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House of Representatives

The House met at 9 a.m. and was called to order by the Speaker.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer:

Loving and gracious God, we give You thanks for giving us another day.

Help us this day to draw closer to You so that, with Your Spirit and aware of Your presence among us, we may all face the tasks of this day.

Bless the Members of the people's House. Help them to think clearly, speak confidently, and act courageously in the belief that all noble service is based upon patience, truth, and love.

You know well the pressing issues facing our Nation. Grant our leaders, especially, the wisdom and magnanimity to do what is best, and may we all join in a common will for the benefit of all constituencies even though this will take some sacrifice.

May all that is done this day be for Your greater honor and glory.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. SHIMKUS. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. SHIMKUS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Illinois (Mr. QUIGLEY) come forward and lead the House in the Pledge of Allegiance.

Mr. QUIGLEY 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.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to five requests for 1-minute speeches on each side of the aisle.

BOUDREAU PRESENTS QUESTIONS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, in last Wednesday's The Post and Courier, a retired Foreign Service officer wrote a letter with questions regarding the terrorist attack in Benghazi, Libya. Retired Foreign Service Officer William Boudreau worked in the State Department Operations Center, which serves as a direct line of communications to all American missions.

Based on his service, Boudreau is confident that alerts from Benghazi were delivered to the White House during the attack. Boudreau believes the following questions must be explained:

Why the delay in labeling the attack as terrorism? Given prior threats, why did security personnel allow Ambassador Stevens to proceed to Benghazi? Why did the State Department refuse requests to enhance security? The American people deserve answers to these questions.

Additionally, I appreciate the service of Marty Johnson in promoting Snowball Express and on its success in reaching out to the children who have suffered the loss of a parent serving in our Armed Forces since September 11.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

THE PREVAILING BUDGET PLAN DOES NOT PROTECT A DEMOCRACY

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. You think cutting Social Security, Medicare, and Medicaid should be part of a budget deal?

America's economic collapse was fed by Wall Street greed in the form of a $6 trillion housing bubble. This brought large budget deficits. Some who were at the center of the housing crash are pushing for deep cuts to social programs in order to cure the budget deficit. The CEO of Goldman Sachs, which received a $10 billion direct bailout and tens of billions of loans at below-market interest rates, has preached about cutting Social Security benefits and increasing the retirement age.

While Wall Street was bailed out with tax dollars from Main Street, Main Street Americans have lost more than 40 percent of their wealth from 2007 to 2010. Nearly one in six U.S. residents is officially poor—the highest rate in 50 years. Twenty-two percent of American children live in poverty. We are facing an economic situation that resembles the years leading up to the Great Depression.

Now this prevailing budget plan calls for deep cuts in spending on education,

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environmental protection, Social Security, Medicare, and Medicaid while corporations and the top 1 percent would get tax cuts of nearly $3 trillion over the next decade. This is not how to protect a democracy.

GOVERNMENT GONE WILD

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, the President has finally given us his balanced plan to allegedly avoid the fiscal cliff. He wants to raise taxes by $1.6 trillion. He wants another stimulus package of $50 billion. He wants the authority to raise the debt ceiling without asking Congress for approval.

Say it isn't so, Mr. Speaker.

This tax hike will hurt small businesses, which provide 67 percent of the jobs in this country. That may fund the government for a short time. Then what's the plan? Stimulus 2.0. Because the first stimulus worked so well? That was a disaster as well. We have a $16 trillion deficit, and the President wants to spend more money. Are you kidding me? Spending is the problem. We don't need more of it. Lastly, he wants the power to raise the debt ceiling without congressional approval.

The administration cannot unilaterally issue an edict like a monarchy. Congress, Congress, Congress is in charge of the purse. The government has gone wild.

And that's just the way it is.

RECOGNIZING LOCAL FIRST CHICAGO

(Mr. QUIGLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. QUIGLEY. Mr. Speaker, the impact that independent, locally owned businesses have on our communities comes as no surprise. The lasting economic, social, and environmental outcomes are essential to the growth and sustainability of our neighborhoods.

More than 7 years ago, a not-for-profit organization called Local First Chicago was formed with one purpose in mind: to educate citizens, community groups, and policymakers about the positive impacts of choosing locally owned businesses. It is a network of locally owned, independent businesses, community organizations, and citizens that has grown to more than 3,000 local business owners. Studies have shown that shifting just a small percentage of our shopping dollars to locally owned businesses could keep millions in our communities.

This is something to think about as the holiday season approaches. Instead of going to a chain, why not branch out and get your coffee at Safari cafe on Southport? Why not get a hot dog at Gene and Jude's in River Grove? Buy a few holiday gifts at a family owned shop as well.

Local businesses are what help build thriving communities. I am honored to have organizations such as Local First Chicago fighting for ours.

THE NEED FOR TAX REFORM

(Mr. BENISHEK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BENISHEK. Mr. Speaker, the time has come for Congress to enact comprehensive tax reform and to reduce Federal spending in order to create jobs and boost the economy.

Our Nation is facing significant challenges—a weak economy, record deficits, and a Federal Government we can't afford. Many northern Michigan citizens fear for the future of our Republic. The American people deserve solutions to these problems, and comprehensive tax reform is a key part of these solutions.

President Obama has made it clear that his preference is to raise taxes on families and businesses, but that plan won't fix our national debt. It won't improve the economy. Instead, Congress should focus on tax reform and real significant spending reductions.

The American people have chosen divided government, and with that comes a responsibility for us to work together and fix the problems our Nation faces. So I urge my colleagues and the President to work together to resolve this fiscal crisis and to do what's best for the American people.

RENEW THE WIND PRODUCTION TAX CREDIT

(Mr. ALTMIRE asked and was given permission to address the House for 1 minute.)

Mr. ALTMIRE. Mr. Speaker, one of the many challenges that Congress will face during the ongoing negotiations of the fiscal cliff is whether or not to renew the wind production tax credit, which expires at the end of this year. Investing in renewable energy is key to creating new jobs, reducing our dependence on foreign oil, and promoting economic growth.

In Pennsylvania, the wind industry supports 4,000 jobs and powers 180,000 homes, including in the Pittsburgh area. The uncertainty surrounding the looming deadline to renew the PTC has already forced some companies to lay off employees, and if we let it expire thousands more hardworking Americans will be out of work. Two wind farm projects in western Pennsylvania were already canceled this year.

This is an issue on which both sides can come together to do what is right for our country. Letting the PTC expire would damage the competitiveness of the United States and the global economy, so I urge my colleagues to extend this vital job-creating tax credit before it expires.

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SOCIAL SECURITY CRISIS

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, back in 2007, then-candidate Obama said the Nation is facing ''a Social Security crisis.'' And he was right. Unfortunately, 5 years later, as we deal with a looming fiscal cliff, some in the President's own party are denying the fiscal reality when it comes to Social Security. Here are the facts:

Social Security is the government's most expensive program. Since 2010, it has been bleeding cash, and over the next 10 years, it will do so to the tune of nearly $1 trillion. As a recent USA Today editorial put it, Social Security is indeed contributing to our deficit. To say otherwise is to lie to the American people.

Mr. Speaker, all Americans want, need, and deserve that we work together to address our fiscal challenges. We owe it to current and future beneficiaries to secure this critical safety net. We can make Social Security solvent forever. Let's do it.

THANKING GENEVA B. STALLINGS FOR A JOB WELL DONE

(Mr. BARROW asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARROW. Mr. Speaker, I rise today to honor Mrs. Geneva B. Stallings, an outstanding Augustan who has devoted over 50 years of service to the Richmond County school system. For six decades, Mrs. Stallings has been a leader in the educational community in Augusta. She understands that equal educational opportunity is equal economic opportunity, and she's worked to see to it that all children, regardless of economic circumstance, received a quality education.

Mrs. Stallings has served as a classroom teacher, as a reading coordinator, and as the longest serving director of the Title I pre-K department. In fact, the Board of Education recognized her service by naming the Title I Parent Information Resource Center the Geneva B. Stallings Title I Parent Resource Center.

I know I speak for all who know Geneva Stallings in thanking her for her commitment to the education of our children. Mrs. Stallings, you have the appreciation of many grateful Augustans and of this proud Congressman. Thank you for a job well done.

CONGRATULATING NATION OF GEORGIA

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, on October 1, the nation of Georgia successfully elected a new Parliament and

then underwent the country's first peaceful transfer of power via an election since independence. I commend President Saakashvili on his leadership in that transition.

The Georgian people are to be congratulated for a credible election. I am encouraged by Georgia's continued positive attitude toward NATO integration and its determination to be a modern democracy. However, the Georgian Dream coalition must be reminded that the most effective way for Georgia to join NATO is through continued development of democracy and the rule of law.

First, there has been increasing pressure on President Saakashvili to resign prior to the constitutional end of his term in October 2013. While the new majority may see this as a logical next step to finalizing the transfer of power, attempting to coerce a sitting head of state to give up their constitutional mandate before its expiration would run contrary to the principles of democratic governance and the rule of law.

Second, on November 7, the prosecutor's office arrested three members of the resigned government, charged with unspecified abuses of power.

Georgia has made enormous progress in its democratic and political development over the past 2 months, progress which very few predicted would or could happen so quickly and completely. In light of that, I would encourage the new leadership of Georgia to take these concerns seriously. It is incumbent upon the Georgian Government to ensure that the new Parliament consolidates the democratic process, not a political agenda.

