staff.

Mike, we love you. God bless you.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

Ms. MURKOWSKI. Mr. President, the bill we have before us, the Defense authorization bill, we all recognize as a pretty special bill. Every year for the past 51 years Congress has sent to the President a Defense authorization bill which has been bipartisan in nature. Based upon the progress we have seen in this Chamber for these past several days, it appears this year will not be an exception.

I deeply appreciate the strong leadership of our colleagues, the Senator from Michigan and the Senator from Arizona, in managing this bill. They have put in countless hours and have worked to wade through nearly 400 amendments that Members have filed with respect to this bill. Not only the chairman and ranking member and their leadership, but their staffs have worked incredibly hard. So I am pleased with where we are.

I think the Chair probably knows I am one of those Members who doesn't have a tendency to pile on or add multiple amendments to this measure or to many measures, but on this bill I have broken with that practice by filing 10 amendments. Six of these amendments relate to frustrations I have experienced in responding to force structure changes that were announced by the Air Force this last February. I think we recognize that force structure changes can be a euphemism for realignments, and realignments are usually reserved for a BRAC round. But faced with the need to meet rigid fiscal year 2013 budget objectives, the Air Force didn't wait for a BRAC round and, instead, proposed a series of backdoor BRACs.

Most of these changes affected the Air National Guard and the Air Force Reserves. One of these changes would substantially realign and stop one step short of closing an Active-Duty air base, and I am referring to Eielson Air Force Base near Fairbanks, AK.

Last February, the Air Force informed the Alaska congressional delegation that it intended to make what

they call a “warm” base out of Eielson and reduce its current population of about 3,000 airmen by half. The reduction would most profoundly affect the Active-Duty population, which would be reduced by about two-thirds. It would have led to the laying off of hundreds of civilian and contractor personnel.

In the words of one prominent Fairbanks community leader:

It's the Air Force's intention to change Eielson from a base that is mission capable to a base that is mission incapable.

The Air Force somehow concluded it could pull off a move of this magnitude without ever having to face the BRAC Commission or answer to Congress. That takes a little bit of chutzpah. The Air Force knew this was not going to sit well with the community. They promptly dispatched then-Chief of Staff GEN Norton Schwartz to Alaska for a meeting with community leaders. I appreciate his presence, and I was there when he spoke to those leaders. But his message didn't leave much room for optimism.

The Air Force official pretty much insisted this was a happening thing; that resistance was going to be futile. I have to admit it came as something as a surprise to me that the Air Force would select Eielson as the only Active-Duty base slated for a backdoor BRAC. For those who are not familiar with Eielson's strategic position, it sits at the gateway to the Pacific Area of Responsibility, the most strategically important Area of Responsibility, according to this administration's defense planner. It also sits at the front door of the Joint Pacific Alaska Range Complex, which the Air Force regards as its top unencroached training facility with tremendous future upside potential. But for some reason this is the Active-Duty base that the Air Force chose to essentially throw under the bus.

Unfortunately, this isn't the first time. Back in 2005, the Air Force proposed to warm base Eielson. The BRAC Commission rejected that proposal. They, instead, suggested the Air Force should place an F-16 Aggressor Squadron at Eielson to take advantage of its proximity to the Joint Pacific Alaska Range Complex. That Aggressor Squadron supports cutting edge exercises, such as Red Flag Alaska and Northern Edge—superior, phenomenal training exercises. Under the Air Force 2012 proposal, that squadron would now base at Joint Base Elmendorf Richardson, and they would essentially commute to future exercises launched out of Eielson Air Force Base.

So, Mr. President, I am left to conclude that perhaps there is somebody in the Air Force who, for whatever reason, doesn't like Eielson. I reach this conclusion with some hesitation and reluctance, but when I see the Air Force prepared to sacrifice a base with one of the longest runways in North America—it is a 14,531-foot runway, which I think the Chair can appre-

ciate—it is significant. There are no encroachments, it has geographic superiority with respect to missions in the Pacific and, really, across the globe. So it really does cause me to wonder.

Since February, Senator BEGICH and I and our staffs have been in touch with the Air Force on an almost daily basis trying to understand the thinking of the Air Force. And it has been a moving target. It has been tough to pin down.

First, they claimed it would save money in 2013, and then they admitted that, well, a move would cost unbudgeted money in 2013. They next claimed the move could be accomplished without any NEPA review. Then they admitted that maybe an Environmental Impact Statement is going to be required. They concluded the move could be executable in 2013 because there was sufficient housing that was proximate to JBER, but then they came back and admitted their housing availability data had come primarily off of Craig's list.

Later, there was a more disciplined study conducted that demonstrated if the move were to be executed in 2013 there was not going to be housing that was sufficient and proximate to JBER in order to relocate the airmen, and there probably wouldn't be sufficient classroom seats for the military families either.

A whole series of issues have cropped up because they weren't thoroughly reviewed prior to the decision being made. So the Air Force has now conceded that its plans are not executable in fiscal year 2013. That is a wise decision, but it kind of begs the question: So what about the future?

The Air Force may deny, but I think reasonable minds could conclude, the Eielson plan is still moving full steam ahead. Let me offer the following in evidence of that. The Senate Appropriations Committee has directed the Air Force to spend no fiscal year 2013 money to implement the force structure change until the Commission on the Future Structure of the Air Force reports. I think that is a good thing, and I intend to argue Eielson's case before that Commission. But I would note that S. 3254 requires the Commission, which is only going to be created once the Defense authorization bill is signed into law, to report by March 31, 2013—essentially, a 3-month period. That is absolutely not adequate time for the rigorous analysis that is required. I have submitted an amendment this week, amendment 3135, which gives the commission an additional year to complete its work.

Now, notwithstanding this direction to stop, the Air Force has announced its plans to begin an Environmental Impact Statement on the Eielson downsizing. They have announced this will commence January 2013 using fiscal year 2012 money. I do agree an EIS is a legally required condition precedent to implementing the Air Force's structure changes at Eielson, and that

if the Air Force ultimately intends to downsize Eielson and add airplanes and people to JBER, it will have to complete the NEPA. Moreover, an EIS process will offer the Alaska community an opportunity to weigh in and to vent their frustrations and concerns with the Air Force, which is appropriate. But one has to wonder after reading the Senate version of the Defense appropriations bill, what part of “stop” is the Air Force not understanding.

I actually put this question to them in writing in September. I still have not received a satisfactory answer. Several of the amendments I have introduced would bring this concept of “stop” into the Defense authorization bill, but there may be an alternative to offering them—a solution that I think could be a win for all.

It strikes me that an EIS is not going to address two questions I think are critical and I think should be answered before the EIS process begins. The first is whether it makes any sense at all to throw Eielson under the bus given its considerable strategic upside potential. And the second is whether the Air Force will truly achieve any cost savings by walking away from Eielson or simply transfer costs someplace else.

In addition, an EIS will not answer the question whether it makes sense for the Air Force to abandon a community that supports our airmen like no other community in the country. This is a community that loves to fly. You have people who have float planes and small aircraft and bush planes. Everybody is a pilot there. They love to fly. This community is more than willing to accommodate the Air Force's desire to conduct summer exercises at the expense of precious general aviation airspace, provided that the Air Force remains a good corporate citizen in the community.

My amendment No. 3156 is a good-faith effort to find that common ground with the Air Force. It requires the Air Force submit a report to the defense communities evaluating the upside potential of Eielson Air Force Base before it acts to tear down that base or relocate its assets.

I wish to take a minute here to speak to some of that upside potential, because I think it is considerable.

It is a well-known fact in interior Alaska that the Air Force publicly announced scoping on an EIS for F-35 basing at Eielson back in 2008. So in 2008 they are talking about bringing in the F-35s. Then in 2009, they walked away from that announcement but suggested that Eielson would be a desirable OCONUS basing location for the F-35. I might suggest that this abrupt downsizing that is being considered now of Eielson is inconsistent with that possible future use.

The 168th Air Refueling Wing of the Alaska National Guard fuels the North Pacific on a daily basis, every single day of the year. There has been some

discussion about adding an active association and increasing the tanker presence proportionate to demand. But downsizing Eielson could undermine the efficiency of that operation.

I mentioned earlier the unencumbered airspace that Eielson has. This unencumbered airspace might make a perfect place for remote piloted vehicle testing. This is a mission that Senator BEGICH has been actively promoting for the past several years. So let's come to a conclusion about whether this is a viable possibility.

As the Pacific AOR becomes more important, Eielson might once again have the potential as a combat-coded fighter base given its proximity to the world's hotspots. But let's not also forget that Eielson is the air base closest to the Arctic and may certainly have new responsibilities in that rapidly changing part of the globe. That is one of the reasons why the Department of Homeland Security needs to be part of this ongoing conversation.

So before the Air Force moves to potentially throw away all of this and potentially demolish perfectly good facilities that might support future missions, I think it needs to take a good hard look at the upside of Eielson—not just merely recite the same old lines that, quite honestly, failed back in 2005. That goes to the substance of the Eielson decision.

I wish to spend a moment here to speak of the frustrations that I have had about process as we have gone through this since February. Congress has created a process to ensure that realignments that occur outside of BRAC rounds are vetted by the congressional defense committees. But like many laws, the Pentagon has been kind of looking around for loopholes and the Air Force has been pretty adept at identifying them—even if they might not actually be there. But there are some worthy amendments I have submitted that would close the loopholes. These are contained in 10 USC 993 and 10 USC 2687, and I hope they will be considered.

One of the more substantial loopholes that is contained in 10 USC 2687 would seem to allow the Defense Department to characterize a substantial reduction in civilian personnel as a reduction in force rather than a realignment. That loophole, if it does exist, needs to be closed.

Let me also note the difficulties we have had in obtaining information from the Air Force over the past several months. Just asking for specific information has been a struggle these past several months. Ask the Air Force a question, and you tend to get a heavily vetted and not terribly specific answer. Ask for documents explaining the deliberative process of the Air Force, and maybe you get one document months after you have asked for it. And, again, the document doesn't explain very much.

Perhaps it is time for personal offices to be able to use the Freedom of Infor-

mation Act—the FOIA process—to get the documents they need in a timely fashion, as journalists do. My amendment No. 3143 would provide for an expedited review of FOIA requests pertaining to its activities in a Member's home State, with no fees charged for processing that request. I think it would perhaps level the playing field between the committees that can subpoena documents and personal offices that have a more limited option to obtain the documents they need.

I think it is a positive contribution to oversight and I hope others here in the Chamber will feel likewise. I will not be offering that amendment up at this point in time in the hopes that the Air Force is clear on my message, that I wish to find a way we can work more cooperatively with this information exchange and that there can be greater accommodation with the congressional request. I know that General Welsh, as the new Chief of Staff, intends to improve the Air Force relationships with the Congress. I have had a very positive conversation with him about that. I want to give him an opportunity to do so. I look forward to working with him on these issues and some of the others I have had an opportunity to raise with him.

I wish to conclude my remarks by again thanking the chairman and ranking member and all of the staffs for their yeomen's efforts on the bill, and I look forward to supporting final passage.

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. LEVIN. 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. LEVIN. Mr. President, we have been working very hard to come up with what we call a finite list of amendments that would be the only remaining first-degree amendments that would be in order to the bill. We are working, obviously, on many other amendments to get them cleared, but this would be the list of the maximum number of first-degree amendments that would be in order.

Twenty minutes from now, I will be asking unanimous consent, as we promised, that these amendments be the only remaining first-degree amendments to the bill. We promised everybody they would have that opportunity, because it is a long list, and we want to keep that promise. But during that 20 minutes, we can reassure folks that if they have a problem, things are the way we said they would be: Bingaman 2984; Brown of Ohio 3216; Kerry and Brown of Massachusetts 3034; Kohl 2887; Lieberman 3167; Lieberman 3276; Mikulski 3217; Nelson of Nebraska 3274; Pryor 2946; Reed of Rhode Island 3014; Reed of Rhode Island 3255; Reid of Ne-

vada 3244; Reid of Nevada 3047; Tester 3028—that is not the sportsmen's amendment, by the way. There was an objection to it and Senator TESTER was willing to not have that on the list—Udall of New Mexico 3049; Udall of New Mexico 3150; Akaka 3204; Begich 3194; Bennet 3226; Bingaman 3208; Boxer 3265; Brown of Ohio 3113; Carper 3241; Casey 2997; Conrad 3227; Coons 3289; Hagan 3056; Harkin 3147; Johnson of South Dakota 3100; Kohl 2887; Lautenberg 3288; Levin 3164; Levin 3280; Levin 3284; Nelson of Florida 3267; Reed of Rhode Island 3165; Reed of Rhode Island 3255; Rockefeller 2996; Warner 3145; Warner 3188; Webb 2943; Webb 2957; Whitehouse 3181; Wyden 2959; Alexander 3258; Ayotte 3003; Ayotte 3004; Ayotte 3080; Barrasso 3081; Barrasso 3082; Barrasso 3198; Blunt 3728; Boozman 3221; Brown of Massachusetts 3160; Brown of Massachusetts 3270; Burr 3219; Coats 2923; Collins 3042; Collins 3196; Collins 3259; Collins 3282; Corker 3172; DeMint 3134; Graham 3203; Grassley 2990; Grassley 3079; Hatch 3268; Hutchison 3078; Inhofe 2978; Kyl 2927; Kyl 3033; Kyl 3239; Lee 3185; McCain 3054; McCain 3091; McCain 3247; McCain 3262; McCain 3281; Moran 3285; Murkowski 3135; Murkowski 3136; Murkowski 3156; Murkowski 3197; Paul 3118; Paul 3119; Portman 3142; Risch, 3093; Risch 3094; Roberts 3032; Rubio 3175; Rubio 3176; Sessions 3007; Sessions 3008; Sessions 3013; Shelby 3070; Snowe 3218; Thune 3210; Thune 3277; Toomey 3060; Toomey 3065, with a modification; Toomey 3066; Vitter 3087; Wicker 3000; and Wicker 3002.

Again, the UC will be offered at a quarter to 4. If anyone has questions, please call our staff through the cloakroom. We have done a huge amount of work to get to this point. I emphasize again that many of our colleagues are understanding that we are working through additional amendments that are not on this list, and we would hope they would continue to cooperate with us in that regard.

Mr. MCCAIN. Mr. President, could I say we now have, believe it or not, a pretty manageable list. We have been working for 3 days on amendments, on compiling amendments, on disposing of amendments, various managers' packages, and we will have an additional managers' package or two today.

I ask our colleagues to cooperate in the next 20 minutes and have their staffs—and themselves if they are in their offices—examine this list, which is available, and make sure it is agreeable to them so we can lock this down and then move forward to having voice votes, managers' packages, and, where required, rollcall votes. We will not deny any Senator this right, starting on Monday night. We look forward to having agreement from everybody. I believe we can, beginning on Monday, get this legislation done.

I would also like to say that I appreciate the patience of the majority leader, who has a large calendar. We appreciate his patience on this issue.

Finally, I would say again that I think we are showing and can show

Monday night that this body is capable of taking up a piece of legislation without a cloture vote, without filling up the tree, without all the other parliamentary maneuvers and objections, and come forth with a piece of legislation that I think all of us can be proud of but, more importantly, that is of significant importance to the men and women who are serving in the military and our ability to protect this Nation.

I thank the chairman again for his unstinting effort.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I extend our thanks to our colleagues and their staffs who are working with us to keep this manageable. It is manageable. I know it sounds overwhelming and it is daunting, but it is manageable, providing understanding is there for this process and what we are doing. I thank the staff who are working so hard. I thank the Presiding Officer, who I know is changing his schedule this afternoon so he can continue to preside.

At quarter-to—when I added up the minutes, at quarter-to, I will put this unanimous consent request. I again emphasize that we are also working on many amendments that are not on this list, and we are still trying to clear them.

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. LEVIN. 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. LEVIN. Mr. President, we are going to withhold the unanimous consent agreement at this time. There have been a number of questions raised about it. The time is being well spent actually. Those questions need to be asked, but there are enough of them so that we will pick that up on Monday. But we are making good progress. We are going to have another 17 cleared amendments that will be coming up, we hope, in the next 5 or 10 minutes.

We have already disposed of 77 amendments. I think we have done it in a way which will make this body proud that we are legislating. If people want to filibuster, threaten to filibuster or debate something, we are going to say: Come over and debate—which we have. So we have avoided these long periods of space. We have had no threat of a filibuster that has required a threshold of 60. We have had majority votes, and not the 60-threshold votes except for that one technical budget amendment issue.

We are making great progress. I believe we will continue to make progress. The leader, in a moment, I believe, is going to a file cloture motion which is going to help with progress. But between now and the time we vote on cloture, both this

afternoon and on Monday, we are going to continue to work on amendments to try to clear amendments.

I am sure we will voice-vote amendments in the cases that they have been cleared and do not require a voice vote. The leader will, in a moment, again, state what his plans are. But for the time being, I want to thank our leader for the support he has given to the managers. It is essential. We have had that support. We are grateful for it, and to all of our colleagues and staffs working on this bill, which is always complex and always has literally hundreds of amendments.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. The work done has been exemplary by the two managers. I appreciate it very much. We have disposed of 75 amendments. We have another batch we are going to approve very quickly. We have had rollcall votes. There has been significant progress made. We are not going to be able to lock in a finite list of amendments. That is always hard to do. But I am confident we are going to be able to get this done.

Senators MCCAIN and LEVIN and their staffs will be available over the weekend, and staff will be available more than the two Senators, who have spent many hours on the Senate floor. We need to make sure people who have problems with the proposal made by the two managers, that they let them know because we need to lock this in as quickly as possible.

I am going to file cloture in just a minute. I encourage people to work with the managers. We are going to go out. Senators LEVIN and MCCAIN are going to clear a few amendments, and then we are going to go out for the weekend. This has been a very productive week.

CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion at the desk.

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

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on S. 3254, a bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Harry Reid, Carl Levin, Kay R. Hagan, Barbara A. Mikulski, Tom Udall, Jeff Merkley, Al Franken, Tom Harkin, Jon Tester, Richard Blumenthal, Jeff Bingaman, Patrick J. Leahy, Robert P. Casey, Jr., Amy Klobuchar, Max Baucus, Michael F. Bennet, Mark Begich, Patty Murray.

Mr. REID. Mr. President, I ask unanimous consent under rule XXII that the mandatory quorum be waived.

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

Mr. REID. Senator LEVIN will announce to the Senate at a later time—but just to give an idea of what to expect—there will be a Maryland judge's vote on Monday evening. Then that will be followed by a cloture vote on the matter that I just sent the motion on to the desk.

We would hope that there will be the ability at that time—while the 30 hours are running—to clear a bunch of amendments.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Mr. President, as in executive session, I ask unanimous consent there be no amendments in order to the treaty or the resolution of ratification; that following leader remarks on Tuesday, December 4, the time until 12 noon be divided in the usual form; that at 12 noon the Senate proceed to vote on the Resolution of Advice and Consent to Ratification of the Convention on the Rights of Persons with Disabilities; that if the resolution is adopted, the motion to reconsider be considered made and laid upon the table; that the President be then immediately notified of the Senate's action; further, that if the resolution is not adopted, the treaty be returned to the calendar, there be no motions or points of order in order other than a motion to reconsider.

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

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013—Continued

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I would like to thank the majority leader again for his encouragement of this process. As I said before, I think it should be an example for addressing further pieces of legislation before this body. It has been very tough. There have been hundreds of amendments that have been filed, many of which have been disposed of.

I believe on Monday night we could complete this legislation with the cooperation of all Members so that this body could move on to other business. I want to thank again my friend, the chairman, who continues to show unlimited patience, which is a quality that I do not possess.

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

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

AMENDMENTS NOS. 2959, 2984, 3079, 3082, 3087, AS MODIFIED, 3102, 3105, 3135, 3145, 3196, AS MODIFIED, 3198, 3234, 3244, 3247, AS MODIFIED, 3258, 3280, 3290

Mr. LEVIN. Mr. President, I call up now a list of 17 amendments which have been cleared by myself and Senator McCain: Wyden amendment No. 2959; Bingaman amendment No. 2984; Grassley amendment No. 3079; Barrasso amendment No. 3082; Vitter amendment No. 3087, as modified by changes at the desk; Klobuchar amendment No. 3102; Klobuchar amendment No. 3105; Murkowski amendment No. 3135; Warner amendment No. 3145; Collins amendment No. 3196, as modified by changes at the desk; Barrasso amendment No. 3198; Klobuchar amendment No. 3234; Reid amendment No. 3244; McCain amendment No. 3247, as modified by changes at the desk; Alexander amendment No. 3258; Levin amendment No. 3280; Begich amendment No. 3290.

Mr. MCCAIN. The amendments have been cleared on our side.

Mr. LEVIN. I ask unanimous consent that these amendments be considered en bloc, the amendments be agreed to, and the motion to reconsider be laid upon the table.

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

The amendments were agreed to, as follows:

AMENDMENT NO. 2959

(Purpose: To require reports on the use of indemnification agreements in Department of Defense contracts)

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 Committee on Appropriations of the House of Representatives.

AMENDMENT NO. 2984

(Purpose: To provide for national security benefits for White Sands Missile Range and Fort Bliss)

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).

AMENDMENT NO. 3079

(Purpose: To permit Federal officers to remove cases involving crimes of violence to Federal court)

At the appropriate place, insert the following:

SEC. . REMOVAL OF ACTION.

Section 1442 of title 28, United States Code, is amended by striking subsection (c) and inserting the following:

“(c) Solely for purposes of determining the propriety of removal under subsection (a), a law enforcement officer, who is the defendant in a criminal prosecution, shall be deemed to have been acting under the color of his office if the officer—

“(1) protected an individual in the presence of the officer from a crime of violence;

“(2) provided immediate assistance to an individual who suffered, or who was threatened with, bodily harm; or

“(3) prevented the escape of any individual who the officer reasonably believed to have committed, or was about to commit, in the presence of the officer, a crime of violence that resulted in, or was likely to result in, death or serious bodily injury.

“(d) In this section, the following definitions apply:

“(1) The terms ‘civil action’ and ‘criminal prosecution’ include any proceeding (whether or not ancillary to another proceeding) to the extent that in such proceeding a judicial order, including a subpoena for testimony or documents, is sought or issued. If removal is sought for a proceeding described in the previous sentence, and there is no other basis for removal, only that proceeding may be removed to the district court.

“(2) The term ‘crime of violence’ has the meaning given that term in section 16 of title 18.

“(3) The term ‘law enforcement officer’ means any employee described in subparagraph (A), (B), or (C) of section 8401(17) of title 5 and any special agent in the Diplomatic Security Service of the Department of State.

“(4) The term ‘serious bodily injury’ has the meaning given that term in section 1365 of title 18.

“(5) The term ‘State’ includes the District of Columbia, United States territories and insular possessions, and Indian country (as defined in section 1151 of title 18).

“(6) The term ‘State court’ includes the Superior Court of the District of Columbia, a court of a United States territory or insular possession, and a tribal court.”

AMENDMENT NO. 3082

(Purpose: To require a report on the issuance by the Armed Forces Medical Examiner of death certificates for members of the Armed Forces who die on active duty abroad)

At the end of subtitle F of title VI, add the following:

SEC. 662. REPORT ON ISSUANCE BY ARMED FORCES MEDICAL EXAMINER OF DEATH CERTIFICATES FOR MEMBERS OF THE ARMED FORCES WHO DIE ON ACTIVE DUTY ABROAD.

(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 congressional defense committees a report on the issuance by the Armed Forces Medical Examiner of death certificates for members of the Armed Forces who die on active duty abroad, including mechanisms for reducing or ameliorating delays in the issuance of such death certificates.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the process used by the Armed Forces Medical Examiner to issue a death certificate for members of the Armed Forces who die on active duty abroad, including an explanation for any current delays in the issuance of such death certificates.

(2) A description of the average amount of time taken by the Armed Forces Medical Examiner to issue such death certificates.

(3) An assessment of the feasibility and advisability of issuing temporary death certificates for members of the Armed Forces who die on active duty abroad in order to provide necessary documentation for survivors.

(4) A description of the actions required to enable the Armed Forces Medical Examiner to issue a death certificate for a member of the Armed Forces who dies on active duty abroad not later than seven days after the return of the remains of the member to the United States.

(5) Such other recommendations for legislative or administrative action as the Secretary considers appropriate to provide for the issuance by the Armed Forces Medical Examiner of a death certificate for members of the Armed Forces who die on active duty abroad not later than seven days after the return of the remains of such members to the United States.

AMENDMENT NO. 3087, AS MODIFIED

At the end of subtitle F of title X, add the following:

SEC. 1064. REPORT ON PLANNED EFFICIENCY INITIATIVES AT SPACE AND NAVAL WARFARE SYSTEMS COMMAND.

(a) **REPORT REQUIRED.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a report on plans to implement efficiency initiatives to reduce overhead costs at the Space and Naval Warfare Systems Command (SPAWAR), including a detailed description of the long-term impacts on current and planned future mission requirements.

AMENDMENT NO. 3102

(Purpose: To provide for the retention of certain forms in connection with Restricted Reports on sexual assault involving members of the Armed Forces)

At the end of subtitle E of title V, add the following:

SEC. 544. RETENTION OF CERTAIN FORMS IN CONNECTION WITH RESTRICTED REPORTS ON SEXUAL ASSAULT INVOLVING MEMBERS OF THE ARMED FORCES.

(a) **PERIOD OF RETENTION.**—The Secretary of Defense shall ensure that all copies of Department of Defense Form 2910 and Department of Defense Form 2911 filed in connection with a Restricted Report on an incident of sexual assault involving a member of the Armed Forces shall be retained for the longer of—

(1) 50 years commencing on the date of signature of the member on Department of Defense Form 2910; or

(2) the time provided for the retention of such forms in connection with Unrestricted Reports on incidents of sexual assault involving members of the Armed Forces under Department of Defense Directive-Type Memorandum (DTM) 11-062, entitled “Document Retention in Cases of Restricted and Unrestricted Reports of Sexual Assault”, or any successor directive or policy.

(b) **PROTECTION OF CONFIDENTIALITY.**—Any Department of Defense form retained under subsection (a) shall be retained in a manner that protects the confidentiality of the member of the Armed Forces concerned in accordance with procedures for the protection of confidentiality of information in Restricted Reports under Department of Defense memorandum JTF-SAPR-009, relating to the Department of Defense policy on confidentiality for victims of sexual assault, or any successor policy or directive.

AMENDMENT NO. 3105

(Purpose: Relating to the prevention and response to sexual harassment in the Armed Forces)

At the end of subtitle E of title V, add the following:

SEC. 544. PREVENTION AND RESPONSE TO SEXUAL HARASSMENT IN THE ARMED FORCES.

(a) **COMPREHENSIVE POLICY REQUIRED.**—

(1) **IN GENERAL.**—The Secretary of Defense shall, in consultation with the Secretaries of the military departments and the Equal Opportunity Office of the Department of Defense, develop a comprehensive policy to prevent and respond to sexual harassment in the Armed Forces. The policy shall provide for the following:

(A) Training for members of the Armed Forces on the prevention of sexual harassment.

(B) Mechanisms for reporting incidents of sexual harassment in the Armed Forces, including procedures for reporting anonymously.

(C) Mechanisms for responding to and resolving incidents of alleged sexual harassment incidences involving members of the Armed Forces, including through the prosecution of offenders.

(2) **REPORT.**—Not later than one year 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 required by paragraph (1).

(b) **COLLECTION AND RETENTION OF RECORDS ON DISPOSITION OF REPORTS OF SEXUAL HARASSMENT.**—

(1) **COLLECTION.**—The Secretary of Defense shall require that the Secretary of each military department establish a record on the disposition of any report of sexual harassment, whether such disposition is court martial, non-judicial punishment, or other administrative action. The record of any such disposition shall include the following, as appropriate:

(A) Documentary information collected about the incident reported.

(B) Punishment imposed, including the sentencing by judicial or non-judicial means including incarceration, fines, restriction, and extra duty as a result of military court-martial, Federal and local court and other sentencing, or any other punishment imposed.

(C) Reasons for the selection of the disposition and punishments selected.

(D) Administrative actions taken, if any.

(E) Any pertinent referrals offered as a result of the incident (such as drug and alcohol counseling and other types of counseling or intervention).

(2) **RETENTION.**—The Secretary of Defense shall require that—

(A) the records established pursuant to paragraph (1) be retained by the Department of Defense for a period of not less than 50 years; and

(B) a copy of such records be maintained at a centralized location for the same period as applies to retention of the records under subparagraph (A).

(c) **ANNUAL REPORT ON SEXUAL HARASSMENT INVOLVING MEMBERS OF THE ARMED FORCES.**—

(1) **ANNUAL REPORT ON SEXUAL HARASSMENT.**—Not later than March 1, 2015, and each March 1 thereafter through March 1, 2018, the Secretary of each military department shall submit to the Secretary of Defense a report on the sexual harassments involving members of the Armed Forces under the jurisdiction of such Secretary during the preceding year. Each Secretary of a military department shall submit the report on a year under this section at the same time as the submittal of the annual report on sexual assaults during that year under section 1631 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (10 U.S.C. 1561 note). In the case of the Secretary of the

Navy, separate reports shall be prepared under this section for the Navy and the Marine Corps.