AMERICA NEEDS A FARM BILL

(Mr. WELCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELCH. Mr. Speaker, it's been 141 days. That's how long it's been since the House Agriculture Committee, on a bipartisan basis, passed the farm bill by a vote of 35–11. That's the high watermark of bipartisanship in this Congress. It represents something that is too lacking in Washington today: a serious attempt at progress through bipartisan work.

We need a farm bill. America needs a farm bill. Our farmers, our folks dependent on nutrition programs, our folks who are farming and want to conserve the land, they're entitled to have Congress act.

You know, it's one thing to vote ''yes'' and it's one thing to vote ''no,'' but it is unacceptable not to vote at all.

The decision on whether we will vote on a farm bill is up to the leadership. They owe it to each one of us so we can be accountable to the people we represent and give America a farm bill. There is absolutely no excuse for Congress to not even try to do its job, which will occur when a farm bill is brought to the floor.

STEM JOBS ACT OF 2012

Mr. ISSA. Mr. Speaker, pursuant to House Resolution 821, I call up the bill (H.R. 6429) to amend the Immigration and Nationality Act to promote innovation, investment, and research in the United States, to eliminate the diversity immigrant program, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. DOLD). Pursuant to House Resolution 821, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 112–34, modified by the amendment printed in House Report 112–697, is adopted. The bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 6429

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''STEM Jobs Act of 2012''.

SEC. 2. IMMIGRANT VISAS FOR CERTAIN ADVANCED STEM GRADUATES.

(a) WORLDWIDE LEVEL OF IMMIGRATION.—Section 201(d)(2) of the Immigration and Nationality Act (8 U.S.C. 1151(d)(2)) is amended by adding at the end the following:

''(D)(i) In addition to the increase provided under subparagraph (C), the number computed under this paragraph for fiscal year 2014 and subsequent fiscal years shall be further increased by the number specified in clause (ii), to be used in accordance with paragraphs (6) and (7) of section 203(b), except that—

''(I) immigrant visa numbers made available under this subparagraph but not required for the classes specified in paragraphs (6) and (7) of section 203(b) shall not be counted for purposes of subsection (c)(3)(C); and

''(II) for purposes of paragraphs (1) through (5) of section 203(b), the increase under this subparagraph shall not be counted for purposes of computing any percentage of the worldwide level under this subsection.

''(ii) The number specified in this clause is 55,000, reduced for any fiscal year by the number by which the number of visas under section 201(e) would have been reduced in that year pursuant to section 203(d) of the Nicaraguan Adjustment and Central American Relief Act (8 U.S.C. 1151 note) if section 201(e) had not been repealed by section 3 of the STEM Jobs Act of 2012.

''(iii) Immigrant visa numbers made available under this subparagraph for fiscal year 2014, but not used for the classes specified in paragraphs (6) and (7) of section 203(b) in such year, may be made available in subsequent years as if they were included in the number specified in clause (ii) only to the extent of the cumulative number of petitions under section 204(a)(1)(F), and applications for a labor certification under section 212(a)(5)(A), filed in fiscal year 2014 with respect to aliens seeking a visa under paragraph (6) or (7) of section 203(b) up to, but not exceeding, the number specified in clause (ii) for such year. Such immigrant visa numbers may only be made available in fiscal years after fiscal year 2014 in connection with a petition under section 204(a)(1)(F), or an application for a labor certification under section 212(a)(5)(A), that was filed in fiscal year 2014.

''(iv) Immigrant visa numbers made available under this subparagraph for fiscal year 2015, but not used for the classes specified in paragraphs (6) and (7) of section 203(b) during such year, may be made available in subsequent years as if they were included in the number specified in clause (ii) only to the extent of the cumulative number of petitions under section 204(a)(1)(F), and applications for a labor certification under section 212(a)(5)(A), filed in fiscal year 2015 with respect to aliens seeking a visa under paragraph (6) or (7) of section 203(b) up to, but not exceeding, the number specified in clause (ii) for such year. Such immigrant visa numbers may only be made available in fiscal years after fiscal year 2015 in connection with a petition under section 204(a)(1)(F), or an application for a labor certification under section 212(a)(5)(A), that was filed in fiscal year 2015.

''(v) Immigrant visa numbers made available under this subparagraph for fiscal year 2016, but not used for the classes specified in paragraphs (6) and (7) of section 203(b) in such year, may be made available in subsequent years as if they were included in the number specified in clause (ii), but only—

''(I) to the extent of the cumulative number of petitions under section 204(a)(1)(F), and applications for a labor certification under section 212(a)(5)(A), filed in fiscal year 2016 with respect to aliens seeking a visa under paragraph (6) or (7) of section 203(b) up to, but not exceeding, the number specified in clause (ii) for such year;

''(II) if the immigrant visa numbers used under this subparagraph for fiscal year 2015 with respect to aliens seeking a visa under paragraph (6) or (7) of section 203(b) were less than the number specified in clause (ii) for such year; and

''(III) if the processing standards set forth in sections 204(a)(1)(F)(ii) and 212(a)(5)(A)(vi) were not met in fiscal year 2016.

Such immigrant visa numbers may only be made available in fiscal years after fiscal year 2016 in connection with a petition under section 204(a)(1)(F), or an application for a labor certification under section 212(a)(5)(A), that was filed in fiscal year 2016.

''(vi) Immigrant visa numbers made available under this subparagraph for fiscal year 2017, but not used for the classes specified in paragraphs (6) and (7) of section 203(b) in such year, may be made available in subsequent years as if they were included in the number specified in clause (ii), but only—

''(I) to the extent of the cumulative number of petitions under section 204(a)(1)(F), and applications for a labor certification under section 212(a)(5)(A), filed in fiscal year 2017 with respect to aliens seeking a visa under paragraph (6) or (7) of section 203(b) up to, but not exceeding, the number specified in clause (ii) for such year;

''(II) if the immigrant visa numbers used under this subparagraph for fiscal year 2016 with respect to aliens seeking a visa under paragraph (6) or (7) of section 203(b) were less than the number specified in clause (ii) for such year; and

''(III) if the processing standards set forth in sections 204(a)(1)(F)(ii) and 212(a)(5)(A)(vi) were not met in fiscal year 2017.

Such immigrant visa numbers may only be made available in fiscal years after fiscal year 2016 in connection with a petition under section 204(a)(1)(F), or an application for a labor certification under section 212(a)(5)(A), that was filed in fiscal year 2017.''.

(b) NUMERICAL LIMITATION TO ANY SINGLE FOREIGN STATE.—Section 202(a)(5)(A) of such Act (8 U.S.C. 1152(a)(5)(A)) is amended by striking ''or (5)'' and inserting ''(5), (6), or (7)''.

(c) PREFERENCE ALLOCATION FOR EMPLOYMENT-BASED IMMIGRANTS.—Section 203(b) of such Act (8 U.S.C. 1153(b)) is amended—

(1) by redesignating paragraph (6) as paragraph (8); and

(2) by inserting after paragraph (5) the following:

''(6) ALIENS HOLDING DOCTORATE DEGREES FROM U.S. DOCTORAL INSTITUTIONS OF HIGHER EDUCATION IN SCIENCE, TECHNOLOGY, ENGINEERING, OR MATHEMATICS.—

''(A) IN GENERAL.—Visas shall be made available, in a number not to exceed the number specified in section 201(d)(2)(D)(ii), to qualified immigrants who—

''(i) hold a doctorate degree in a field of science, technology, engineering, or mathematics from a United States doctoral institution of higher education; and

''(ii) have taken all doctoral courses in a field of science, technology, engineering, or mathematics, including all courses taken by correspondence (including courses offered by telecommunications) or by distance education, while physically present in the United States.

''(B) DEFINITIONS.—For purposes of this paragraph, paragraph (7), and sections 101(a)(15)(F)(i)(I) and 212(a)(5)(A)(iii)(III):

''(i) The term 'distance education' has the meaning given such term in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003).

''(ii) The term 'field of science, technology, engineering, or mathematics' means a field included in the Department of Education's Classification of Instructional Programs taxonomy within the summary groups of computer and information sciences and support services, engineering, mathematics and statistics, and physical sciences.

''(iii) The term 'United States doctoral institution of higher education' means an institution that—

''(I) is described in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)) or is a proprietary institution of higher education (as defined in section 102(b) of such Act (20 U.S.C. 1002(b)));

''(II) was classified by the Carnegie Foundation for the Advancement of Teaching on January 1, 2012, as a doctorate-granting university with a very high or high level of research activity or classified by the National Science Foundation after the date of enactment of this paragraph, pursuant to an application by the institution, as having equivalent research activity to those institutions that had been classified by the Carnegie Foundation as being doctorate-granting universities with a very high or high level of research activity;

''(III) has been in existence for at least 10 years; and

''(IV) is accredited by an accrediting body that is itself accredited either by the Department of Education or by the Council for Higher Education Accreditation.

''(C) LABOR CERTIFICATION REQUIRED.—

''(i) IN GENERAL.—Subject to clause (ii), the Secretary of Homeland Security may not approve a petition filed for classification of an alien under subparagraph (A) unless the Secretary of Homeland Security is in receipt of a determination made by the Secretary of Labor pursuant to the provisions of section 212(a)(5)(A), except that the Secretary of Homeland Security may, when the Secretary deems it to be in the national interest, waive this requirement.

''(ii) REQUIREMENT DEEMED SATISFIED.—The requirement of clause (i) shall be deemed satisfied with respect to an employer and an alien in a case in which a certification made under section 212(a)(5)(A)(i) has already been obtained with respect to the alien by that employer.

''(7) ALIENS HOLDING MASTER'S DEGREES FROM U.S. DOCTORAL INSTITUTIONS OF HIGHER EDUCATION IN SCIENCE, TECHNOLOGY, ENGINEERING, OR MATHEMATICS.—

''(A) IN GENERAL.—Any visas not required for the class specified in paragraph (6) shall be made available to the class of aliens who—

''(i) hold a master's degree in a field of science, technology, engineering, or mathematics from a United States doctoral institution of higher education that was either part of a master's program that required at least 2 years of enrollment or part of a 5-year combined baccalaureate-master's degree program in such field;

''(ii) have taken all master's degree courses in a field of science, technology, engineering, or mathematics, including all courses taken by correspondence (including courses offered by telecommunications) or by distance education, while physically present in the United States; and

''(iii) hold a baccalaureate degree in a field of science, technology, engineering, or mathematics or in a field included in the Department of Education's Classification of Instructional Programs taxonomy within the summary group of biological and biomedical sciences.

''(B) LABOR CERTIFICATION REQUIRED.—

''(i) IN GENERAL.—Subject to clause (ii), the Secretary of Homeland Security may not approve a petition filed for classification of an alien under subparagraph (A) unless the Secretary of Homeland Security is in receipt of a determination made by the Secretary of Labor pursuant to the provisions of section 212(a)(5)(A), except that the Secretary of Homeland Security may, when the Secretary deems it to be in the national interest, waive this requirement.

''(ii) REQUIREMENT DEEMED SATISFIED.—The requirement of clause (i) shall be deemed satisfied with respect to an employer and an alien in a case in which a certification made under section 212(a)(5)(A)(i) has already been obtained with respect to the alien by that employer.

''(C) DEFINITIONS.—The definitions in paragraph (6)(B) shall apply for purposes of this paragraph.''.

(d) PROCEDURE FOR GRANTING IMMIGRANT STATUS.—Section 204(a)(1)(F) of such Act (8 U.S.C. 1154(a)(1)(F)) is amended—

(1) by striking ''(F)'' and inserting ''(F)(i)'';

(2) by striking ''or 203(b)(3)'' and inserting ''203(b)(3), 203(b)(6), or 203(b)(7)'';

(3) by striking ''Attorney General'' and inserting ''Secretary of Homeland Security''; and

(4) by adding at the end the following:

''(ii) The following processing standards shall apply with respect to petitions under clause (i) relating to alien beneficiaries qualifying under paragraph (6) or (7) of section 203(b):

''(I) The Secretary of Homeland Security shall adjudicate such petitions not later than 60 days after the date on which the petition is filed. In the event that additional information or documentation is requested by the Secretary during such 60-day period, the Secretary shall adjudicate the petition not later than 30 days after the date on which such information or documentation is received.

''(II) The petitioner shall be notified in writing within 30 days of the date of filing if the petition does not meet the standards for approval. If the petition does not meet such standards, the notice shall include the reasons therefore and the Secretary shall provide an opportunity for the prompt resubmission of a modified petition.''.

(e) LABOR CERTIFICATION AND QUALIFICATION FOR CERTAIN IMMIGRANTS.—Section 212(a)(5) of such Act (8 U.S.C. 1182(a)(5)) is amended—

(1) in subparagraph (A)—

(A) in clause (ii)—

(i) in subclause (I), by striking '', or'' at the end and inserting a semicolon;

(ii) in subclause (II), by striking the period at the end and inserting ''; or''; and

(iii) by adding at the end the following:

''(III) holds a doctorate degree in a field of science, technology, engineering, or mathematics from a United States doctoral institution of higher education (as defined in section 203(b)(6)(B)(iii)).'';

(B) by redesignating clauses (ii) through (iv) as clauses (iii) through (v), respectively;

(C) by inserting after clause (i) the following:

''(ii) JOB ORDER.—

''(I) IN GENERAL.—An employer who files an application under clause (i) shall submit a job order for the labor the alien seeks to perform to the State workforce agency in the State in which the alien seeks to perform the labor. The State workforce agency shall post the job order on its official agency website for a minimum of 30 days and not later than 3 days after receipt using the employment statistics system authorized under section 15 of the Wagner-Peyser Act (29 U.S.C. 49 et seq.).

''(II) LINKS.—The Secretary of Labor shall include links to the official websites of all State workforce agencies on a single webpage of the official website of the Department of Labor.''; and

(D) by adding at the end the following:

''(vi) PROCESSING STANDARDS FOR ALIEN BENEFICIARIES QUALIFYING UNDER PARAGRAPHS (6) AND (7) OF SECTION 203(B).—The following processing standards shall apply with respect to applications under clause (i) relating to alien beneficiaries qualifying under paragraph (6) or (7) of section 203(b):

''(I) The Secretary of Labor shall adjudicate such applications not later than 180 days after the date on which the application is filed. In the event that additional information or documentation is requested by the Secretary during such 180-day period, the Secretary shall adjudicate the application not later than 60 days after the date on which such information or documentation is received.

''(II) The applicant shall be notified in writing within 60 days of the date of filing if the application does not meet the standards for approval. If the application does not meet such standards, the notice shall include the reasons therefore and the Secretary shall provide an opportunity for the prompt resubmission of a modified application.''; and

(2) in subparagraph (D), by striking ''(2) or (3)'' and inserting ''(2), (3), (6), or (7)''.

(f) GAO STUDY.—Not later than June 30, 2018, the Comptroller General of the United States shall provide to the Congress the results of a study on the use by the National Science Foundation of the classification authority provided under section 203(b)(6)(B)(iii)(II) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(6)(B)(iii)(II)), as added by this section.

(g) PUBLIC INFORMATION.—The Secretary of Homeland Security shall make available to the public on the official website of the Department of Homeland Security, and shall update not less than monthly, the following information (which shall be organized according to month and fiscal year) with respect to aliens granted status under paragraph (6) or (7) of section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)), as added by this section:

(1) The name, city, and State of each employer who petitioned pursuant to either of such paragraphs on behalf of one or more aliens who were granted status in the month and fiscal year to date.

(2) The number of aliens granted status under either of such paragraphs in the month and fiscal year to date based upon a petition filed by such employer.

(3) The occupations for which such alien or aliens were sought by such employer and the job titles listed by such employer on the petition.

(h) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2013, and shall apply with respect to fiscal years beginning on or after such date.

''Nothing in the preceding sentence shall be construed to prohibit the Secretary of Homeland Security from accepting before such date petitions under section 204(a)(1)(F) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(F)) relating to alien beneficiaries qualifying under paragraph (6) or (7) of section 203(b) of such Act (8 U.S.C. 1153(b)) (as added by this section).''.

SEC. 3. ELIMINATION OF DIVERSITY IMMIGRANT PROGRAM.

(a) WORLDWIDE LEVEL OF DIVERSITY IMMIGRANTS.—Section 201 of the Immigration and Nationality Act (8 U.S.C. 1151) is amended—

(1) in subsection (a)—

(A) by inserting ''and'' at the end of paragraph (1);

(B) by striking ''; and'' at the end of paragraph (2) and inserting a period; and

(C) by striking paragraph (3); and

(2) by striking subsection (e).

(b) ALLOCATION OF DIVERSITY IMMIGRANT VISAS.—Section 203 of such Act (8 U.S.C. 1153) is amended—

(1) by striking subsection (c);

(2) in subsection (d), by striking ''(a), (b), or (c),'' and inserting ''(a) or (b),'';

(3) in subsection (e), by striking paragraph (2) and redesignating paragraph (3) as paragraph (2);

(4) in subsection (f), by striking ''(a), (b), or (c)'' and inserting ''(a) or (b)''; and

(5) in subsection (g), by striking ''(a), (b), and (c)'' and inserting ''(a) and (b)''.

(c) PROCEDURE FOR GRANTING IMMIGRANT STATUS.—Section 204 of such Act (8 U.S.C. 1154) is amended—

(1) by striking subsection (a)(1)(I); and

(2) in subsection (e), by striking ''(a), (b), or (c)'' and inserting ''(a) or (b)''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2013, and shall apply with respect to fiscal years beginning on or after such date.

SEC. 4. PERMANENT PRIORITY DATES.

(a) IN GENERAL.—Section 203 of the Immigration and Nationality Act (8 U.S.C. 1153) is amended by adding at the end the following:

''(i) PERMANENT PRIORITY DATES.—

''(1) IN GENERAL.—Subject to subsection (h)(3) and paragraph (2), the priority date for any employment-based petition shall be the date of filing of the petition with the Secretary of Homeland Security (or the Secretary of State, if applicable), unless the filing of the petition was preceded by the filing of a labor certification with the Secretary of Labor, in which case that date shall constitute the priority date.

''(2) SUBSEQUENT EMPLOYMENT-BASED PETITIONS.—Subject to subsection (h)(3), an alien who is the beneficiary of any employment-based petition that was approvable when filed (including self-petitioners) shall retain the priority date assigned with respect to that petition in the consideration of any subsequently filed employment-based petition (including self-petitions).''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2013, and shall apply to aliens who are a beneficiary of a classification petition pending on or after such date.