(2) **CONTENTS.**—The report of a Secretary of a military department for an Armed Force under paragraph (1) shall contain the following:

(A) The number of sexual harassments committed against members of the Armed Force that were reported to military officials during the year covered by the report, and the number of the cases so reported that were substantiated.

(B) The number of sexual harassments committed by members of the Armed Force that were reported to military officials during the year covered by the report, and the number of the cases so reported that were substantiated. The information required by this subparagraph may not be combined with the information required by subparagraph (A).

(C) A synopsis of each such substantiated case and, for each such case, the action taken in such case, including the type of disciplinary or administrative sanction imposed, section 815 of title 10, United States Code (article 15 of the Uniform Code of Military Justice).

(D) The policies, procedures, and processes implemented by the Secretary during the year covered by the report in response to incidents of sexual harassment involving members of that Armed Force.

(E) Any other matters relating to sexual harassment involving members of the Armed Forces that the Secretary considers appropriate.

AMENDMENT NO. 3135

(Purpose: To extend the deadline for submission of a report on the findings and conclusions of the National Commission on the Structure of the Air Force)

On page 502, line 7, strike “2013” and insert “2014”.

AMENDMENT NO. 3145

(Purpose: To require a study on the ability of national air and ground test and evaluation infrastructure facilities to support defense hypersonic test and evaluation activities)

At the end of subtitle F of title X, add the following:

SEC. 1064. STUDY ON ABILITY OF NATIONAL AIR AND GROUND TEST AND EVALUATION INFRASTRUCTURE FACILITIES TO SUPPORT DEFENSE HYPERSONIC TEST AND EVALUATION ACTIVITIES.

(a) **STUDY REQUIRED.**—The Director of the Office of Science and Technology Policy, working with the Secretary of Defense and the Administrator of the National Aeronautics and Space Administration (NASA), shall conduct a study on the ability of Department of Defense and NASA air and ground test and evaluation infrastructure facilities and private ground test and evaluation infrastructure facilities, including wind tunnels and air test ranges, as well as associated instrumentation, to support defense hypersonic test and evaluation activities for the short and long term.

(b) **REPORT AND PLAN.**—

(1) **IN GENERAL.**—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a report containing the results of the study required under subsection (a) together with a plan for requirements and proposed investments to meet Department of Defense needs through 2025.

(2) **CONTENT.**—The report required under paragraph (1) shall include the following elements:

(A) An assessment of the current condition and adequacy of the hypersonics test and

evaluation infrastructure within the Department of Defense, NASA, and the private sector to support hypersonic research and development within the Department of Defense.

(B) An identification of test and evaluation infrastructure that could be used to support Department of Defense hypersonic research and development outside the Department and assess means to ensure the availability of such capabilities to the Department in the present and future.

(C) A time-phased plan to acquire required hypersonics research, development, test and evaluation capabilities, including identification of the resources necessary to acquire any needed capabilities that are currently not available.

(3) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this subsection, the term “appropriate congressional committees” means—

(A) the Committee on Armed Services and the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Armed Services and the Committee on Science, Space, and Technology of the House of Representatives.

AMENDMENT NO. 3196, AS MODIFIED

At the end of subtitle C of title V, add the following:

SEC. 526. RESEARCH STUDY ON RESILIENCE IN MEMBERS OF THE ARMY.

(a) RESEARCH STUDY REQUIRED.—

(1) **IN GENERAL.**—The Secretary of the Army shall carry out a research program on resilience in members of the Army.

(2) **PURPOSE.**—The purpose of the research study shall be to determine the effectiveness of the current Comprehensive Soldier and Family Fitness (CSF2) Program of the Army while verifying the current means of the Army to reduce trends in high risk or self-destructive behavior and to prepare members of the Army to manage stressful or traumatic situations by training members in resilience strategies and techniques.

(3) **ELEMENTS.**—In carrying out the research study, the Secretary shall determine the effectiveness of training under the Comprehensive Soldier and Family Fitness program in—

(A) enhancing individual performance through resiliency techniques and use of positive and sports psychology; and

(B) identifying and responding to early signs of high-risk behavior in members of the Army assigned to units involved in the research study.

(4) **SCIENCE-BASED EVIDENCE AND TECHNIQUES.**—The research study shall be rooted in scientific evidence, using professionally accepted measurements of experiments, of longitudinal research, random-assignment, and placebo-controlled outcome studies to evaluate which interventions can prove positive results and which result in no impact.

(b) **LOCATIONS.**—The Secretary carry out the research study at locations selected by the Secretary from among Army installations which are representative of the Total Force. Units from all components of the Army shall be involved in the research study.

(c) **TRAINING.**—In carrying out the research study at an installation selected pursuant to subsection (b), the Secretary shall ensure, at a minimum, that whenever a unit returns from combat deployment to the installation the training established for purposes of the research study is provided to all members of the Army returning for such deployment. The training shall include such training as the Secretary considers appropriate to reduce trends in high risk or self-destructive behavior

(d) **PERIOD.**—The Secretary shall carry out the research study through September 30, 2014.

(e) **REPORTS.**—Not later than 30 days after the end of each of fiscal years 2013 and 2014, the Secretary shall submit to the Committees on Armed Forces of the Senate and the House of Representatives a report on the research study during the preceding fiscal year. Each report shall include the following:

(1) A description of the trends in high risk or self-destructive behavior within each of the units involved in the research study during the fiscal year covered by such report.

(2) A description of the effectiveness of Comprehensive Soldier and Family Fitness Program training in enhancing individual performance through resiliency techniques, utilization of positive psychology.

(3) In the case of the report on fiscal year 2014, such recommendations for the expansion or modification of the research study as the Secretary considers appropriate.

AMENDMENT NO. 3198

(Purpose: To renew expired prohibition on return of veterans memorial objects without specific authorization in law)

At the end of subtitle H of title X, add the following:

SEC. 1084. RENEWAL OF EXPIRED PROHIBITION ON RETURN OF VETERANS MEMORIAL OBJECTS WITHOUT SPECIFIC AUTHORIZATION IN LAW.

(a) **CODIFICATION OF PROHIBITION.**—Section 2572 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(e)(1) Except as provided in paragraph (3), and notwithstanding this section or any other provision of law, the President may not transfer a veterans memorial object to a foreign country or an entity controlled by a foreign government, or otherwise transfer or convey such an object to any person or entity for purposes of the ultimate transfer or conveyance of the object to a foreign country or entity controlled by a foreign government.

“(2) In this subsection:

“(A) The term ‘entity controlled by a foreign government’ has the meaning given that term in section 2536(c)(1) of this title.

“(B) The term ‘veterans memorial object’ means any object, including a physical structure or portion thereof, that—

“(i) is located at a cemetery of the National Cemetery System, war memorial, or military installation in the United States;

“(ii) is dedicated to, or otherwise memorializes, the death in combat or combat-related duties of members of the armed forces; and

“(iii) was brought to the United States from abroad as a memorial of combat abroad.

“(3) The prohibition imposed by paragraph (1) does not apply to a transfer of a veterans memorial object if—

“(A) the transfer of that veterans memorial object is specifically authorized by law; or

“(B) the transfer is made after September 30, 2017.”.

(b) **REPEAL OF OBSOLETE SOURCE LAW.**—Section 1051 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 10 U.S.C. 2572 note) is repealed.

AMENDMENT NO. 3234

(Purpose: To enhance the annual reports regarding sexual assaults involving members of the Armed Forces)

At the end of subtitle E of title V, add the following:

SEC. 544. ENHANCEMENT OF ANNUAL REPORTS REGARDING SEXUAL ASSAULTS INVOLVING MEMBERS OF THE ARMED FORCES.

(a) **IN GENERAL.**—Section 1631(b) of the Ike Skelton National Defense Authorization Act

for Fiscal Year 2011 (10 U.S.C. 1561 note) is amended—

(1) by striking paragraph (3) and inserting the following new paragraph (3):

“(3) A synopsis of each such substantiated case, organized by offense, and, for each such case, the action taken in such case, including the following information:

“(A) The type of disciplinary or administrative sanction imposed, if any, including courts-martial sentences, non-judicial punishments administered by commanding officers pursuant to section 815 of title 10, United States Code (article 15 of the Uniform Code of Military Justice), and administrative separations.

“(B) A description of and rationale for the final disposition and punishment, regardless of type of disciplinary or administrative sanction imposed.

“(C) The unit and location of service at which the incident occurred.

“(D) Whether the accused was previously accused of a substantiated sexual assault or sexual harassment.

“(E) Whether the accused was admitted to the Armed Forces under a moral waiver granted with respect to prior sexual misconduct.

“(F) Whether alcohol was involved in the incident.

“(G) If the member was administratively separated or, in the case of an officer, allowed to resign in lieu of facing a court-martial, the characterization given the service of the member upon separation.”; and

(2) by adding at the end the following new paragraphs

“(7) The number of applications submitted under section 673 of title 10, United States Code, during the year covered by the report for a permanent change of station or unit transfer for members of the Armed Forces on active duty who are the victim of a sexual assault or related offense, the number of applications denied, and, for each application denied, a description of the reasons why such application was denied.

“(8) An analysis and assessment of trends in the incidence, disposition, and prosecution of sexual assaults by commands and installations during the year covered by the report, including trends relating to prevalence of incidents, prosecution of incidents, and avoidance of incidents.

“(9) An assessment of the adequacy of sexual assault prevention and response activities carried out by training commands during the year covered by the report.

“(10) An analysis of the specific factors that may have contributed to sexual assault during the year covered by the report, including sexual harassment and substance abuse, an assessment of the role of such factors in contributing to sexual assaults during that year, and recommendations for mechanisms to eliminate or reduce the incidence of such factors or their contributions to sexual assaults.”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply beginning with the report required to be submitted by March 1, 2014, under section 1631 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (as amended by subsection (a)).

AMENDMENT NO. 3244

(Purpose: To amend title 18, United States Code, to provide penalties for transporting minors in foreign commerce for the purposes of female genital mutilation)

At the end of subtitle H of title X, add the following:

SEC. 1084. TRANSPORT FOR FEMALE GENITAL MUTILATION.

Section 116 of title 18, United States Code, is amended by adding at the end the following:

“(d) Whoever knowingly transports from the United States and its territories a person in foreign commerce for the purpose of conduct with regard to that person that would be a violation of subsection (a) if the conduct occurred within the United States, or attempts to do so, shall be fined under this title or imprisoned not more than 5 years, or both.”.

AMENDMENT NO. 3247, AS MODIFIED

At the end of subtitle H of title X, add the following:

SEC. 1084. TRANSFER OF EXCESS AIRCRAFT TO OTHER DEPARTMENTS.

(a) **TRANSFER.**—Subject to subsection (c), the Secretary of Defense shall transfer excess aircraft specified in subsection (b) to the Secretary of Agriculture and the Secretary of Homeland Security for use by the Forest Service and the United States Coast Guard. The transfer of any excess aircraft under this subsection shall be without reimbursement.

(b) AIRCRAFT.—

(1) **IN GENERAL.**—The aircraft transferred under subsection (a) are aircraft of the Department of Defense that are—

(A) identified by the Forest Service or the United States Coast Guard as a suitable platform to carry out their respective missions;

(B) subject to paragraphs (2) and (3), excess to the needs of the Department of Defense, as determined by the Secretary of Defense; and

(C) acceptable for use by the Forest Service, as determined by the Secretary of Agriculture.

(D) acceptable for use by the United States Coast Guard, as determined by the Secretary of Homeland Security.

(2) **LIMITATION ON NUMBER.**—The number of aircraft that may be transferred to either the Secretary of Agriculture or the Secretary of Homeland Security may not exceed 12 aircraft.

(3) **LIMITATIONS ON DETERMINATION AS EXCESS.**—Aircraft may not be determined to be excess for the purposes of this subsection, unless such aircraft are determined to be excess in the report referenced by subsection (b) of section 1703 of Title XVII of this Act, or if such aircraft are otherwise prohibited from being determined excess by law.

(c) **PRIORITY IN TRANSFER.**—The Secretary of Agriculture and the Secretary of Homeland Security shall be afforded equal priority in the transfer under subsection (a) of excess aircraft of the Department of Defense specified in subsection (b) before any other department or agency of the Federal Government.

(d) **CONDITIONS OF TRANSFER.**—Excess aircraft transferred to the Secretary of Agriculture under subsection (a)—

(1) may be used only for wildfire suppression purposes; and

(2) may not be flown or otherwise removed from the United States unless dispatched by the National Interagency Fire Center in support of an international agreement to assist in wildfire suppression efforts or for other purposes approved by the Secretary of Agriculture in writing in advance.

(e) **EXPIRATION OF AUTHORITY.**—The authority to transfer excess aircraft under subsection (a) shall expire on December 31, 2013.

SEC. 1085. REAUTHORIZATION OF SALE OF AIRCRAFT AND PARTS FOR WILDFIRE SUPPRESSION PURPOSES.

Section 2 of the Wildfire Suppression Aircraft Transfer Act of 1996 (10 U.S.C. 2576 note) is amended—

(1) in subsection (a), by striking “during the period beginning on October 1, 1996, and ending on September 30, 2005” and inserting “during a period specified in subsection (g)”;

(2) by redesignating subsection (g) as subsection (h); and

(3) by inserting after subsection (f) the following new subsection (g):

“(g) **PERIODS FOR EXERCISE OF AUTHORITY.**—The periods specified in this subsection are the following:

“(1) The period beginning on October 1, 1996, and ending on September 30, 2005.

“(2) The period beginning on October 1, 2012, and ending on September 30, 2017.”.

AMENDMENT NO. 3258

(Purpose: To modify the authority to carry out a fiscal year 2011 military construction project at Nashville International Airport)

At the end of subtitle B of title XXVI, add the following:

SEC. 2613. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2011 PROJECT.

In the case of the authorization contained in the table in section 2604 of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111-383; 124 Stat. 4453) for Nashville International Airport, Tennessee, for renovation of an Intelligence Squadron Facility, the Secretary of the Air Force may convert up to 4,023 square meters of existing facilities to bed down Intelligence Group and Remotely Piloted Aircraft Remote Split Operations Group missions, consistent with the Air National Guard's construction guidelines for these missions.

AMENDMENT NO. 3280

(Purpose: To require reports to the Department of Defense on penetrations of networks and information systems of certain contractors)

At the end of subtitle C title IX, add the following:

SEC. 935. REPORTS TO DEPARTMENT OF DEFENSE ON PENETRATIONS OF NETWORKS AND INFORMATION SYSTEMS OF CERTAIN CONTRACTORS.