SEC. 5. STUDENT VISA REFORM.

(a) IN GENERAL.—Section 101(a)(15)(F) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F)) is amended to read as follows:

''(F) an alien—

''(i) who—

''(I) is a bona fide student qualified to pursue a full course of study in a field of science, technology, engineering, or mathematics (as defined in section 203(b)(6)(B)(ii)) leading to a bachelors or graduate degree and who seeks to enter the United States for the purpose of pursuing such a course of study consistent with section 214(m) at an institution of higher education (as described in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) or a proprietary institution of higher education (as defined in section 102(b) of such Act (20 U.S.C. 1002(b))) in the United States, particularly designated by the alien and approved by the Secretary of Homeland Security, after consultation with the Secretary of Education, which institution shall have agreed to report to the Secretary of Homeland Security the termination of attendance of each nonimmigrant student, and if any such institution fails to make reports promptly the approval shall be withdrawn; or

''(II) is engaged in temporary employment for optional practical training related to such alien's area of study following completion of the course of study described in subclause (I);

''(ii) who has a residence in a foreign country which the alien has no intention of abandoning, who is a bona fide student qualified to pursue a full course of study, and who seeks to enter the United States temporarily and solely for the purpose of pursuing such a course of study consistent with section 214(m) at an established college, university, seminary, conservatory, academic high school, elementary school, or other academic institution or in a language training program in the United States, particularly designated by the alien and approved by the Secretary of Homeland Security, after consultation with the Secretary of Education, which institution of learning or place of study shall have agreed to report to the Secretary of Homeland Security the termination of attendance of each nonimmigrant student, and if any such institution of learning or place of study fails to make reports promptly the approval shall be withdrawn;

''(iii) who is the spouse or minor child of an alien described in clause (i) or (ii) if accompanying or following to join such an alien; or

''(iv) who is a national of Canada or Mexico, who maintains actual residence and place of abode in the country of nationality, who is described in clause (i) or (ii) except that the alien's qualifications for and actual course of study may be full or part-time, and who commutes to the United States institution or place of study from Canada or Mexico.''.

(b) ADMISSION.—Section 214(b) of the Immigration and Nationality Act (8 U.S.C. 1184(b)) is amended by inserting ''(F)(i),'' before ''(L) or (V)''.

(c) CONFORMING AMENDMENT.—Section 214(m)(1) of the Immigration and Nationality Act (8 U.S.C. 1184(m)(1)) is amended, in the matter preceding subparagraph (A), by striking ''(i) or (iii)'' and inserting ''(i), (ii), or (iv)''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2013, and shall apply to nonimmigrants who possess or are granted status under section 101(a)(15)(F) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F)) on or after such date.

SEC. 6. EXPANSION OF THE "V" NONIMMIGRANT VISA PROGRAM FOR SPOUSES AND CHILDREN OF PERMANENT RESIDENTS AWAITING THE AVAILABILITY OF AN IMMIGRANT VISA.

(a) IN GENERAL.—Section 101(a)(15)(V) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(V)) is amended—

(1) in the matter preceding clause (i), by striking ''that was filed with the Attorney General under section 204 on or before the date of the enactment of the Legal Immigration Family Equity Act,'';

(2) in clause (i), by striking ''3 years or more;'' and inserting ''1 year or more;'' ; and

(3) in clause (ii), by striking ''3 years or more have'' and inserting ''1 year or more has''.

(b) PROVISIONS AFFECTING NONIMMIGRANT STATUS.—Section 214(q) of the Immigration and Nationality Act (8 U.S.C. 1184(q)) is amended—

(1) by striking paragraphs (2) and (3);

(2) in paragraph (1)—

(A) in subparagraph (A), by striking ''the Attorney General'' and all that follows through ''; and'' and inserting ''the alien may not be authorized to engage in employment in the United States during the period of authorized admission as such a nonimmigrant; and''; and

(B) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively; and

(3) by striking ''(q)(1)'' and inserting ''(q)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2013, and shall apply to an alien who—

(1) applies for nonimmigrant status under section 101(a)(15)(V) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(V)) on or after such date; and

(2) is the beneficiary of a classification petition filed under section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) before, on, or after such date.

SEC. 7. EXTENSION OF GUARANTEE FEES FOR GOVERNMENT-SPONSORED HOUSING ENTERPRISES AND FHA.

(a) GSEs.—Subsection (f) of section 1327 of the Housing and Community Development Act of 1992 (12 U.S.C. 4547) is amended by striking ''October 1, 2021'' and inserting ''October 1, 2022''.

(b) FHA.—Subsection (b) of section 402 of the Temporary Payroll Tax Cut Continuation Act of 2011 (Public Law 112–78; 125 Stat. 1289) is amended by striking ''October 1, 2021'' and inserting ''October 1, 2022''.

The SPEAKER pro tempore. The gentleman from California (Mr. ISSA) and the gentleman from Michigan (Mr. CONYERS) each will control 45 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. ISSA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 6429, as amended, under current consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ISSA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, when it comes to STEM fields, this is long overdue. This is not the first time we have considered it, but as we go into the lame duck session, I'd like the American people to understand why this is so important. For more than 2 years, the national campaigns have talked in terms of jobs. STEM means jobs, Mr. Speaker.

Many years ago, Thomas Friedman wrote about an experience of being a speaker at a commencement, and he watched one after another individuals cross receiving their masters and doctorate degrees in science, in math, and in engineering. The amazing thing is, one after another had names that were almost impossible to pronounce in some cases, and, clearly, the majority of these engineers and scientists came from other countries and were being told they must return to them. He made the statement in his op-ed that, in fact, at the end, rather than just a diploma, they should be given a diploma and a green card. Mr. Speaker, I agree with Thomas Friedman on this subject.

For each person we welcome to America with one of these high degrees, we create jobs, net jobs. We create opportunity for expansion of the kinds of businesses that, in fact, Americans are prepared to work in, but often we do not have enough engineers, scientists, or math professionals. This shortage, particularly at the masters and doctorate level, is well documented.

This is not something in which Republicans and Democrats are on different sides; this is something we agree on. There is some controversy, as you might imagine; there always is. Some would cling to a lottery that allows 55,000 immigrants to come for no reason other than they asked and they got

a lottery. Those 55,000 are, in fact, an example of a great many of our immigrants. Only 5 percent of immigration visas today are based on skills of education and other capacities—only 5 percent.

□ 0920

I support other categories of immigration, including those fleeing the tyranny of their own countries, those in fact who would be killed if they remained, or tortured; and I certainly agree that family reunification continues to be an important part of our immigration system. But today what we're dealing with is the ability to make a profound difference of 55,000 opportunity jobs.

We often hear about opportunity scholarships, Mr. Speaker. Opportunity jobs is what we're talking about today—jobs that are in great demand. In this high unemployment era, STEM jobs can be not just below 4, but in some cases below 2, percent. The truth is if you're qualified and you have these kinds of advanced degrees, the jobs are far greater than the qualified applicants.

Three-quarters of likely voters support strongly this type of legislation, and, I believe, properly understood, that for each STEM immigration visa, the fact is that you would gain net jobs, that by bringing in these 55,000, we could drop hundreds of thousands of people from the unemployment rolls because they could become employed. The benefit to our economy is undeniable. The controversy here today will simply be, are we willing to act and act now. Many say that little good happens in a lame-duck session. In this case, I believe both in the House and hopefully in the Senate we can in fact say, not true.

Some of the groups that have strongly come out in support of this legislation include: the Institute for Electrical and Electronics Engineers, an area of shortage; the U.S. Chamber of Commerce, an area of commerce; Compete America; the Information Technology Industry Council; and the Society for Human Resource Management. And, I might say, the industry I came from, the Consumer Electronics Association, has long supported these kinds of investments in America.

This bill has the support of the large majority of the House of Representatives, and on a bipartisan basis. Last September, by an overwhelming vote, more than 100 votes to spare, the STEM Jobs Act passed under suspension.

To protect American jobs, employers who hire STEM graduates must advertise for the position before they can ask for them, and they must in fact make their jobs available to all existing American workers. In fact, these protections have long meant that after all that advertising, employers often enter the H–1B, attempt to get a temporary worker; but in fact for permanent opportunities and permanent growth, we should have more permanent jobs than simply a guest technology worker.

More importantly, I think it's universally recognized by both my colleagues on the other side and by my colleagues that if you have somebody who's going to benefit America, having them benefit America for a short time and then go home and in fact compete against America is not in America's best interests.

In fact, an Assistant Secretary of State for Visa Services has testified that the diversity fraud in the system that we are attempting to take these slots from is so huge as to in fact make it effectively worthless. In those hearings and many others, we've determined that we do have an opportunity, on a net basis, no net-new immigrants but in fact a selection of the ones that Americans want would be the best.

There are many other provisions in this bill, but I want to touch on one, which is family reunification. Under this bill, we're going to set aside what has been a bad idea for a long time: people who just because of our bureaucracy often wait for family reunification. Americans, with green cards or fully naturalized citizens, often wait for many years to be reunited. Under this bill, I believe broadly supported, we're going to change that. We're going to make it to where after 1 year, if there are no other impediments to their coming, they may wait with their families here for final status. We believe that this is the best solution to a problem where we have had pervasive slowness in the process and it's to the detriment of families being together.

So although there will be additional comments, and I intend to make additional comments, I want to close simply by saying one thing: I was an employer. I knew that in fact technology and people who could apply it allowed my company to compete globally. I knew that in fact there were never enough of those people. I always had an open mind to hire if I found a smart engineer or a smart scientist.

Mr. Speaker, we can only gain by asking as many people who are smart and who create opportunities far beyond just their own to be part of our society. It's smart in business. It's smart in America.

I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself as much time as I may consume.

I want to begin by pointing out that the same poison pill that defeated this bill on suspension is now being brought up again with the same poison pill that pits immigrant and minority communities against one another and makes the legislation, therefore, unworkable.

Rather than simply creating green cards for STEM graduates, the majority insists that we must pay for the new visas by completely eliminating Diversity Visas, a longstanding legal immigration program. The elimination of the Diversity Visa program will drastically reduce immigration from African nations because immigrants from Africa normally comprise half the Diversity Visa program's annual beneficiaries.

Rather than reaching out to minority and immigrant communities, the majority is for some reason steamrolling through a bill that we otherwise agree with that cuts visas for minorities and signals their continued support for a Grover Norquist-style ''no new green cards'' pledge that says you can't create a green card for one person without taking one away from someone else.

Even worse, it is shamefully designed to reduce the overall level of legal immigration. Under current law, unused visas in one immigration category roll over to immigrants in other categories who are stuck in decades-long green card backlogs. But H.R. 6429 doesn't do this, thereby ensuring that unused visas are wasted and legal immigrants must continue to suffer in long backlogs. This is a naked attempt to satisfy anti-immigrant groups that have long lobbied for reduced levels of legal immigration.

If this is a new strategy on immigration, it sure looks a lot like the old one. A zero-sum rule means our immigration system can never be fixed. We would not be able to craft solutions for the DREAMers who were brought here as children, for the agricultural workers growing the food on our tables, or for the American families whose loved ones are stuck in decades-long green card backlogs.

We're not fooled by the majority's assertion that this latest version of the bill actually helps families. In reality, the provision that the majority touts is a step backwards from the LIFE Act enacted under a Republican Congress in 2000. Under that act, undocumented spouses and children of lawful permanent residents were able to obtain V visas and eventually adjust their status to lawful permanent residents. The bill offered such family members protection from removal and explicitly granted work authorization.

In contrast, the provision that my colleagues herald this morning as helping families grants certain spouses and children who have already waited abroad for over a year temporary V visas. There is no work authorization, and undocumented family members would be excluded altogether from participating in this program.

□ 0930

While the majority bill provides permanent green cards for businesses, it provides nuclear families with nothing more than temporary visas without work authorization—and then, only after a 1-year separation. And to undocumented children and spouses of lawful permanent residents, the bill offers nothing at all.

So I regret that this legislation was brought to the floor without any committee process, without any opportunity for amendment, and without

any input from those on this side of the aisle. I hope that in the coming Congress the majority will cast aside this political theater and join me in the hard work of finding workable bipartisan solutions to fix our immigration system.

Mr. Speaker, I reserve the balance of my time.

Mr. ISSA. Mr. Speaker, to my colleague from Michigan, 1990 is a longstanding part of our 236-year history. 1990 is a long part of 236 years. And 55,000 out of 1 million immigrant visas is a large part. I think on this side of the aisle we know better. We know that in fact this is a relatively recent provision, the 55,000 Diversity Visa. And clearly, America continues to be the most generous Nation on Earth when it comes to welcoming people to our country.

I yield such time as he may consume to my colleague and classmate coming to Congress, the distinguished gentleman from Arizona (Mr. FLAKE), a cosponsor of the bill.

Mr. FLAKE. I appreciate this bill coming up. This has been long, long overdue. Many of us have been working on this issue for years.

Several years ago, when I first got to Congress, I met with some CEOs of major tech corporations who told me that they have to follow the talent wherever it goes. Some 65 percent of Ph.D. graduates in the STEM fields actually are foreign born. They come, are educated here, and then return home or return somewhere else to compete against us. We ought to be rolling out the red carpet for them to stay. In fact, what I was told is we should staple a green card to their diploma.

And so I introduced three Congresses ago and every Congress since then the Staple Act, which would do essentially that. It would, basically, get rid of the quotas we have on those who come here, are educated in our universities, and receive Ph.D.s in the STEM field. This legislation is similar in that respect to the Staple Act, and I support it. There's no reason we ought to force those to return home or elsewhere who are willing to stay here and create jobs. We ought to roll out the red carpet. As I say, we ought to staple the green card to their diploma and welcome them here and have them create jobs. That's why I'm glad that this legislation is before us. I support it, and urge my colleagues to do so as well.

Mr. CONYERS. Mr. Speaker, I am pleased now to yield 5 minutes to the ranking member of the Immigration Subcommittee, who represents the place where many of these techs come from, Silicon Valley, Ms. ZOE LOFGREN.

Ms. ZOE LOFGREN of California. Mr. Speaker, I have long been a champion of creating a green card program for foreign students with advanced STEM degrees from America's great research universities. Coming from Silicon Valley, I'm fortunate enough to see firsthand the new technologies, the new companies, the new jobs that such innovators create every day in the district I represent.

There's no question that a STEM green card program is the right thing to do for our country. For that reason, it pains me greatly to say I can't support this flawed bill. I can't support a bill that pits immigrant communities against each other, that sets a terrible precedent for addressing our broken immigration system that is indefensibly designed to reduce immigration while purporting to increase it, and that harms American workers. I certainly admire the gentleman from Arizona on his Staple Act. I know that he has pushed for this over the Congresses. But his Staple Act did not eliminate the Diversity Visa program, as this does.

Our colleagues on the other side of the aisle say that a STEM visa program is critical to the future of this country—and I agree. But if that's true, why poison the bill with an unrelated provision to eliminate the Diversity Visa program? There's no reason that giving a green card to one person should mean taking one away from someone else, but that is exactly what the bill asks us to do.

My colleagues are fond of saying they support legal immigration, but this bill shows quite the opposite. Supporters of legal immigration would not have to kill one immigration program to benefit another; nor would they agree to a Grover Norquist-style ''no new immigration'' pledge that will continue to strangle our immigration system for years to come. If we were to accept a zero-sum premise, how could we craft meaningful solutions for farmers and agricultural workers; for DREAMers, who were brought here as children; or for those families with loved ones waiting abroad in decades-long queues?

This bill, however, is even worse than that. It is actually designed to reduce legal immigration. Taking 55,000 green cards from one category and putting them in another may seem like an even trade, but it is not if the new category is drafted to ensure that green cards go unused.

According to the National Science Foundation, American universities currently graduate about 30,000 foreign students with degrees that would qualify them for green cards under this bill. Assuming every single one of them wanted to stay and could find an employer willing to offer them a permanent job, which is certainly not the case, that would still leave 25,000 green cards unused. This bill shamefully prevents those green cards from being used to help other employment and family-based immigrants suffering in long backlogs. And I would note that those who have their labor certification based on a bachelor of science degree, if you're born in India, you're facing a 70-year wait. Yet this bill would not allow the traditional policy of having visas trickle down when they are unused. That's not the way the immigration system works. I believe the only reason the bill was written in this fashion is to satisfy anti-immigrant organizations who have long lobbied for reduced levels of immigration.

In an attempt to appear more pro-immigrant, the authors point to a new ''family-friendly'' position. But looks can be deceiving. Currently, a lack of green cards means that a category of family-based immigrant—the spouses and minor children of U.S. permanent residents—have to wait about 2 years overseas before they can rejoin their families.

Instead of providing critical green cards to these nuclear families, the STEM bill offers temporary V visas with three significant catches: the family members must first spend at least 1 year overseas; unlike the original V visa, created by a Republican Congress in 2000, the new visas prohibit family members already here from participating; and unlike the original V visa, recipients are prohibited from working.

With all the talk about moving forward on immigration, this is a step back from where Republicans were just 12 years ago. When I hear allegations of fraud in this program, I just have to say that is absurd. In the year 2007, the General Accountability Office found no documented evidence that Diversity Visa immigrants posed a terrorist or other threat. The DV recipients go through the same immigration, criminal, and national security background checks that everyone goes through when they seek lawful permanent residence.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. CONYERS. I yield the gentlelady an additional 1 minute.

Ms. ZOE LOFGREN of California. In fact, the State Department was the first to use facial recognition technology to reduce fraud.

Finally, I would say that this does not do enough to protect workers. I'll give you an example. Computer and information science research scientists in level one for labor certification may be paid $86,736. That's what's in the labor cert. But their median income in Silicon Valley is $133,000. So we have an idea that we shouldn't underpay the foreign scientists. We should pay them the same as Americans. This bill fails in that way.

□ 0940

Finally, I would note that the Competitive Enterprise Institute has come out against this bill because it has these extraneous and divisive provisions. We need to move beyond the politics of zero-sum immigration. Those policies are holding America back. They are holding our prosperity hostage.

I will place into the RECORD the Competitive Enterprise Institute letter in opposition to this bill.

[From the Competitive Enterprise Institute]

STEM JOBS ACT A STEP BACKWARD ON IMMIGRATION REFORM, WARNS FREE MARKET GROUP

WASHINGTON DC.—Nov. 29, 2012—This Friday, the House of Representatives will vote

on the STEM Jobs Act (H.R. 6429). The bill would allocate 55,000 green cards for foreign-born graduates of U.S. universities with Doctorate and Master's degrees in science, technology, engineering, and mathematics (STEM) fields, but it also eliminates all 55,000 visas under the Diversity Visa Program.