(a) **PROCESS FOR REPORTING PENETRATIONS.**—The Under Secretary of Defense for Intelligence shall, in coordination with the officials specified in subsection (c), establish a process by which cleared defense contractors shall report to elements of the Department of Defense designated by the Under Secretary for purposes of the process when a network or information system of such contractors designated pursuant to subsection (b) is successfully penetrated.

(b) **DESIGNATION OF NETWORKS AND INFORMATION SYSTEMS.**—The Under Secretary of Defense for Intelligence shall, in coordination with the officials specified in subsection (c), establish criteria for designating the cleared defense contractors' networks or information systems that contain or process information created by or for the Department of Defense to be subject to the reporting process established pursuant to subsection (a).

(c) **OFFICIALS.**—The officials specified in this subsection are the following:

(1) The Under Secretary of Defense for Policy.

(2) The Under Secretary of Defense for Acquisition, Technology, and Logistics.

(3) The Chief Information Officer of the Department of Defense.

(4) The Commander of the United States Cyber Command.

(d) **PROCESS REQUIREMENTS.**—

(1) **RAPID REPORTING.**—The process required by subsection (a) shall provide for rapid reporting by contractors of successful penetrations of designated network or information systems.

(2) **REPORT ELEMENTS.**—The report by a contractor on a successful penetration of a designated network or information system under the process shall include the following:

(A) A description of the technique or method used in the penetration.

(B) A sample of the malicious software, if discovered and isolated by the contractor.

(3) **ACCESS.**—The process shall include mechanisms by which Department of Defense personnel may, upon request, obtain access to equipment or information of a contractor necessary to conduct a forensic analysis to determine whether information created by or for the Department in connection with any Department program was successfully exfiltrated from a network or information system of the contractor and, if so, what information was exfiltrated.

(4) **LIMITATION ON DISSEMINATION OF CERTAIN INFORMATION.**—The process shall prohibit the dissemination outside the Department of Defense of information obtained or derived through the process that is not created by or for the Department except with the approval of the contractor providing such information.

(e) **CLEARED DEFENSE CONTRACTOR DEFINED.**—In this section, the term “cleared defense contractor” means a private entity granted clearance by the Defense Security Service to receive and store classified information for the purpose of bidding for a contract or conducting activities under a contract with the Department of Defense.

AMENDMENT NO. 3290

(Purpose: To modify notice requirements in advance of permanent reductions of sizeable numbers of members of the Armed Forces at military installations)

On page 543, between lines 2 and 3, insert the following:

SEC. 2705. MODIFICATION OF NOTICE REQUIREMENTS IN ADVANCE OF PERMANENT REDUCTION OF SIZEABLE NUMBERS OF MEMBERS OF THE ARMED FORCES AT MILITARY INSTALLATIONS.

(a) **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.”.

(b) **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, 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.”.

(c) **DEFINITIONS.**—Such section is further amended by adding at the end the following new subsection:

“(d) **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).”.

AMENDMENT NO. 3018

Mr. LEAHY. Mr. President, the National Defense Authorization Act, NDAA, that was enacted into law last December contained several deeply troubling provisions related to the indefinite detention of individuals without charge or trial. These provisions undermine our Nation’s fundamental principles of due process and civil liberties. I strongly opposed these provisions during last year’s debate, and believe that we must eliminate and fix those flawed provisions. Toward that end, I voted last night in favor of the amendment offered by Senator FEINSTEIN, which clarified that our Government cannot detain indefinitely any citizen or legal permanent resident apprehended in the United States. It is my hope that this is a positive step forward in our efforts to undo some of the damage from last year’s NDAA.

But our work is not done. As I have stated before, I believe that the vital protections of our Constitution extend to all persons here in the United States, regardless of citizenship or immigration status. That is why I cosponsored an amendment filed by Senator MARK UDALL that would go beyond the scope of the Feinstein amendment to extend the protection against indefinite detention to any person within the United States. I look forward to working with Senator UDALL and others in our continuing efforts to improve the law in this area.

I am fundamentally opposed to indefinite detention without charge or trial. I fought against the Bush administration policies that led to the current situation, with indefinite detention as the de facto policy. I opposed President Obama’s executive order in March 2011 that contemplated indefinite detention, and I helped lead the efforts against the detention-related provisions in last year’s NDAA. Simply put, a policy of indefinite detention has no place in the justice system of any democracy let alone the greatest democracy in the world.

The American justice system is the envy of the world, and a regime of indefinite detention diminishes the credibility of this great Nation around the globe, particularly when we criticize other governments for engaging in such conduct, and as new governments in the midst of establishing legal systems look to us as a model of justice. Indefinite detention contradicts the most basic principles of law that I have

pledged to uphold since my years as a prosecutor and in our senatorial oath to defend the Constitution. That is why I have opposed and will continue to oppose indefinite detention.

Last December, Senator FEINSTEIN introduced the Due Process Guarantee Act, which was at the core of her amendment to this year’s NDAA. Both the Due Process Guarantee Act and Senator FEINSTEIN’s amendment make clear that neither an authorization to use military force nor a declaration of war confer unfettered authority to the executive branch to hold Americans in indefinite detention. In February, I chaired a hearing to examine the Due Process Guarantee Act, and the Judiciary Committee heard testimony from witnesses who asserted that no individual arrested within the United States should be detained indefinitely regardless of citizenship or immigration status. I wholeheartedly agree, and I believe that the Constitution requires no less.

The notion of indefinitely imprisoning American citizens is the most striking, but to me the Constitution creates a framework that imposes important legal limits on the Government and provides that all people in the U.S. have fundamental liberty protections. That is why I have cosponsored Senator UDALL’s amendment, which provides expansive protections against indefinite detention and fixes this unwise policy for all people. As I said before, though, I view the adoption of Senator FEINSTEIN’s amendment as a positive first step towards this goal.

During last night’s Senate floor debate on Senator FEINSTEIN’s amendment, however, some made fundamentally flawed legal arguments and interpretations. As chairman of the Senate Judiciary Committee, I feel it is important to set the record straight.

According to those who had opposed our efforts and support indefinite detention, Senator FEINSTEIN’s amendment should somehow be read as authorizing the indefinite detention of United States citizens captured on U.S. soil. They contended that the Supreme Court in *Hamdi v. Rumsfeld* held that the Authorization for the Use of Military Force (AUMF) expressly authorized the indefinite detention of citizens, regardless of where they were apprehended. This assertion is flatly wrong, entirely unsupported by the actual text of the opinion and, I believe, contrary to the Constitution.

Much of last night’s debate centered on the language in Senator FEINSTEIN’s amendment that prohibited 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.” Senators who had opposed our remedial efforts and support indefinite detention asserted that the Supreme Court in *Hamdi* concluded that the AUMF was an “explicit authorization” of such detention even for citizens cap-

tured in the U.S. and that the AUMF was an act of Congress that fulfills the exception in the Feinstein amendment. The Senators ignore the fact that the text of the AUMF contains no reference whatsoever to the detention of individuals without charge or trial, and certainly no express reference to or authority for the detention of citizens in such a manner. Moreover, nowhere in the plurality or dissenting opinions in *Hamdi* do any of the Justices state that the AUMF expressly authorizes the detention of citizens without charge or trial.

The preexistence of the AUMF does not fulfill the requirement that the amendment seeks to create and that requires express congressional authorization of exceptional authority after the adoption of the Feinstein amendment. Senator FEINSTEIN did not intend to write and the Senate did not intend to pass a nullity. If this opposition argument were right, the amendment changed nothing.

Senator LEVIN acknowledged in his remarks last night that the “Supreme Court in *Hamdi* held that the existing authorization for use of military force does address this issue and does explicitly, in their words, authorize detention of United States citizens in that situation which was on the battlefield in Afghanistan.” (emphasis added) The *Hamdi* case did not address and did not expressly authorize the indefinite detention of U.S. citizens apprehended in the U.S. As Senator FEINSTEIN and Senator DURBIN have pointed out, the *Hamdi* ruling was limited to “individuals who fought against the United States in Afghanistan as part of the Taliban.”

The substance of the Supreme Court’s legal analysis is important here, and the attempts to gloss over the actual text of the *Hamdi* opinion cannot go unchecked. The starting point of the Court’s analysis in this regard was the text of the Non-Detention Act, codified at 18 U.S.C. Section 4001(a), which states that “no citizen shall be imprisoned or otherwise detained by the United States except pursuant to an Act of Congress.” The *Hamdi* court then turned to whether the AUMF constituted an act of Congress within the scope of this exception, such that *Hamdi*’s detention would be authorized. In her plurality opinion, Justice O’Connor concluded that the answer was yes, but she made certain to circumscribe carefully the scope of that ruling by saying “we conclude that the AUMF is explicit congressional authorization for the detention of individuals in the narrow category we describe,” i.e. “individuals who fought against the United States in Afghanistan as part of the Taliban.” Stated simply, the *Hamdi* decision does not stand for the proposition that the AUMF expressly authorizes the indefinite detention of U.S. citizens captured on U.S. soil.

Although last night’s debate on the *Hamdi* decision focused largely on the

statutory authority to detain individuals, we must also not lose sight of other aspects of that opinion regarding the nature and duration of law of war detention, and how changing circumstances might warrant re-examination of the authority for such detention. Last night, Senator GRAHAM stated that Hamdi's imprisonment "could last for the rest of his life because the law of war detention can last for the duration of the relevant conflict." Although I do not necessarily disagree that law of war detention has historically been viewed as appropriate for the duration of the relevant conflict, this statement begs the question of when and how the duration of the relevant conflict is determined.

In her opinion in Hamdi, Justice O'Connor stated that the AUMF justified detention as part of the exercise of necessary and appropriate force "if the record establishes that United States troops are still involved in active combat in Afghanistan" against Taliban combatants. Significantly, Justice O'Connor wrote that "if the practical circumstances of a given conflict are entirely unlike those of the conflicts that informed the development of the law of war, that understanding may unravel." Accordingly, as we wind down our combat operations in Afghanistan, Congress and the courts should consider carefully how those changing circumstances might affect the legitimacy of so-called law of war detention authority under the AUMF.

I also continue to be deeply disturbed by the mandatory military detention provisions that were included in last year's NDAA through Section 1022. In the fight against al Qaeda and other terrorist threats, we should give our intelligence, military, and law enforcement professionals all the tools they need not limit those tools, as was required by this law. That is why the Secretary of Defense, Attorney General, Director of the FBI, and Director of National Intelligence all objected to this section and it was modified to require the President to produce procedures to determine who meets the definition of a person subject to mandatory military detention. I appreciate that the President took an aggressive approach in these procedures to preserve the flexibility of law enforcement, as well as military and intelligence professionals, to investigate and prosecute alleged terrorists.

However, these procedures do not mitigate my concerns that the mandatory military detention requirements are overly broad and threaten core constitutional principles. Once sacrificed, our treasured constitutional protections are not easily restored. After all, the policy directive of this President can be undone by a future administration. That is why I have cosponsored Senator UDALL's amendment to this year's NDAA that would repeal this ill-advised authority.

In Hamdi, Justice O'Connor stated unequivocally that "[w]e have long

since made clear that a state of war is not a blank check for the President when it comes to the rights of the Nation's citizens." We can never forget that the power of our Federal Government is bound by the Constitution. The detention provisions enacted through last year's NDAA are deeply troublesome. They do not represent Vermont values, they do not represent American values, and they have no place in this world. Moving forward, I urge all Senators to join in support of upholding the principles of our Constitution, protecting American values, and championing the rule of law. We need a bipartisan effort to guarantee that the United States remains the model for the rule of law to the world.

Mr. CASEY. Mr. President, I rise today to discuss several issues of importance to the future of our Nation's military. The National Defense Authorization Act before us this year will affect the size and strength of the U.S. Armed Forces and the resources and programs available to our service members and their families.

According to GEN Martin Dempsey, Chairman of the Joint Chiefs of Staff, "capability is more important than size." As the size of our military begins to decrease, there is more need than ever to ensure that they have the right equipment to fulfill their missions. Therefore, I am pleased that the committee has given the Pentagon the authority through this bill to negotiate multiyear procurements for the military's workhorse, the CH-47 *Chinook*, and for the V-22 *Osprey* and the unique capabilities it brings to the field. I also want to note my frustration with the Army's lack of strategic and long-term thinking related to armored combat vehicles. The Army's desire to temporarily cease production of tanks and Bradley fighting vehicles without long-term plans as to what will replace them is nonsense. These proposals, should they be approved, jeopardize the Nation's combat vehicle industrial base, our national security and the livelihoods of many individuals throughout the Nation.

Small businesses are the backbone of the economy both in Pennsylvania and across the Nation. Given their importance, I am committed to advocating for the needs of businesses, particularly women and minority business enterprises, in the U.S. Senate. My amendment, No. 2986, would ensure that subcontractors are aware of their inclusion on bids for Federal contracts and establish a system to report fraudulent procurement practices.

In order to secure government contracts, big companies routinely list small businesses as subcontractors on their bids in order to strengthen their applications without the intention of actually giving the work to the named subcontractor. This especially happens with women and minority owned businesses. Currently, there is no legal requirement to notify subcontractors of their inclusion on Federal bids and no

way to report this. This is taking business away from hard working men and women and it is time for this fraudulent activity to end.

Amendment No. 2986 would prohibit prime contractors from using small businesses as straw men to win government bids. First, it would require that subcontractors identified on a solicitation for a competitive proposal are notified by the prime contractor before the application is submitted. Second, it would establish a reporting mechanism that allows subcontractors to report any fraudulent activity. This amendment is in direct response to concerns raised by my constituents, Alexander Nicholas of the Western Pennsylvania Minority Supplier Development Council, and Craig Bingham, owner of DCI Logistics in Carnegie, PA. I ask my colleagues to join me in support for promoting transparency and accountability in Federal procurement processes and support amendment No. 2986.

Another long-term objective that the Nation and our military must recognize is the need for a secure and reliable source of strategic materials, such as rare earths. In filing amendment No. 2994 to the fiscal year 2013 National Defense Authorization Act, I want the Department of Defense to conduct a cost-benefit analysis on the feasibility of recycling heavy rare earth elements from fluorescent lighting waste. New innovations by Pennsylvanian businesses have taken the theory of recycling rare earths and made it a reality. With China controlling 95 percent of the world supply of rare earth elements, the United States must look at methods, including the recycling of products, to increase our domestic supply of rare earths.

Investing in alternative fuels and energy technology is also critical to sustaining our national defense capabilities in the 21st century. DOD is the largest single user of oil in the world and their fuel bill was more than \$17 billion in fiscal year 2011. DOD recognizes that this type of expenditure, not to mention where we have to go in the world to get that oil, is unsustainable. That is why they began investing in alternative fuels and energy technology under Secretary Rumsfeld back in the early 2000s. I think it would be a mistake to disinvest in that effort now when the return on investment could be so beneficial to our country.

As they are currently written, sections 313 and 2823 of the NDAA put unnecessary restrictions on our military's ability to invest in alternative fuels, which could prove harmful to our national defense capabilities and our economy by keeping our military dependent on imported fossil fuels. I think it is very important that we fix sections 313 and 2823 with Senator UDALL's amendment 2985 and Senator HAGAN's amendment 3095, respectively.

Currently, DOD invests only a small portion of their budget in alternative fuel development but this is an important investment for American businesses that focus on alternative fuel

development and energy technology research. Therefore, our Nation benefits three times from the fruits of these investments: once by improving our national defense capabilities, a second time by supporting jobs in the energy research and development sector, and again because these innovations can be applied in the marketplace benefiting all Americans. It is a smart investment to keep our military strong and develop 21st century energy solutions that we can use here and export abroad. Therefore, I support my colleagues' amendments to strike sections 313 and 2823 from the NDAA.

Lastly, we must take care of the military families who continue to sacrifice without complaint. As chairman of the Joint Economic Committee, I studied the economic effects that the military lifestyle has on the earnings of military spouses. In 2010, the unemployment rate for military wives was 15.0 percent compared to 7.3 percent for civilian wives. One cause of this disparity may have to do with the numerous relocations military families undergo. In this same time period, 24.1 percent of military wives moved across State lines, compared with only 2.4 percent of civilian wives. Frequent moves coupled with military spouses holding jobs that require State-level relicensing create barriers that spouses must overcome when seeking employment. Therefore, I introduced S. 697, the Military Spouse Job Continuity Act, which would provide a \$500 tax credit for military spouses who need to renew or transfer their professional licenses or certifications due to military relocations. While this specific bill cannot be taken up today for procedural reasons, I ask my colleagues to join me in a sense-of-the-Senate amendment recognizing that we must work with the Pentagon and State and local governments to reduce the employment barriers for military spouses, without whom we would not have the superb military we have today.

I ask my colleagues to join me in supporting these important amendments.

Mr. MCCAIN. Mr. President, I thank the Presiding Officer for his patience and long period of time in the chair today. We, obviously, have a couple of members in the media who have no other lives.

Mr. LEVIN. I thank Senator MCCAIN. He very humorously, with his great, good nature, kind of joshes himself comparing his patience to mine. My standard is not the one that anybody wants to follow around here; We will never get anything done.

He is more than patient, and I am very grateful that he is standing there in that ranking position and sitting right in that ranking position. I hope he stays in that ranking position in some committee at least for many, many, many years—in the ranking position.

Mr. MCCAIN. I thank our distinguished chairman. Obviously, you have been here a long time.

I also appreciate our staffs who, again, show that work-release programs are quite successful in the Senate. Thank you very much.

Mr. LEVIN. I join in that too.

Now, we have to close. I don't know if we have the closing. We do.

MORNING BUSINESS

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

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

REMEMBERING GEORGE MCGOVERN

Mr. JOHNSON of South Dakota. Mr. President, I rise to celebrate the life of Senator George McGovern, a man that many in this body called a friend, and an inspiration.

Senator McGovern was more than an elected official, although his 22-year career in the Senate and House of Representatives serving the great people of South Dakota left a lasting legacy filled with numerous accomplishments and achievements. Senator McGovern inspired me and many others into public service.

Like my mother, Senator McGovern was a PK, a preacher's kid, and I recall from my mother's memories that this was not easy. Senator McGovern often talked about growing up not only as a Methodist PK who couldn't attend movies, but also as a child of the Depression, living in a small parsonage that shared the little they had with those in the congregation who had even less.

His Methodist background provided the foundation for his deep sense of morality and social justice. It was the force that led him to be a lifelong advocate for feeding the hungry, for serving his country as a bomber pilot during World War II, and then returning home to work for peaceful solutions to international conflicts.

Each chapter of Senator McGovern's life was as riveting and spellbinding as the chapters of the many books he penned over the years. Numerous honors were bestowed upon him, including the Presidential Medal of Freedom, the World Food Prize, and the Air Medal.

From his heroic military service where he flew 35 missions as a B-24 Liberator pilot and earned the Distinguished Flying Cross for making a hazardous emergency landing of his damaged plane and saving his crew; his tenacious advocacy in fighting world hunger and working to provide school meals for millions of children in dozens of countries; to his unwavering and passionate support of various social programs, his strongly stated political views, and his wisdom on a spectrum of contemporary political and world issues, Senator McGovern's life has had a profound impact on our nation and world.

He traveled the world to advocate for better nutrition programs and establish efforts to fight hunger. He was the first U.N. Global Ambassador on World Hunger. He was the first director of the Food for Peace Program under President John F. Kennedy. He developed the "McGovern Report", which led to a new set of nutritional standards and guidelines for Americans. He joined longtime friend Senator Bob Dole in establishing the McGovern-Dole International Food for Education and Child Nutrition Program that provided school meals to millions of children. He served 3 years as U.S. Ambassador to the United Nations Agencies for Food and Agriculture.

Yet Senator McGovern never forgot the people of South Dakota, residing many months out of the year in his hometown of Mitchell, location of the George and Eleanor McGovern Library and Museum. George would often take his dog, Dakota, on daily walks on the campus of Dakota Wesleyan University, sometimes stopping to eat at the university cafeteria and visit with students.

Senator McGovern once said that "politics is an act of faith," meaning that you need faith that the people can make good and moral decisions. He had that faith, and his life of moral and intellectual leadership has made it easier for all of us to carry that faith forward.

One of the characteristics that I most admired in Senator McGovern was that his belief in good and moral decisions extended to leaders in both parties, and led to his lifelong friendships with statesmen like the aforementioned Senator Dole, with whom he formed a deep friendship as they worked on hunger issues, and William Buckley, with whom he delighted in debating the issues whether in public, on "Firing Line", or over a drink as they traveled together debating their opposing views.

Senator McGovern knew and valued what so many have forgotten today; that America needs a strong two-party system built on respect and cooperation if we are to survive as a democracy.

He also found time to write 14 books on political issues and philosophy. And he found time to check off a few items from his personal bucket list. In his late eighties, he parachuted from an airplane. He drove a stock car at a local speedway. Even this past summer, as he was to observe his 90th birthday, he had hoped to fly a B-1 aircraft.

With all of his accomplishments, perhaps his greatest was his marriage to Eleanor. I will never forget the opening of the McGovern library in Mitchell, SD, which Eleanor was too weak to attend, and how affectionately he touched the newly unveiled statue of her standing with him, as they had stood together throughout their lives.

We can rejoice today that they are now reunited and with their children Terry and Steve. They lived the lives

that John Wesley admonished them to live when he said:

Do all the good you can. By all the means you can. In all the ways you can. In all the places you can. At all the times you can. To all the people you can. As long as ever you can.

ALAN GROSS

Ms. MIKULSKI. Mr. President, Monday, December 3, will mark the third anniversary of the imprisonment of Alan Gross by Cuba as a political prisoner.

In 2009, Mr. Gross went to Cuba on a USAID contract to assist the Jewish community in improving access to the internet by installing wireless equipment. He was arrested by the Cuban government and held for 14 months before being charged as a spy. After a sham trial, Mr. Gross was sentenced to 15 years in prison.

Alan Gross a Maryland native, is a former social worker who spent a quarter of a decade working in international development—helping people around the world. A graduate of the University of Maryland, Mr. Gross has lived in Potomac, MD for many years. I've met his wife on numerous occasions and her continued strength and focus inspires me. While her husband has been held in a Cuban prison, she has held down the fort and held the pressure on the Cuban government for its poor treatment of her husband.

Despite facing severe health problems and complications caused by his imprisonment, Alan Gross has remained strong. He has developed a daily routine to maintain his strength. Yet he has lost more than 100 pounds, has difficulty walking, and has a large mass behind his shoulder that has gone untreated. The information shared by the Cuban government about Mr. Gross's medical condition is incomplete and raises new concerns for his family.

Mr. Gross's family has also encountered substantial health problems of their own over the past 3 years and they are facing significant financial hardship. His mother has inoperable lung cancer and the family is concerned they will not have a chance to be together to say goodbye. The family's contact with Mr. Gross remains extremely limited.

I have been hopeful that America and Cuba could move closer together—in trade, in community connections, and for the individual families that have been separated. Yet, concern over the detention of Alan Gross has put a hold on efforts to improve relations and the case shows that Cuba is not serious about moving forward and has stalled any effort in the Senate to move towards normalizing our relationship.

President Obama has stated that until Cuba's current government improves human rights and freedoms, the embargo against Cuba remains in our Nation's national interests. What had become a yearly effort to modify the

embargo was halted in the Senate this year because of the continued detention of Alan Gross. The Cuban government needs to heed what it has heard from Senators and now hears from me: if you unjustly imprison our citizens, we cannot and will not improve the relationship between our countries.

In a recent letter to the Cuban government, I and several of my Senate colleagues called for the release of Mr. Gross on humanitarian grounds. The government's response has called our request illegitimate. This is not the way to move forward. That is why I will join with Senators CARDIN and MORAN to submit a resolution that will apply additional pressure on Cuba to let Alan come home. I want to close by sending my continued thoughts and prayers to Mr. Gross, his wife Judy, and their family. I think of the challenges you are facing daily and I remain hopeful that you will all be reunited soon. Your strength and determination inspire me as you face difficult challenges.

I urge the government of Cuba to release Alan Gross immediately. I promise I will continue standing up for Alan and calling for his return home to Maryland.

SALUTE TO ADAM MERCHANT

Mr. LEAHY. Mr. President, so much of the news we hear today is riddled in tragedy, but every so often a story of joy and hope transcends the negativity and warms our hearts. I would like to share such a story and salute a constituent of mine, fifteen-year-old Adam Merchant of Barre, VT.

Adam is in remission after battling Burkitt lymphoma, a cancer that attacks the lymphatic system. Through the kindness of the Make-A-Wish Foundation, Adam received his wish: to see his favorite team play, the defending Super Bowl champions New York Giants. Not only did he see his Giants defeat the Green Bay Packers on Sunday night, but Adam also delivered an impromptu, pregame motivating speech to the Giants, which many of the team's players cited as an inspiration to their 38-to-10 victory over the mighty Packers. Adam described the night as a "dream," but it is the rest of us who should be moved by Adam's bravery and persistence battling lymphoma. The Make-A-Wish Foundation brightens so many young lives, and I thank them and the New York Giants for helping make Adam's dream come true.

I ask unanimous consent that Christian Red's article in the November 27, 2012, edition of the New York Daily News, "Young Adam Merchant, teenager fight cancer, gives NY Giants inspired pep talk before rout of Green Bay Packers," be printed in the RECORD.

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

[From the New York Daily News, Nov. 27, 2012]

YOUNG ADAM MERCHANT, TEENAGER FIGHTING CANCER, GIVES NY GIANTS INSPIRED PEP TALK BEFORE ROUT OF GREEN BAY PACKERS
(By Christian Red)

Adam Merchant says he was "a little bit" fatigued Monday afternoon, which was understandable given the dizzying schedule the 15-year-old native of tiny Barre, Vt., has kept since Thursday, the best four-day stretch of his young life.

"I'm feeling pretty good," Merchant told the Daily News on Monday.

Merchant flew down to the New York area on Thursday, gave an unrehearsed rallying speech to Giants players Friday and then watched Big Blue's romp over Green Bay Sunday night. He also had the luxury of roaming the home team's sideline after the first quarter, and then got a choice seat next to Justin Tuck after the game. Not a bad way to spend a few days in the Big Apple.

"That's the happiest I've seen him in a long time, Heather Merchant said of her son. "Actually, that is the happiest I've ever seen him."

The unique experience came together through the Make-A-Wish Foundation. Adam Merchant was diagnosed with Stage 3 Burkitt lymphoma, a cancer that attacks the lymphatic system, in March. Although Adam's cancer is in remission after chemotherapy, he had to have his gall bladder removed during the course of his treatment.

While he was hospitalized, his mother began researching Make-A-Wish, calling the Vermont chapter, which in turn worked with the New York/New Jersey chapters to put together Adam's dream scenario.

Soon a "wish granter" visited the Merchants with a special announcement. Originally, the Merchants were supposed to come to the Nov. 4 game against the Steelers, but their travel plans were postponed in the wake of Hurricane Sandy.

Instead of watching a deflating loss to Pittsburgh, the Merchants got to take in a pummeling of the powerhouse Packers. "They're definitely no slouch team," Adam said of Aaron Rodgers and Green Bay.

Heather Merchant, a supervisor at Stowe ski resort, says her son has always been a Giants fan, despite living in Patriot country. Adam and his father, Adam Sr., a licensed nurse's aide, have stood their ground in enemy territory, surrounded by Tom Brady fans. Those two Super Bowl victories over Brady and Co. don't hurt.

"He's a walking encyclopedia, especially about football," Heather Merchant, who has two other children, says of Adam.

Despite his penchant for stats and football history, nothing could have prepared Adam for his big moment Friday, when he was called into the Giants' huddle after practice and had to make an impromptu speech.

He spoke barely above a whisper.

"I thought about it a little bit before I spoke," Adam said. "It came to me that the only thing that needed to be said was what I said—I told them, 'Go out and play, show them why we're world champs.'"

"He was getting really emotional," said Heather Merchant, who added that her son is back in school and "getting back on track" after his treatment.

Every player, from Eli Manning to Tuck to Adam's favorite, Jason Pierre-Paul, spoke about how the speech inspired them to get the victory. Adam, for one, thinks the team has turned the corner and has another Super Bowl run in the making.

"Oh, definitely. We've come through so much adversity in the past that I think we can do anything," said Adam Merchant, who might as well have been speaking for himself as well as the Giants.

When the 38–10 win was in the books, Adam sat next to Tuck for the celebration, even though he was sporting a No. 90 Pierre-Paul jersey. Tuck didn't mind, Adam said, and even gave him a No. 91 jersey to add to his wardrobe.

"I have a newfound love for Justin Tuck," Adam said. "The locker room was awesome. Make-A-Wish didn't just create a wish—it was a dream."

REMEMBERING JIM SPELLMAN

Mr. BLUMENTHAL. Mr. President, I rise to pay tribute to one of Connecticut's most dedicated and admired public officials, former Stonington first selectman, James Spellman, Sr., who passed away at the age of 92.