The Competitive Enterprise Institute (CEI) warned that the bill will actually hurt legal immigration. CEI immigration policy analyst David Bier released this statement on the legislation:

Not only does this bill seek to make immigration reform into a zero-sum game in which each winner must be matched with a loser, it seeks to use the illusion of immigration reform to decrease immigration. Its proponents know there are not enough foreign-born STEM graduates to fill demand for this new visa and have refused to allow unused visas to be reallocated to other categories.

The bill also violates employer privacy by creating an internet list of those who hire these immigrants, making them potential targets for harassment, and it undermines immigrant self-sufficiency by barring spouses of legal residents from work while they wait for green cards.

This bill sets a dangerous precedent that conservative reform means eliminating visas for the less-educated to give them to the highly-educated. Truly free market immigration reform should expand visas for both categories of immigrants. The false dichotomy the STEM Jobs Act creates will only make America's immigration system more discriminatory and restrict avenues for legal immigration—which inevitably leads to more of the illegal kind.

Mr. ISSA. Mr. Speaker, I will be placing in the RECORD information from the U.K.'s U.S. Embassy, as current enough actually to include, ''Condolences for Deaths in Benghazi'' on the same page as it says, ''Diversity Visa Fraud'' warning. I also will be including a press release from the Embassy of the United States in Dublin, Ireland, that starts off by saying, ''U.S. Embassy Dublin Issues Caution About Diversity Visa Email Scams,'' and other information, to show the pervasiveness of this fraud.

CONDOLENCES FOR DEATHS IN BENGHAZI

14 September 2012—If you would like to send us an electronic condolence message that we can forward to Washington to be shared with the victims' families, please use this form.

PRESS RELEASE, EMBASSY OF THE UNITED STATES, DUBLIN, IRELAND

U.S. EMBASSY DUBLIN ISSUES CAUTION ABOUT DIVERSITY VISA EMAIL SCAMS

The U.S. Embassy in Dublin advises residents of Ireland about a widespread Diversity Visa (DV lottery) scam and to use caution when working with private entities to apply for visas to the United States. Reports of fraudulent emails, websites, and print advertisements offering visa services are on the rise. UNDER NO CIRCUMSTANCES should anyone send any money to any address for participation in the DV Lottery.

One widespread DV lottery scam email instructs recipients to send money via Western Union to a fictitious person at the U.S. Embassy in London. If you have received this email, you have been targeted by con artists. UNDER NO CIRCUMSTANCES should anyone send any money to any address for participation in the DV Lottery. The Department of State's Kentucky Consular Center (KCC) does not/not send email notifications to DV entrants informing them of their winning entries.

Successful DV–2011 applicants already have been notified by KCC by letter, not by email.

DV–2011 entrants also can check the status of their entries at http://www.dvlottery.state.gov until June 30, 2012. Entrants will not be asked to send money to the KCC or any U.S. embassy or consulate.

Entrants who completed the online DV–2012 entries will not receive notification letters from KCC. Rather, they must check the status of their entries themselves through the Entrant Status Check available at http://www.dvlottery.state.gov between May 1, 2011, and June 30, 2012.

Many private websites offer legitimate services to assist individuals in applying for visas, but some illegitimate entities claim to provide ''visa services'' as a cover for scams or identity theft. Some of these websites may attempt to charge a fee for providing forms and information about immigration procedures that are available to the public at no charge on the Department of State (www.state.gov) and travel.state.gov websites, or through the U.S. Embassy website at dublin.usembassy.gov/.

The only official way to register for the DV program is directly through the official U.S. Department of State website during the specified, limited-time registration period.

The DV program offers up to 55,000 visa slots annually for people who wish to apply for immigration to the United States. Applicants selected in the random drawing are notified by the U.S. Department of State and are provided with instructions on how to proceed to the next step in the process. No other organization or private company is authorized by the U.S. Department of State to notify DV program applicants of their winning entries or the next steps in the process of applying for their immigrant visas. Anyone who wishes to apply for a U.S. visa should use caution before sending via email any personal information such as credit card and bank account numbers.

Images of U.S. emblems such as flags, eagles, monuments, or official seals do not necessarily indicate a U.S. Government website. A domain name of ''.gov'' ensures that a website is a legitimate U.S. Government site where the information is free and up-to-date. Complaints about unwanted emails that may be scams can be sent to the U.S. Department of Justice at www.usdoj.gov/spam.htm.

With that, I yield 3 minutes to the distinguished incoming chairman of the full Committee on Foreign Affairs and a long-time expert on this subject, Mr. ROYCE.

Mr. ROYCE. Mr. Speaker, I rise in support of this STEM Jobs Act. Clearly, the focus on this provision is to try to bring people with skills here to the United States.

Graduates of American universities in science and in technology and engineering and math, these STEM fields, are, frankly, behind many of the innovations, many of the new businesses that are part of our present and future economic growth. If we want to look at jobs, this is where those new patents, those new ideas will come from that help create jobs. So we have talented students from around the world that contribute to the graduate STEM programs of our universities.

We are trying to focus on a way to make sure our immigration system here puts our interests first as a country.

We have the most generous level of legal immigration in the world, but when you think about it, we select only 5 percent of our immigrants based on the skills and education that they bring to America. Clearly, what we're trying to do is to make certain that these foreign graduates of U.S. universities in the STEM fields, because they're in such great demand here, many of them of course end up on years-long green card waiting lists and, as a result, many of them give up and go to work for one of our global competitors. So our focus is: What can we do to accelerate this?

This bill alters our current immigration system to encourage job creation by increasing the proportion of new entrants with high levels of education, with high levels of skills.

We know that skilled immigrants contribute mightily to the rising U.S. standard of living. They bring capital, as I say, they bring new ideas, and they produce new companies here. So, with this bill we can help grow innovation and we can create the jobs in this country. We've got plenty of examples, frankly, in California of IT firms that are founded by immigrants from China and from India that were educated here in our institutions.

This legislation also contains a family reunification provision, which allows graduates' spouses and children to live in the U.S. while waiting for their green card application to be processed.

One of the things that seems pretty clear to me is that, because we roll over the green cards every year for the next 4 years to make sure that they all are used, that, in point of fact, we believe that more of them will be used than under the Diversity lottery where they're not rolled over. So I think it's quite the opposite. I think we, in fact, focus here on exactly the type of skilled immigration that's most likely to create jobs here in the United States.

So I would urge my colleagues to support this bill in order to help our economy grow.

Mr. CONYERS. Mr. Speaker, I'm pleased to yield 30 seconds to the gentlewoman from California (Ms. LOFGREN).

Ms. ZOE LOFGREN of California. I just want to address the fraud warning issue. This is a warning to applicants not to be scammed; it wasn't a warning that there was fraud.

The idea that you would try, as a terrorist, to come in to be in a pool of 20 million people—it's been that high—and be in a lottery that only awards 55,000 is almost as absurd as the ''terror baby'' suggestion of a few years ago.

I would just note that the rollover of visas actually is so restrictive that you only roll over if you apply that year. This will not even cure the backlog. It is a fraud.

Mr. CONYERS. Mr. Speaker, I now yield 5 minutes to a senior member of the House Judiciary Committee, the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. I thank the distinguished gentleman.

I think the difference with my friends on the other side of the aisle is their lack of recollecting that America has always viewed immigration as good. In fact, I heard a very potent story this morning about the restoring of the Statue of Liberty that so many of us as children have had the opportunity to climb to the very top and be reminded of the welcoming of the huddled poor. That's what this debate is all about, Mr. Speaker.

I want to thank the chairman for yielding to me, and I just want to deviate for a moment in this time of economic tension just to remind people that tomorrow is World AIDS Day. I want to congratulate the Thomas Street clinic in my district and remind people that 25 million people have died since 1981. I just wanted to acknowledge those individuals as we begin this very important debate.

We are respectful of immigrants. Even in the Democratic Caucus, and I would imagine in the Conference—my good friend who is now managing had an immigrant history. Yesterday, we elected a son of immigrants to be the vice chair of the Democratic Caucus. He told a very potent story about his grandfather coming here to the United States of America. I can assure you that he did not come with massive degrees, but he built a foundation for his country and for his family.

Now, I am very much in support of the STEM process and premise, which is to give opportunity to those who have studied in our universities, research institutions. Why wouldn't I? Having had children who have had the opportunity to attend some of the best institutions in this country, having had my children meet some of those very students, from Harvard to the University of North Carolina and Duke, I am well aware of the importance of this. But I would raise the question of whether or not we can judge the Diversity visas, where people have come from places like Bangladesh and Uzbekistan, Germany, Ethiopia—one of our strongest allies in Africa—Liberia, with an African woman as President, the first on that continent, South Africa. Or maybe we would choose to ignore our friends in Israel, where Diversity visas were received; or Albania, where we went to war to ensure the integrity and the saving of those people; or Hungary or Iceland or maybe our strong ally Turkey. That's what Diversity visas represent.