Mr. Spellman's legacy of public service is remarkable. Elected 12 times over a span of 24 years, he made history as Stonington's longest serving first selectman. And he retired as Connecticut's longest serving municipal executive. At age 80, he received a rare, lifetime public service award from the town of Stonington. His lasting impact will be measured by the local landmarks erected under his leadership that will endure for generations.

As first selectman, Mr. Spellman was an expert manager during a time of tremendous growth, and he guided historic development in infrastructure. Most especially, he oversaw construction of the portion of Interstate 95 connecting Stonington with the rest of the State and east coast, and the development of several schools and shared recreational spaces. Mr. Spellman always stayed true to the core values of his hometown. Born and raised in the area, he considered the town his family.

Mr. Spellman's loved ones are quick to point out he never asked for—or expected—a local namesake. In fact, town officials quickly chose to dedicate Spellman Drive at a time when Mr. Spellman was physically unable to decline the honor while hospitalized.

His work was his life and his job was his personal pride. In this way, one of his shining accomplishments—the preservation of the Stonington Town Dock and commercial fishing for Stonington—is both personal and public. He was a courageous and highly decorated veteran of the U.S. Navy during World War II, and he led deliberately, kindly, and with stellar intuition.

In addition to his leadership of town hall, Mr. Spellman chaired the Water Pollution Control Authority and guided the creation of an intermunicipal sewage system. He also donated his time serving on the school board, and volunteering with the Pawcatuck Fire Department, the Atlantic States Marine Fisheries Commission, and the Connecticut Judicial Selection Commission. In 1955, he was one of the first Connecticut residents to be given a real-estate brokerage license, and from 1956 to 1961 was appointed by then-Governor Abraham Ribicoff as judge of the Stonington Town Court—the only appointee without a law degree.

Even in retirement, Mr. Spellman demonstrated his truly heartfelt care and concern for Stonington. He was generous with sage advice for local leaders throughout Connecticut, checking in frequently at town hall, and writing to the local newspaper.

Mr. Spellman was deservedly proud of all his family, including his son Steve, a friend and former colleague in the State senate. He will be missed for his caring courage, sense of humor, and good heart. A true statesman, he will never be forgotten.

REMEMBERING JUDGE MARK KRAVITZ

Mr. BLUMENTHAL. Mr. President, I rise today to pay tribute to one of our Nation's most preeminent legal minds and dedicated public servants, who recently passed away. U.S. District Judge Mark Kravitz was known throughout Connecticut and our Nation's highest courts as a respected judicial authority, experienced appellate litigator, legal scholar, and community leader.

Judge Kravitz was deeply regarded and admired for his extraordinary analytical mind and trial expertise. He devoted his vast experience—27 years at New Haven firm Wiggin and Dana as a trial and appellate lawyer—to public service. Just out of law school, he emerged as a leader, clerking for Chief Justice William Rehnquist, who, in 2003, swore him in as a U.S. district judge. In 2001, and then again in 2007, he was appointed by Chief Justice Roberts to serve on the Committee on the Rules of Practice and Procedure and to chair the Advisory Committee on Civil Rules. Over the years, he engaged in vital national discussions, writing for the National Law Journal and serving as an American Law Institute Fellow and a board member of the American Academy of Appellate Lawyers. In addition, he taught at the University of Connecticut School of Law, Yale Law, and the University of Melbourne Graduate School of Law.

I knew Judge Kravitz personally and professionally, on and off the bench. As attorney general, I appeared before him, arguing positions and causes that did not always prevail. Win or lose, I felt that the result was fair and well-reasoned. And that view of him was common to almost all litigants in his courtroom. Judge Kravitz presided and ruled on important national issues, including the constitutionality of No Child Left Behind, free speech and property cases, and recently first amendment rights cases raised by the movement to "occupy Wall Street" on the New Haven Green. Even when diagnosed with ALS, he continued relentlessly and tirelessly to work full time, demonstrating his passion for the law and dedication to his country.

As a footnote, I spent many hours with Judge Kravitz, even before he became a judge. He headed a moot court team that prepared me for Supreme Court arguments.

More importantly, I consistently witnessed Judge Kravitz's commitment to the philosophy of equality under the law, while remaining carefully attuned to the facets of each legal question before him. He was trustworthy, and loyal in his relationship with others, especially his beloved family—and my dear colleague and friend.

Outside of the law, he gave back to Connecticut as founding director of both the Yale Children's Hospital and Connecticut Food Bank. In addition, he volunteered his time on the boards of several nonprofit organizations, including the Connecticut Foundation for Open Government, Guilford Library Association, and Board of Ethics for the Town of Guilford. Judge Kravitz cared deeply about morality and integrity—and lived according to the highest principles.

I was inspired and moved by a recent unveiling of his portrait, commissioned by the Connecticut Bar Foundation, which will be hung in New Haven's Federal courthouse. I invite my Senate colleagues to join me in paying respect to Judge Mark Kravitz and sending condolences to his family, friends, and colleagues, who mourn his loss, and remember a man who made his life's work contributing to the world around him.

MESSAGE FROM THE HOUSE

ENROLLED BILLS SIGNED

At 2:32 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 915. An act to establish a Border Enforcement Security Task Force program to enhance border security by fostering coordinated efforts among Federal, State, and local border and law enforcement officials to protect United States border cities and communities from trans-national crime, including violence associated with drug trafficking, arms smuggling, illegal alien trafficking and smuggling, violence, and kidnapping along and across the international borders of the United States, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. INOUE).

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. BOXER, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 810. A bill to prohibit the conducting of invasive research on great apes, and for other purposes (Rept. No. 112-242).

By Mrs. BOXER, from the Committee on Environment and Public Works, without amendment:

S. 1735. A bill to approve the transfer of Yellow Creek Port properties in Iuka, Mississippi (Rept. No. 112-243).

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CONRAD (for himself, Mr. HOEVEN, Mr. BINGAMAN, Mr. LEVIN, Mrs. MURRAY, Mr. BEGICH, Mr. UDALL of New Mexico, Mr. JOHNSON of South Dakota, Mr. TESTER, Ms. CANTWELL, Mr. BAUCUS, Mr. BARRASSO, Mr. AKAKA, and Ms. MURKOWSKI):

S. Res. 605. A resolution designating the week beginning November 26, 2012, as "National Tribal Colleges and Universities Week"; considered and agreed to.

By Mr. CARDIN (for himself and Mr. MCCONNELL):

S. Res. 606. A resolution commemorating the 200th anniversary of the founding of the Sisters of Charity of Nazareth, on December 1, 1812; considered and agreed to.

By Mr. JOHNSON of South Dakota (for himself, Mr. THUNE, Mr. REID, Mr. MCCONNELL, Mr. AKAKA, Mr. ALEXANDER, Ms. AYOTTE, Mr. BARRASSO, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Mr. BINGAMAN, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COATS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. COONS, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DURBIN, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mr. HELLER, Mr. HOEVEN, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. ISAKSON, Mr. JOHANNIS, Mr. JOHNSON of Wisconsin, Mr. KERRY, Mr. KIRK, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEE, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. MANCHIN, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PAUL, Mr. PORTMAN, Mr. PRYOR, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. RUBIO, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Ms. STABENOW, Mr. TESTER, Mr. TOOMEY, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTE, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN):

S. Res. 607. A resolution relative to the death of the Honorable George McGovern, former United States Senator and Congressman from the State of South Dakota; considered and agreed to.

ADDITIONAL COSPONSORS

S. 998

At the request of Mr. AKAKA, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 998, a bill to amend title IV of the Employee Retirement Income Security Act of 1974 to require the Pension Benefit Guaranty Corporation, in the case of airline pilots who are required by regulation to retire at age 60, to compute the actuarial value of monthly benefits in the form of a life annuity commencing at age 60.

S. 2049

At the request of Mr. HARKIN, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 2049, a bill to improve the circulation of \$1 coins, to remove barrier to the circulation of such coins, and for other purposes.

S. 3547

At the request of Mr. KERRY, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 3547, a bill to amend the Lacey Act Amendments of 1981 to clarify provisions enacted by the Captive Wildlife Safety Act, to further the conservation of certain wildlife species, and for other purposes.

S. 3574

At the request of Mr. BLUNT, the name of the Senator from South Dakota (Mr. THUNE) 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. 3645

At the request of Mr. BROWN of Ohio, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 3645, a bill to direct the United States Fish and Wildlife Service, in coordination with the Army Corps of Engineers, the National Park Service, and the United States Geological Survey, to lead a multiagency effort to slow the spread of Asian carp in the Upper Mississippi and Ohio River basins and tributaries, and for other purposes.

S. 3649

At the request of Mr. LAUTENBERG, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 3649, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to provide assistance for natural disaster response at Superfund sites, and for other purposes.

AMENDMENT NO. 2940

At the request of Ms. MURKOWSKI, her name was added as a cosponsor of amendment No. 2940 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. 2942

At the request of Mrs. MCCASKILL, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of amendment No. 2942 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. 2950

At the request of Mr. BEGICH, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of amendment No. 2950 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. 2951

At the request of Mr. BEGICH, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of amendment No. 2951 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.

At the request of Ms. MURKOWSKI, her name was added as a cosponsor of amendment No. 2951 intended to be proposed to S. 3254, *supra*.

AMENDMENT NO. 2952

At the request of Ms. MURKOWSKI, her name was added as a cosponsor of amendment No. 2952 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. 3006

At the request of Ms. MURKOWSKI, her name was added as a cosponsor of amendment No. 3006 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. 3009

At the request of Mr. SESSIONS, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of amendment No. 3009 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. 3025

At the request of Mr. CARDIN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of amendment No. 3025 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. 3029

At the request of Mr. TESTER, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of amendment No. 3029 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. 3049

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 amendment No. 3049 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. 3073

At the request of Mr. NELSON of Florida, the names of the Senator from Delaware (Mr. COONS), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of amendment No. 3073 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. 3102

At the request of Ms. KLOBUCHAR, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of amendment No. 3102 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. 3103

At the request of Ms. KLOBUCHAR, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of amendment No. 3103 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. 3106

At the request of Ms. KLOBUCHAR, the name of the Senator from Texas (Mr.

CORNYN) was added as a cosponsor of amendment No. 3106 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. 3180

At the request of Mr. WHITEHOUSE, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of amendment No. 3180 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. 3203

At the request of Mr. GRAHAM, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of amendment No. 3203 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. 3215

At the request of Mr. BROWN of Ohio, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of amendment No. 3215 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. 3216

At the request of Mr. BROWN of Ohio, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of amendment No. 3216 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. 3218

At the request of Ms. SNOWE, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of amendment No. 3218 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. 3229

At the request of Mr. UDALL of Colorado, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of amendment No. 3229 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. 3232

At the request of Mr. COONS, his name was added as a cosponsor of amendment No. 3232 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.

At the request of Mr. MENENDEZ, the names of the Senator from Washington (Mrs. MURRAY), the Senator from West Virginia (Mr. MANCHIN) and the Senator from Connecticut (Mr. BLUMENTHAL) were added as cosponsors of amendment No. 3232 proposed to S. 3254, supra.

At the request of Ms. COLLINS, her name was added as a cosponsor of amendment No. 3232 proposed to S. 3254, supra.

AMENDMENT NO. 3249

At the request of Mr. BEGICH, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of amendment No. 3249 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. 3253

At the request of Mr. WICKER, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of amendment No. 3253 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. 3278

At the request of Mr. BLUNT, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of amendment No. 3278 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. 3283

At the request of Mr. RUBIO, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of amendment No. 3283 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 605—DESIGNATING THE WEEK BEGINNING NOVEMBER 26, 2012, AS “NATIONAL TRIBAL COLLEGES AND UNIVERSITIES WEEK”

Mr. CONRAD (for himself, Mr. HOEVEN, Mr. BINGAMAN, Mr. LEVIN, Mrs. MURRAY, Mr. BEGICH, Mr. UDALL of New Mexico, Mr. JOHNSON of South Dakota, Mr. TESTER, Ms. CANTWELL, Mr. BAUCUS, Mr. BARRASSO, Mr. AKAKA, and Ms. MURKOWSKI) submitted the following resolution; which was considered and agreed to:

S. RES. 605

Whereas there are 37 tribal colleges and universities operating on more than 75 campuses in 15 States;

Whereas tribal colleges and universities are tribally or federally chartered institutions of higher education and therefore have a unique relationship with the Federal Government;

Whereas tribal colleges and universities serve students from more than 250 federally recognized Indian tribes;

Whereas tribal colleges and universities offer students access to knowledge and skills grounded in cultural traditions and values, including indigenous languages, which enhance Indian communities and enrich the United States as a whole;

Whereas tribal colleges and universities provide access to high quality higher education opportunities for American Indians/Alaska Natives, and other individuals living in some of the most rural and economically depressed areas in the United States;

Whereas tribal colleges and universities are accredited institutions of higher education that effectively prepare students to succeed in a global and highly competitive workforce;

Whereas tribal colleges and universities have open enrollment policies that have resulted in 17 percent of students at tribal colleges and universities being non-Indians;

Whereas tribal colleges and universities are simply and effectively providing access to quality higher education opportunities to residents of reservation communities and the North Slope;

Whereas the American Indian Higher Education Consortium, the national organization established in 1973 by tribal colleges and universities, will be celebrating its 40th anniversary as the collective spirit and unifying voice of tribal colleges and universities of the United States; and

Whereas the mission and achievements of tribal colleges and universities deserve national recognition: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning November 26, 2012, as “National Tribal Colleges and Universities Week”; and

(2) calls on the people of the United States and interested groups to observe the week with appropriate ceremonies, activities, and programs to demonstrate support for tribal colleges and universities.

SENATE RESOLUTION 606—COMMEMORATING THE 200TH ANNIVERSARY OF THE FOUNDING OF THE SISTERS OF CHARITY OF NAZARETH, ON DECEMBER 1, 1812

Mr. CARDIN (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 606

Whereas 19-year-old Catherine Spalding, born in Charles County, Maryland, and Bishop John Baptist David, born in France, responded to the need for education on the Kentucky frontier by founding the Sisters of Charity of Nazareth (referred to in this preamble as the “Sisters”), on December 1, 1812;

Whereas, after Ellen O’Connell, a gifted teacher from Baltimore, Maryland, and daughter of a college professor, joined the Sisters and prepared Catherine Spalding and Harriet Gardiner for teaching, the 3 Sisters opened their first school, in 1814, at St. Thomas Farm, in Nelson County, Kentucky;

Whereas, after 2 years of teaching, the school serviced both boarding and day students with a total enrollment of 37 girls, including 13 non-Catholic students;

Whereas, in 1822, the Sisters purchased property located 3 miles north of Bardstown, Kentucky and named that property Nazareth;

Whereas, at Nazareth, the Sisters built log houses and a new school, known as Nazareth Academy;

Whereas, in 1825, Henry Clay, Kentucky statesman and orator, gave the first commencement address at Nazareth Academy, where his daughter, granddaughter, and great-granddaughter eventually received an education, along with Sarah Knox Taylor, the daughter of President Zachary Taylor;

Whereas, during the Civil War, the Sisters nursed both Union and Confederate soldiers;

Whereas Dr. J.O. Murray, a physician in the Union Army in Louisville, Kentucky, wrote to Nazareth, “I regret very much to inform you of the death of Sister Catherine Malone on January 31, 1862, at General Hospital No. 1 in this city. She, as well as the other sisters at this hospital, have been untiring and most efficient in nursing the sick soldiers. The military authorities are under the greatest obligation to the sisters of your order.”;

Whereas, in 1861, at the request of a commanding officer of the Union Army, 22-year-old Sister Mary Lucy Dosh and the other Sisters at St. Mary’s Academy in Paducah, Kentucky closed their school to nurse Union soldiers and Confederate prisoners of war;

Whereas, while nursing, Sister Mary Lucy Dosh consoled patients and often gave up her own food to provide nourishment for the sick and wounded;

Whereas Sister Mary Lucy Dosh contracted typhoid fever and died on December 29, 1861, resulting in doctors and soldiers from Union and Confederate forces calling a truce to mourn her death and officers from both sides accompanying her body up the Ohio River on the U.S. Gunboat Peacock, for burial at St. Vincent’s Academy, in Union County, Kentucky;

Whereas, on January 17, 1865, President Abraham Lincoln sent the following letter to Nazareth as a precaution against any military intrusion: “Let no depredation be committed upon the property or possessions of

the Sisters of Charity at Nazareth Academy, near Bardstown, Kentucky.”;

Whereas, in 1878, a yellow fever epidemic besieged the people of the Mississippi River Valley, during which time approximately 120,000 cases of yellow fever were reported and 20,000 people died;

Whereas, in Holly Springs, Mississippi, the Sisters closed a local parochial school to nurse the sick, with 6 of the Sisters succumbing to yellow fever between September 22 and October 11, 1878, which prompted the townspeople to erect a monument at the gravesites of the 6 Sisters, honoring their service and sacrifice;

Whereas, in 1918, 29 Sisters, along with sisters from other orders, helped nurse over 10,000 wounded and sick World War I soldiers at Camp Taylor, in Louisville;

Whereas the Sisters, finding the soldiers sleeping on bare mattresses and dressed in uniforms and boots, requested bed linens and hospital clothing for the sick and wounded at Camp Taylor;

Whereas 90 soldiers, many with Spanish Influenza and battle wounds, died during the night that the Sisters first arrived at Camp Taylor;

Whereas deaths at Camp Taylor noticeably declined as the Sisters provided skilled nursing and a commitment to hygiene;

Whereas an officer remarked that he knew when a Sister was in the barracks at Camp Taylor, because the men were especially quiet and well-mannered;

Whereas, by the mid-20th century, the Sisters were located in 10 States, taught in more than 100 elementary schools, 30 secondary schools, 2 colleges, and 6 schools of nursing, and cared for the sick in 12 hospitals and children in 6 orphanages;

Whereas the Sisters opened their first foreign mission in India in 1947, and subsequent foreign missions in Belize in 1975, Nepal in 1979, and Botswana in 2000;

Whereas, in 1986, Nazareth Home, a nursing care facility that the Sisters opened in 1976, in Louisville, became the first long-term care facility in Kentucky to accept HIV/AIDS patients;

Whereas, as of November 2012, the Sisters—

(1) staff an HIV/AIDS hospice and administer 2 preschools in Botswana; and

(2) provided disaster relief and housing assistance in many places, including—

- (A) New Orleans, Louisiana;
- (B) Joplin, Missouri;
- (C) Nelson County, Kentucky;
- (D) Appalachia; and
- (E) Belize; and

Whereas the Sisters find inspiration and strength for their service in the words of 2 Corinthians 5:14, “Caritas Christi urget nos” (“the charity of Christ urges us”): Now, therefore, be it

Resolved, That the Senate—

(1) commemorates the 200th anniversary of the founding of the Sisters of Charity of Nazareth (referred to in this resolution as the “Sisters”), on December 1, 1812;

(2) commends the dedicated service of the Sisters who provided nursing care during the Civil War, World War I, and epidemics of yellow fever, cholera, and smallpox in the South;

(3) recognizes the service of the Sisters in providing health care on the frontier of Kentucky and elsewhere through the establishment of hospitals in Kentucky, 4 other States, the District of Columbia, and abroad;

(4) lauds the role that the Sisters continue to play in providing education, health care, and nursing home care in response to the needs of economically and socially disadvantaged individuals, families, and communities; and

(5) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to the Sisters.

SENATE RESOLUTION 607—RELATIVE TO THE DEATH OF THE HONORABLE GEORGE MCGOVERN, FORMER UNITED STATES SENATOR AND CONGRESSMAN FROM THE STATE OF SOUTH DAKOTA

Mr. JOHNSON of South Dakota (for himself, Mr. THUNE, Mr. REID, Mr. MCCONNELL, Mr. AKAKA, Mr. ALEXANDER, Ms. AYOTTE, Mr. BARRASSO, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Mr. BINGAMAN, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COATS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. COONS, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DURBIN, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mr. HELLER, Mr. HOEVEN, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. ISAKSON, Mr. JOHANNES, Mr. JOHNSON of Wisconsin, Mr. KERRY, Mr. KIRK, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEE, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. MANCHIN, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PAUL, Mr. PORTMAN, Mr. PRYOR, Mr. REED of Rhode Island, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. RUBIO, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Ms. STABENOW, Mr. TESTER, Mr. TOOMEY, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S RES. 607

Whereas the Honorable George McGovern represented the individuals of his beloved State of South Dakota for over 22 years, serving in the United States House of Representatives and the United States Senate;

Whereas the Honorable George McGovern was the Democratic Party nominee for President of the United States in 1972;

Whereas the Honorable George McGovern was the first director of the Food for Peace program under President John F. Kennedy;

Whereas the Honorable George McGovern flew 35 missions as a B-24 Liberator pilot during World War II, and earned the Distinguished Flying Cross;

Whereas the Honorable George McGovern served as chair of the Senate Select Committee on Nutrition and Human Needs, and was instrumental in the establishment of nationwide access to anti-hunger programs;

Whereas the Honorable George McGovern was a recipient of the Presidential Medal of Freedom, the highest civilian award in the United States;

Whereas the Honorable George McGovern taught thousands of students as a respected professor at Dakota Wesleyan University in Mitchell, South Dakota;

Whereas the Honorable George McGovern authored 14 books on diverse topics, including politics, philosophy, history, and his own personal experiences; and

Whereas the public service of the Honorable George McGovern inspired millions of individuals in the United States to dedicate time and energy to the goal of a more compassionate and peaceful world: Now, therefore, be it

Resolved, That—

(1) the Senate has heard with profound sorrow and deep regret of the passing of the Honorable George McGovern and extends heartfelt sympathy to the family and friends of the Honorable George McGovern;

(2) the Senate acknowledges and commends the lifetime of public service of the Honorable George McGovern;

(3) the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased; and

(4) when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable George McGovern.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3288. Mr. LAUTENBERG 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 3289. Mr. COONS submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3290. Mr. BEGICH (for himself, Mr. TOOMEY, Mr. CASEY, Mr. UDALL of Colorado, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the bill S. 3254, supra.

SA 3291. Mr. PRYOR (for himself, Mr. JOHANNES, and 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 3292. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3288. Mr. LAUTENBERG 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. SENSE OF CONGRESS ON PREMIUMS FOR HEALTH CARE FOR RETIRED CAREER MEMBERS OF THE UNIFORMED SERVICES.

It is the sense of Congress that—

(1) career members of the uniformed services and their families endure unique and extraordinary demands and make extraordinary sacrifices over the course of a 20-year to 30-year career in protecting freedom for all Americans, as do those who have been medically retired due to the hardships of military service; and

(2) those sacrifices constitute a significant pre-paid premium for health care during retirement that is over and above what such members pay in money as a premium for such health care.

SA 3289. Mr. COONS 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. TECHNICAL AMENDMENTS RELATING TO THE TERMINATION OF THE ARMED FORCES INSTITUTE OF PATHOLOGY UNDER DEFENSE BASE CLOSURE AND REALIGNMENT.

Section 177 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) by striking “those professional societies” and all that follows through “the Armed Forces Institute of Pathology” and inserting “the professional societies and organizations that support the activities of the American Registry of Pathology”; and

(ii) by striking the second sentence; and

(B) in paragraph (3), by striking “with the concurrence of the Director of the Armed Forces Institute of Pathology”;

(2) in subsection (b)—

(A) by striking paragraph (1);

(B) by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (1), (2), (3), and (4), respectively; and

(C) in paragraph (2), as redesignated by subparagraph (B)—

(i) by striking “accept gifts and grants from and”; and

(ii) by inserting “and accept gifts and grants from such entities” before the semicolon; and

(3) in subsection (d), by striking “to the Director” and all that follows through “it deems desirable,” and inserting “annually to its Board and supporting organizations referred to in subsection (a)(2)”.

SA 3290. Mr. BEGICH (for himself, Mr. TOOMEY, Mr. CASEY, Mr. UDALL of Colorado, 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; as follows:

On page 543, between lines 2 and 3, insert the following:

SEC. 2705. MODIFICATION OF NOTICE REQUIREMENTS IN ADVANCE OF PERMANENT REDUCTION OF SIZABLE NUMBERS OF MEMBERS OF THE ARMED FORCES AT MILITARY INSTALLATIONS.

(a) 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.”.

(b) 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.”.

(c) DEFINITIONS.—Such section is further amended by adding at the end the following new subsection:

“(d) 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 3291. Mr. PRYOR (for himself, Mr. JOHANNES, 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 E of title VI, 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 may 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 3292. 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.

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 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.”.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. LEVIN. I ask unanimous consent that on Monday, December 3, 2012, at 5 p.m., the Senate proceed to executive session to consider the following nomination: Calendar No. 760; that there will be 30 minutes for debate equally divided in the usual form; that upon the use or yielding back of time, the Senate proceed to vote without intervening action or debate on the nomination; the motion to reconsider be made

and laid upon the table, with no intervening action or debate; that no further motions be in order; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate’s action, and the Senate then resume legislative session.

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

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE SESSION

Mr. LEVIN. Mr. President, I ask unanimous consent that at a time to be determined by the majority leader, in consultation with the Republican leader, the Senate proceed to executive session to consider Calendar No. 676; that there be 30 minutes for debate equally divided in the usual form; that upon the use or yielding back of time, the Senate proceed to vote without intervening action or debate on the nomination, the motion to reconsider be considered made and laid upon the table with no intervening action or debate, and that no further motions be in order on the nomination; that any statements related to the nomination be printed in the RECORD; that the President be immediately notified of the Senate’s action and the Senate then resume legislative session.

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

HATCH ACT MODERNIZATION ACT OF 2012

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 508, S. 2170.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2170) to amend the provisions of title 5, United States Code, which are commonly referred to as the “Hatch Act” to eliminate the provision preventing certain State and local employees from seeking elective office, clarify the application of certain provisions to the District of Columbia, and modify the penalties which may be imposed for certain violations under subchapter III of chapter 73 of that title.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Hatch Act Modernization Act of 2012”.

SEC. 2. PERMITTING STATE AND LOCAL EMPLOYEES TO BE CANDIDATES FOR ELECTIVE OFFICE.

Section 1502(a)(3) of title 5, United States Code, is amended to read as follows:

“(3) if the salary of the employee is paid completely, directly or indirectly, by loans or grants made by the United States or a Federal agency, be a candidate for elective office.”.

SEC. 3. APPLICABILITY OF PROVISIONS RELATING TO STATE AND LOCAL EMPLOYEES.

(a) *STATE OR LOCAL AGENCY*.—Section 1501(2) of title 5, United States Code, is amended by inserting “, or the executive branch of the District of Columbia, or an agency or department thereof” before the semicolon.

(b) *STATE OR LOCAL OFFICER OR EMPLOYEE*.—Section 1501(4) of title 5, United States Code, is amended by striking subparagraph (B) and inserting the following:

“(B) an individual employed by an educational or research institution, establishment, agency, or system which is supported in whole or in part by—

“(i) a State or political subdivision thereof;
“(ii) the District of Columbia; or
“(iii) a recognized religious, philanthropic, or cultural organization.”.

(c) *EXCEPTION OF CERTAIN OFFICERS*.—Section 1502(c)(3) of title 5, United States Code, is amended—

(1) by striking “‘or municipality’” and inserting “, municipality, or the District of Columbia’”; and

(2) by striking “‘or municipal’” and inserting “, municipal, or the District of Columbia’”.

(d) *MERIT SYSTEMS PROTECTION BOARD ORDERS*.—Section 1506(a)(2) of title 5, United States Code, is amended by inserting “(or in the case of the District of Columbia, in the District of Columbia)” after “the same State”.

(e) *PROVISIONS RELATING TO FEDERAL EMPLOYEES MADE INAPPLICABLE*.—Section 7322(1) of title 5, United States Code, is amended—

(1) in subparagraph (A), by adding “or” at the end;

(2) in subparagraph (B), by striking “or” at the end;

(3) by striking subparagraph (C); and

(4) by striking “services;” and inserting “services or an individual employed or holding office in the government of the District of Columbia;”.

(f) *EMPLOYEES RESIDING IN CERTAIN MUNICIPALITIES*.—Section 7325(1) of title 5, United States Code, is amended to read as follows:

“(1) the municipality or political subdivision is—

“(A) the District of Columbia;

“(B) in Maryland or Virginia and in the immediate vicinity of the District of Columbia; or

“(C) a municipality in which the majority of voters are employed by the Government of the United States; and”.

SEC. 4. HATCH ACT PENALTIES FOR FEDERAL EMPLOYEES.

Chapter 73 of title 5, United States Code, is amended by striking section 7326 and inserting the following:

“§ 7326. Penalties

“An employee or individual who violates section 7323 or 7324 shall be subject to removal, reduction in grade, debarment from Federal employment for a period not to exceed 5 years, suspension, reprimand, or an assessment of a civil penalty not to exceed \$1,000.”.

SEC. 5. EFFECTIVE DATE.

(a) *IN GENERAL*.—This Act and the amendments made by this Act shall take effect 30 days after the date of enactment of this Act.

(b) *APPLICABILITY RULE*.—

(1) *IN GENERAL*.—Except as provided in paragraph (2), the amendment made by section 4 shall apply with respect to any violation occurring before, on, or after the effective date of this Act.