There is no reason to borrow from Peter to pay Paul. In fact, if my friends would really pay attention to the recent charge of the November 6 election, they would know that what America needs is comprehensive immigration reform. If I might, in this debate of deficit reduction and the need for increased revenue, we know that if you had comprehensive immigration reform over 10 years, you would introduce into the economy $1.5 trillion. That's a reason to come to the floor right now and vote this bill down and start in the next week and put on the floor the bills that LUIS GUTIERREZ and myself and ZOE LOFGREN and JOHN CONYERS and many others—at one time, Senator MCCAIN wanted to put on the floor of the Senate and the House.

My concern is that we tried to come in a bipartisan manner. I introduced legislation—an amendment, rather—in the markup to say that let's study this issue of fraud with the Diversity visas, or let's assess what it is, because we have evidence that, in fact, the alleged fraud was because of a computer error, not the people who are applying.

□ 0950

Mr. Speaker, 15 million have applied. Only 50,000 have been able to get the Diversity Visa. And of those, some of them are African immigrants, 50 percent of them; but they equal only 1 percent of the legal permanent residents.

This whole question of terrorism just troubles me. I went to the Rules Committee in a spirit of bipartisanship to say, eliminate the provision on Diversity Visas. We can then support you. Keep the underlying premise of this legislation. I even asked that the rollover be extended because there's no evidence that you can get 55,000 in 4 years.

If you are serious about creating jobs—I am serious about creating jobs. My colleagues are serious about creating jobs. But I am disappointed that we would classify the Diversity Visa as bringing in ne'er-do-wells, people we don't want. Because I will tell you that America was built on the ne'er-do-wells—maybe those of us who came as slaves or indentured servants, who came in the late 1800s with not any money in their pocket but who were determined to serve this Nation.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. CONYERS. I yield the gentlelady 1 additional minute.

Ms. JACKSON LEE of Texas. I thank the gentleman.

I recall the story of my colleague whose grandfather served in World War I. As soon as he got here, he was willing to shed his blood for this country.

I am on the Homeland Security Committee, Mr. Speaker. I would not want to jeopardize one inch of this Nation's security; but I can assure you, if we look to 9/11, there was no one there with a Diversity Visa. The terrorists had student visas, and they were overstays.

Former Congressman Bruce Morrison, who introduced this, said that Diversity Visas are at the heart of the definition of America. And as my friend and colleague from California, Congresswoman LOFGREN said, Who that was a terrorist would want to stand in line and provide all of the information that they needed to provide to get a Diversity Visa?

I will enter into the RECORD a letter from the Archbishop of Los Angeles, the chairman of the U.S. Conference of Catholic Bishops Committee on Migration, who absolutely opposes H.R. 6429, a church that believes in the Beatitudes, as we all do.

COMMITTEE ON MIGRATION C/O MIGRATION AND REFUGEE SERVICES, USCCB,

Washington DC, November 28, 2012.

U.S. HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: On behalf of the U.S. Conference of Catholic Bishops (USCCB), I write to oppose H.R. 6429, legislation that would eliminate the existing Diversity Visa program and its 55,000 permanent immigration visas in order to provide visas to foreign graduates of American universities with expertise in science, technology, engineering, and mathematics (STEM).

To be clear, USCCB is not opposed to an increase in STEM visas. We prefer to see Congress authorize additional visas for this purpose, however, rather than eliminate existing immigrant visa programs. Our nation should not limit itself in attracting newcomers who can help contribute to our economic and cultural growth. And it certainly should not eliminate the Diversity Visa program, which is one of the few avenues available for many would-be immigrants from some African and European countries to immigrate to the United States.

While we appreciate the spirit of an unrelated provision in the bill that would permit some beneficiaries of family-based immigration petitioners to live in the United States while awaiting their priority dates, we believe that persons granted such a status should also be granted work authorization, as has been done in the past, so they can support themselves during this period.

H.R. 6429 falls well short of what is needed to repair our flawed immigration system. Indeed, we believe it would represent a setback compared to current law in that, for the first time in more than a generation, it would eliminate a category of legal immigration. We look forward to working with you and your colleagues in the House of Representatives to achieve comprehensive immigration reform in the near future.

Thank you for your consideration of our views.

Sincerely,

MOST REVEREND JOSÉ H. GOMEZ,
Archbishop of Los Angeles, Chairman,
USCCB Committee on Migration.

The SPEAKER pro tempore. The time of the gentlewoman has again expired.

Mr. CONYERS. I yield the gentlewoman 30 additional seconds.

Ms. JACKSON LEE of Texas. I can only say, the Catholic Church does not want terrorists to roam this Nation.

And if we look closely at this allegation of fraud, we will find computer error. We will find that with the decades of Diversity Visas, as they were introduced with Bruce Morrison, we will find that this is not the cause of any cancer of terrorism. If we go into our hearts, we will know that Diversity Visas reflect the language written so eloquently by the poet for the Statue of Liberty and that is: ''Give me your tired, your poor.'' Those are the great Americans.

And I can assure you that in my constituency, Mr. Speaker, the diverse 18th Congressional District in the city of Houston, they reflect what America is. They are building the jobs.

I ask my colleagues to oppose this, and let us get back to the drawing board for a conference on immigration reform.

Mr. Speaker, I rise today to oppose H. Res. 821 the Rule providing for the consideration of H.R. 6429 ''STEM Jobs Act,'' an ill-conceived bill that eliminates the Diversity Immigration Visa Program in order to increase the amount of visas available for STEM applicants.

As a senior Member of the Judiciary Committee I have long advocated for the Diversity Immigration Visa program. Earlier this year, during a Judiciary Committee mark up of a bill which was also designed to kill the Diversity program, I offered an amendment that directed the Secretaries of Homeland Security and State to report to Congress on steps that could be taken to further eliminate fraud and security risks in the Diversity Visa program. Rather than vote to fix the program and defend legal immigration and diversity in our immigrant pool, every Republican on the Committee who was present voted down the amendment.

On Wednesday, I once again offered amendments in Rules Committee to protect the Diversity Visa Program, and once again the Republican majority on the Committee voted against it.

Nearly 15 million people, representing about 20 million with family members included, registered late last year for the 2012 Diversity Visa Program under which only 50,000 visa winners were to be selected via random selection process.

Each year, diversity visa winners make up about 4 percent of all Legal Permanent Resident, LPR, admissions.

Unlike every other visa program, its express purpose is to help us develop a racially, ethnically, and culturally-diverse population. It serves a unique purpose and it works. In recent years, African immigrants have comprised about 50 percent of the DV program's beneficiaries, however only 1 percent of legal permanent residents recipients.

Diversity Visa immigrants succeed and contribute to the U.S. economy. According to the Congressional Research Service, in FY 2009 Diversity Visa immigrants were 2.5 times more likely to report managerial and professional occupations than all other lawful permanent residents.

The Diversity Visa program promotes respect for U.S. immigration laws. It reduces incentives for illegal immigration by encouraging prospective immigrants to wait until they win a visa, as opposed to attempting to enter without permission.

CHANCE FOR THE AMERICAN DREAM

the Diversity Visa sustains the American Dream in parts of the world where it represents the only realistic opportunity for immigrating to the U.S.

Former Rep. Bruce Morrison—one of the architects of the Diversity Visa—testified in 2005 that the program advances a principle that is ''at the heart of the definition of America;'' the principle that ''all nationalities are welcome.''

Ambassador Johnny Young, Executive Director of Migration and Refugee Services, U.S. Conference of Catholic Bishops, testified at a 2011 Judiciary Committee hearing: ''The Program engenders hope abroad for those that are all too often without it—hope for a better life, hope for reunification with family in the United States, and hope for a chance to use their God-given skills and talents.''

NO SIGNIFCANT EVIDENCE OF A SECURITY RISK

No substantive evidence has been given that the Diversity Program poses a significant risk to our national security. There are organizations like Numbers USA who are not just advocating against illegal immigration but also wish to place caps on or decrease legal immigration as well.

As former Congressman Bruce Morrison testified in 2005: ''[I]t is absurd to think that a lottery would be the vehicle of choice for terrorists.'' 12 to 20 million people enter the Diversity Visa lottery each year and no more than 50,000 visas are available.

In 2007, GAO ''found no documented evidence that DV immigrants . . . posed a terrorist or other threat.''

Diversity Visa recipients go through the same immigration, criminal, and national security background checks that all people applying for Lawful Permanent Residence undergo. They also are interviewed by State Department and Department of Homeland Security personnel.

FRAUD

Since the State Department OIG first raised concerns about fraud in 1993, significant changes have been made. In 2004, State implemented an electronic registration system. This allows State to use facial and name recognition software to identify duplicate applications and to share date with intelligence and law enforcement agencies for necessary immigration and security checks.

In 2012 there was an incident where 20,000 people were erroneously notified that they were finalists in the Diversity program. They would have the opportunity to enter the lottery. The OIG investigated and found this was due to a computer error. There was no evidence of intentional fraud, as a safety precaution and because of the principle of fairness the State Department did the lottery again.

The Diversity Visa program has led the way in applying cutting edge technology to reduce fraud and increase security. The program was one of the first in the government to use facial recognition software to analyze digital photographs.

I join the vast majority of my Democratic colleagues in supporting an expansion of the STEM program. H.R. 6429 attempt to increase the STEM Visa program is an admirable one; however, I firmly believe it should not come at the expense of the Diversity Immigration Visa Program and should include a broader range of institutions.

America's ability to extend its arms and welcome immigrants is more than a cultural tradition; it is a fundamental promise of our democracy. The Diversity Immigration Visa Program is designed to give a very small diverse percentage of immigrants the opportunity to attain a green card and live the American dream. It's a popular program, it's a successful program and it reflects core American values of inclusion and opportunity.