(2) *EXCEPTION*.—The amendment made by section 4 shall not apply with respect to an alleged violation if, before the effective date of this Act—

(A) the Special Counsel has presented a complaint for disciplinary action, under section 1215 of title 5, United States Code, with respect to the alleged violation; or

(B) the employee alleged to have committed the violation has entered into a signed settle-

ment agreement with the Special Counsel with respect to the alleged violation.

Mr. LEVIN. I ask unanimous consent that the committee-reported substitute amendment be agreed to; the bill, as amended, be read a third time and passed; the committee-reported title amendment be agreed to with no intervening action or debate; and that any related statements be printed in the RECORD.

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

The amendment in the nature of a substitute was agreed to.

The bill (S. 2170), as amended, was ordered to be engrossed for a third reading, was read the third, and passed.

The title amendment was agreed to, as follows:

Amend the title so as to read: “A bill to amend the provisions of title 5, United States Code, which are commonly referred to as the ‘Hatch Act’, to scale back the provision forbidding certain State and local employees from seeking elective office, clarify the application of certain provisions to the District of Columbia, and modify the penalties which may be imposed for certain violations under subchapter III of chapter 73 of that title.”.

CONGRATULATING THE SOUTHERN BAPTIST CONVENTION FOR ELECTING REVEREND FRED LUTER, JR., AS PRESIDENT

Mr. LEVIN. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from consideration of S. Res. 518 and that the Senate proceed to its consideration.

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

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 518) congratulating the Southern Baptist Convention for electing Reverend Fred Luther, Jr., as the president of the Southern Baptist Convention, acknowledging Reverend Luther'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.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LEVIN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the resolution be printed in the RECORD.

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

The resolution (S. Res. 518) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 518

Whereas the Southern Baptist Convention formed in 1845 in Augusta, Georgia, in opposition to the abolition of slavery;

Whereas the Southern Baptist Convention supported racial segregation for much of the twentieth century;

Whereas the Southern Baptist Convention issued a resolution stating that the Convention sought to purge itself and society of all racism in 1978;

Whereas the Southern Baptist Convention issued a resolution denouncing racism as a deplorable sin in 1995;

Whereas, in 2012, the Southern Baptist Convention is a cooperative of more than 45,000 churches that seek diligently to bring about greater racial and ethnic representation at every level of Southern Baptist institutional life;

Whereas Reverend Fred Luther, Jr., was born on November 11, 1956, in New Orleans, Louisiana;

Whereas Reverend Luther preached his first church sermon in 1983 at the Law Street Baptist Church in New Orleans, Louisiana;

Whereas Reverend Luther became the pastor of Franklin Avenue Baptist Church in 1986;

Whereas, under the leadership of Reverend Luther, the Franklin Avenue Baptist Church community grew from 65 members in 1986 to more than 7,000 members in 2005;

Whereas the Franklin Avenue Baptist Church was destroyed in 2005 by Hurricane Katrina and lost approximately 2,000 members;

Whereas Reverend Luther, in cooperation with Reverend David Crosby, found a temporary home for Franklin Avenue Baptist Church during the aftermath of Hurricane Katrina;

Whereas, continuing that spirit of cooperation, Reverend Crosby nominated Reverend Luther to become president of the Southern Baptist Convention;

Whereas Reverend Luther was elected to be the first African-American president of the Southern Baptist Convention on June 19, 2012; and

Whereas the election of Reverend Luther brings great pride and honor to the membership of the Southern Baptist Convention: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Southern Baptist Convention for electing Reverend Fred Luther, Jr., as the president of the Southern Baptist Convention;

(2) acknowledges Reverend Luther's unique role as the first African-American leader of the Southern Baptist Convention; and

(3) honors the commitment of the Southern Baptist Convention to an inclusive faith-based community and society.

NATIONAL TRIBAL COLLEGES AND UNIVERSITIES WEEK

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 605, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 605) designating the week beginning November 26, 2012 as National Tribal Colleges and Universities Week.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LEVIN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any related statements be printed in the RECORD.

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

The resolution (S. Res. 605) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 605

Whereas there are 37 tribal colleges and universities operating on more than 75 campuses in 15 States;

Whereas tribal colleges and universities are tribally or federally chartered institutions of higher education and therefore have a unique relationship with the Federal Government;

Whereas tribal colleges and universities serve students from more than 250 federally recognized Indian tribes;

Whereas tribal colleges and universities offer students access to knowledge and skills grounded in cultural traditions and values, including indigenous languages, which enhance Indian communities and enrich the United States as a whole;

Whereas tribal colleges and universities provide access to high quality higher education opportunities for American Indians/Alaska Natives, and other individuals living in some of the most rural and economically depressed areas in the United States;

Whereas tribal colleges and universities are accredited institutions of higher education that effectively prepare students to succeed in a global and highly competitive workforce;

Whereas tribal colleges and universities have open enrollment policies that have resulted in 17 percent of students at tribal colleges and universities being non-Indians;

Whereas tribal colleges and universities are simply and effectively providing access to quality higher education opportunities to residents of reservation communities and the North Slope;

Whereas the American Indian Higher Education Consortium, the national organization established in 1973 by tribal colleges and universities, will be celebrating its 40th anniversary as the collective spirit and unifying voice of tribal colleges and universities of the United States; and

Whereas the mission and achievements of tribal colleges and universities deserve national recognition: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning November 26, 2012, as “National Tribal Colleges and Universities Week”; and

(2) calls on the people of the United States and interested groups to observe the week with appropriate ceremonies, activities, and programs to demonstrate support for tribal colleges and universities.

COMMEMORATING THE 200TH ANNIVERSARY OF THE FOUNDING OF THE SISTERS OF CHARITY OF NAZARETH

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate proceed to consideration of S. Res. 606, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 606) commemorating the 200th anniversary of the founding of the Sisters of Charity of Nazareth, on December 1, 1812.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LEVIN. I ask unanimous consent that the resolution be agreed to, the

preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any related statements be printed in the RECORD.

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

The resolution (S. Res. 606) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 606

Whereas 19-year-old Catherine Spalding, born in Charles County, Maryland, and Bishop John Baptist David, born in France, responded to the need for education on the Kentucky frontier by founding the Sisters of Charity of Nazareth (referred to in this preamble as the “Sisters”), on December 1, 1812;

Whereas, after Ellen O’Connell, a gifted teacher from Baltimore, Maryland, and daughter of a college professor, joined the Sisters and prepared Catherine Spalding and Harriet Gardiner for teaching, the 3 Sisters opened their first school, in 1814, at St. Thomas Farm, in Nelson County, Kentucky;

Whereas, after 2 years of teaching, the school serviced both boarding and day students with a total enrollment of 37 girls, including 13 non-Catholic students;

Whereas, in 1822, the Sisters purchased property located 3 miles north of Bardstown, Kentucky and named that property Nazareth;

Whereas, at Nazareth, the Sisters built log houses and a new school, known as Nazareth Academy;

Whereas, in 1825, Henry Clay, Kentucky statesman and orator, gave the first commencement address at Nazareth Academy, where his daughter, granddaughter, and great-granddaughter eventually received an education, along with Sarah Knox Taylor, the daughter of President Zachary Taylor;

Whereas, during the Civil War, the Sisters nursed both Union and Confederate soldiers;

Whereas Dr. J. O. Murray, a physician in the Union Army in Louisville, Kentucky, wrote to Nazareth, “I regret very much to inform you of the death of Sister Catherine Malone on January 31, 1862, at General Hospital No. 1 in this city. She, as well as the other sisters at this hospital, have been untiring and most efficient in nursing the sick soldiers. The military authorities are under the greatest obligation to the sisters of your order.”;

Whereas, in 1861, at the request of a commanding officer of the Union Army, 22-year-old Sister Mary Lucy Dosh and the other Sisters at St. Mary’s Academy in Paducah, Kentucky closed their school to nurse Union soldiers and Confederate prisoners of war;

Whereas, while nursing, Sister Mary Lucy Dosh consoled patients and often gave up her own food to provide nourishment for the sick and wounded;

Whereas Sister Mary Lucy Dosh contracted typhoid fever and died on December 29, 1861, resulting in doctors and soldiers from Union and Confederate forces calling a truce to mourn her death and officers from both sides accompanying her body up the Ohio River on the U.S. Gunboat Peacock, for burial at St. Vincent’s Academy, in Union County, Kentucky;

Whereas, on January 17, 1865, President Abraham Lincoln sent the following letter to Nazareth as a precaution against any military intrusion: “Let no depredation be committed upon the property or possessions of the Sisters of Charity at Nazareth Academy, near Bardstown, Kentucky.”;

Whereas, in 1878, a yellow fever epidemic besieged the people of the Mississippi River

Valley, during which time approximately 120,000 cases of yellow fever were reported and 20,000 people died;

Whereas, in Holly Springs, Mississippi, the Sisters closed a local parochial school to nurse the sick, with 6 of the Sisters succumbing to yellow fever between September 22 and October 11, 1878, which prompted the townspeople to erect a monument at the gravesites of the 6 Sisters, honoring their service and sacrifice;

Whereas, in 1918, 29 Sisters, along with sisters from other orders, helped nurse over 10,000 wounded and sick World War I soldiers at Camp Taylor, in Louisville;

Whereas the Sisters, finding the soldiers sleeping on bare mattresses and dressed in uniforms and boots, requested bed linens and hospital clothing for the sick and wounded at Camp Taylor;

Whereas 90 soldiers, many with Spanish Influenza and battle wounds, died during the night that the Sisters first arrived at Camp Taylor;

Whereas deaths at Camp Taylor noticeably declined as the Sisters provided skilled nursing and a commitment to hygiene;

Whereas an officer remarked that he knew when a Sister was in the barracks at Camp Taylor, because the men were especially quiet and well-mannered;

Whereas, by the mid-20th century, the Sisters were located in 10 States, taught in more than 100 elementary schools, 30 secondary schools, 2 colleges, and 6 schools of nursing, and cared for the sick in 12 hospitals and children in 6 orphanages;

Whereas the Sisters opened their first foreign mission in India in 1947, and subsequent foreign missions in Belize in 1975, Nepal in 1979, and Botswana in 2000;

Whereas, in 1986, Nazareth Home, a nursing care facility that the Sisters opened in 1976, in Louisville, became the first long-term care facility in Kentucky to accept HIV/AIDS patients;

Whereas, as of November 2012, the Sisters—

(1) staff an HIV/AIDS hospice and administer 2 preschools in Botswana; and

(2) provided disaster relief and housing assistance in many places, including—

(A) New Orleans, Louisiana;

(B) Joplin, Missouri;

(C) Nelson County, Kentucky;

(D) Appalachia; and

(E) Belize; and

Whereas the Sisters find inspiration and strength for their service in the words of 2 Corinthians 5:14, “Caritas Christi urget nos” (“the charity of Christ urges us”): Now, therefore, be it

Resolved, That the Senate—

(1) commemorates the 200th anniversary of the founding of the Sisters of Charity of Nazareth (referred to in this resolution as the “Sisters”), on December 1, 1812;

(2) commends the dedicated service of the Sisters who provided nursing care during the Civil War, World War I, and epidemics of yellow fever, cholera, and smallpox in the South;

(3) recognizes the service of the Sisters in providing health care on the frontier of Kentucky and elsewhere through the establishment of hospitals in Kentucky, 4 other States, the District of Columbia, and abroad;

(4) lauds the role that the Sisters continue to play in providing education, health care, and nursing home care in response to the needs of economically and socially disadvantaged individuals, families, and communities; and

(5) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to the Sisters.

RELATIVE TO THE DEATH OF THE
HONORABLE GEORGE MCGOVERN

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate proceed to consideration of S. Res. 607, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 607) relative to the death of the Honorable George McGovern, former United States Senator and Congressman, from the State of South Dakota.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LEVIN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table, with no intervening action or debate, and that any statements relating to this matter be printed in the RECORD.

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

The resolution (S. Res. 607) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 607

Whereas the Honorable George McGovern represented the individuals of his beloved State of South Dakota for over 22 years, serving in the United States House of Representatives and the United States Senate;

Whereas the Honorable George McGovern was the Democratic Party nominee for President of the United States in 1972;

Whereas the Honorable George McGovern was the first director of the Food for Peace program under President John F. Kennedy;

Whereas the Honorable George McGovern flew 35 missions as a B-24 Liberator pilot during World War II, and earned the Distinguished Flying Cross;

Whereas the Honorable George McGovern served as chair of the Senate Select Committee on Nutrition and Human Needs, and was instrumental in the establishment of nationwide access to anti-hunger programs;

Whereas the Honorable George McGovern was a recipient of the Presidential Medal of Freedom, the highest civilian award in the United States;

Whereas the Honorable George McGovern taught thousands of students as a respected professor at Dakota Wesleyan University in Mitchell, South Dakota;

Whereas the Honorable George McGovern authored 14 books on diverse topics, including politics, philosophy, history, and his own personal experiences; and

Whereas the public service of the Honorable George McGovern inspired millions of individuals in the United States to dedicate time and energy to the goal of a more compassionate and peaceful world: Now, therefore, be it

Resolved, That—

(1) the Senate has heard with profound sorrow and deep regret of the passing of the Honorable George McGovern and extends heartfelt sympathy to the family and friends of the Honorable George McGovern;

(2) the Senate acknowledges and commends the lifetime of public service of the Honorable George McGovern;

(3) the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased; and

(4) when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable George McGovern.

ORDERS FOR MONDAY, DECEMBER
3, 2012

Mr. LEVIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. on Monday, December 3, 2012; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate resume consideration of the DOD Authorization Act, S. 3254; and that at 5 p.m. the Senate proceed to executive session under the previous

order; further, that following disposition of the order with respect to the Grimm nomination, the Senate immediately resume consideration of S. 3254 and then proceed to the vote on the motion to invoke cloture; and that the second-degree filing deadline for amendments to S. 3254 be at 4 p.m. on Monday.

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

PROGRAM

Mr. LEVIN. Mr. President, there will be two rollcalls on Monday at 5:30. I emphasize the two rollcall votes I am referring to would be at 5:30. The first will be confirmation of the Grimm nomination and the second will be cloture on the DOD authorization bill. There could be additional rollcalls to the two I referred to on Monday.

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

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

ADJOURNMENT UNTIL MONDAY,
DECEMBER 3, 2012, AT 2 P.M.

Mr. LEVIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the provisions of S. Res. 607 as a further mark of respect to the memory of former Senator George McGovern of South Dakota.

There being no objection, the Senate, at 4:38 p.m., adjourned until Monday, December 3, 2012, at 2 p.m.