DIVERSITY VISA PROGRAM (DV–2012)—SELECTED ENTRANTS

The Kentucky Consular Center in Williamsburg, Kentucky has registered and notified the winners of the DV–2012 diversity lottery. The diversity lottery was conducted under the terms of section 203(c) of the Immigration and Nationality Act and makes available *50,000 permanent resident visas annually to persons from countries with low rates of immigration to the United States. Approximately 100,021 applicants have been registered and notified and may now make an application for an immigrant visa. Since it is likely that some of the first *50,000 persons registered will not pursue their cases to visa issuance, this larger figure should insure that all DV–2012 numbers will be used during fiscal year 2012 (October 1, 2011 until September 30, 2012).

Applicants registered for the DV–2012 program were selected at random from 14,768,658 qualified entries (19,672,268 with derivatives) received during the 30-day application period that ran from noon on October 5, 2010, until noon, November 3, 2010. The visas have been apportioned among six geographic regions with a maximum of seven percent available to persons born in any single country. During the visa interview, principal applicants must provide proof of a high school education or its equivalent, or show two years of work experience in an occupation that requires at least two years of training or experience within the past five years. Those selected will need to act on their immigrant visa applications quickly. Applicants should follow the instructions in their notification letter and must fully complete the information requested.

Registrants living legally in the United States who wish to apply for adjustment of their status must contact U.S. Citizenship and Immigration Services for information on the requirements and procedures. Once the total *50,000 visa numbers have been used, the program for fiscal year 2012 will end. Selected applicants who do not receive visas by September 30, 2012 will derive no further benefit from their DV–2012 registration. Similarly, spouses and children accompanying or following to join DV–2012 principal applicants are only entitled to derivative diversity visa status until September 30, 2012.

Only participants in the DV–2012 program who were selected for further processing have been notified. Those who have not received notification were not selected. They may try for the upcoming DV–2013 lottery if they wish. The dates for the registration period for the DV–2013 lottery program are expected to be widely publicized at some point during the coming months.

*The Nicaraguan and Central American Relief Act (NACARA) passed by Congress in November 1997 stipulated that up to 5,000 of the 55,000 annually-allocated diversity visas be made available for use under the NACARA program. The reduction of the limit of available visas to 50,000 began with DV–2000.

The following is the statistical breakdown by country of chargeability of those selected for the DV–2012 program.

DIVERSITY 2012

AFRICA	
ALGERIA	1,799
ANGOLA	42
BENIN	511
BOTSWANA	7
BURKINA FASO	226
BURUNDI	56
CAMEROON	3,374
CAPE VERDE	9
CENTRAL AFRICAN REP.	3
CHAD	33
COMOROS	9
CONGO	105
CONGO, DEMOCRATIC REPUBLIC OF THE	3,445
COTE D'IVOIRE	553
DJIBOUTI	38
EGYPT	4,664
EQUATORIAL GUINEA	4
ERITREA	670
ETHIOPIA	4,902
GABON	48
GAMBIA, THE	113
GHANA	5,832
GUINEA	899
GUINEA-BISSAU	3
KENYA	4,720

DIVERSITY 2012—Continued

LESOTHO	8
LIBERIA	2,101
LIBYA	136
MADAGASCAR	17
MALAWI	16
MALI	76
MAURITANIA	29
MAURITIUS	59
MOROCCO	1,890
MOZAMBIQUE	13
NAMIBIA	10
NIGER	32
NIGERIA	6,024
RWANDA	333
SAO TOME AND PRINCIPE	0
SENEGAL	270
SEYCHELLES	6
SIERRA LEONE	3,397
SOMALIA	175
SOUTH AFRICA	833
SUDAN	757
SWAZILAND	0
TANZANIA	175
TOGO	845
TUNISIA	113
UGANDA	418
ZAMBIA	79
ZIMBABWE	123
ASIA	
AFGHANISTAN	109
BAHRAIN	29
BANGLADESH	2,373
BHUTAN	5
BRUNEI	0
BURMA	370
CAMBODIA	596
HONG KONG SPECIAL ADMIN. REGION	54
INDONESIA	256
IRAN	4,453
IRAQ	153
ISRAEL	175
JAPAN	435
JORDAN	152
NORTH KOREA	0
KUWAIT	108
LAOS	1
LEBANON	274
MALAYSIA	118
MALDIVES	0
MONGOLIA	209
NEPAL	3,258
OMAN	11
QATAR	19
SAUDI ARABIA	217
SINGAPORE	45
SRI LANKA	708
SYRIA	160
TAIWAN	391
THAILAND	73
TIMOR-LESTE	9
UNITED ARAB EMIRATES	92
YEMEN	149
EUROPE	
ALBANIA	1,508
ANDORRA	1
ARMENIA	998
AUSTRIA	130
AZERBAIJAN	304
BELARUS	493
BELGIUM	105
BOSNIA & HERZEGOVINA	83
BULGARIA	883
CROATIA	107
CYPRUS	26
CZECH REPUBLIC	104
DENMARK	73
ESTONIA	49
FINLAND	91
FRANCE	574
French Polynesia	7
New Caledonia	1
GEORGIA	620
GERMANY	1,709
GREECE	105
HUNGARY	325
ICELAND	56
IRELAND	213
ITALY	529
KAZAKHSTAN	434
KOSOVO	137
KYRGYZSTAN	321
LATVIA	83
LIECHTENSTEIN	0
LITHUANIA	258

DIVERSITY 2012—Continued

LUXEMBOURG	8
MACEDONIA	160
MALTA	20
MOLDOVA	1,238
MONACO	3
MONTENEGRO	18
NETHERLANDS	149
Aruba	4
Curacao	19
St. Maarten	2
NORTHERN IRELAND	59
NORWAY	84
PORTUGAL	66
Macau	19
ROMANIA	1,327
RUSSIA	2,353
SAN MARINO	1
SERBIA	298
SLOVAKIA	80
SLOVENIA	16
SPAIN	232
SWEDEN	200
SWITZERLAND	229
TAJIKISTAN	270
TURKEY	3,077
TURKMENISTAN	143
UKRAINE	5,799
UZBEKISTAN	4,800
VATICAN CITY	0
NORTH AMERICA	
BAHAMAS, THE	15
OCEANIA	
AUSTRALIA	900
Christmas Island	3
Cocos Islands	1
FIJI	628
KIRIBATI	14
MARSHALL ISLANDS	4
MICRONESIA, FEDERATED STATES OF	2
NAURU	5
NEW ZEALAND	309
Cook Islands	6
Niue	14
PALAU	5
PAPUA NEW GUINEA	0
SAMOA	0
SOLOMON ISLANDS	0
TONGA	93
TUVALU	0
VANUATU	8
WESTERN SAMOA	9
SOUTH AMERICA, CENTRAL AMERICA, AND THE CARIBBEAN	
ANTIGUA AND BARBUDA	9
ARGENTINA	101
BARBADOS	25
BELIZE	9
BOLIVIA	84
CHILE	43
COSTA RICA	43
CUBA	292
DOMINICA	18
GRENADA	24
GUYANA	26
HONDURAS	80
NICARAGUA	49
PANAMA	21
PARAGUAY	17
SAINT KITTS AND NEVIS	7
SAINT LUCIA	4
SAINT VINCENT AND THE GRENADINES	16
SURINAME	15
TRINIDAD AND TOBAGO	175
URUGUAY	19
VENEZUELA	925

Natives of the following countries were not eligible to participate in DV–2012: Brazil, Canada, China (mainland-born, excluding Hong Kong S.A.R. and Taiwan), Colombia, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, India, Jamaica, Mexico, Pakistan, Peru, the Philippines, Poland, South Korea, United Kingdom (except Northern Ireland) and its dependent territories, and Vietnam.

Mr. ISSA. Mr. Speaker, correcting the record appears to be important here. So I want to note that earlier, the minority said that there was no GAO study. Well, I beg to differ. A September 2012 report to Congress entitled ''Border Security,'' on its request, on page 19:

Because the program does not require a U.S.-based petitioner, it is particularly susceptible to fraud. Diversity Visa fraud is rampant in parts of South Asia, Africa, and Eastern Europe, and is particularly acute in areas where few individuals have independent access to the Internet.

U.S. GOVERNMENT ACCOUNTABILITY OFFICE

REPORT TO CONGRESSIONAL REQUESTERS, SEPTEMBER 2012

BORDER SECURITY

STATE COULD ENHANCE VISA FRAUD PREVENTION BY STRATEGICALLY USING RESOURCES AND TRAINING

Diversity Visas: The Diversity Visa Program was established through the Immigration Act of 1990 and provides up to 55,000 immigrant visas annually to aliens from countries with low rates of immigration to the United States. Aliens register for the diversity visa lottery for free online and applicants are randomly selected for interviews through a lottery process. Upon being selected, a winner must apply for a visa, be interviewed, and be found eligible for the diversity visa. All countries are eligible for the Diversity Visa Program except those from which more than 50,000 immigrants have come to the United States over the preceding 5 years. In 2011, approximately 16.5 million people applied for the program and about 107,000 (7 percent) were selected for further processing. Of those selected, 75,000 were interviewed at posts for a diversity visa, and approximately 50,000 received visas. Because the program does not require a U.S.-based petitioner, it is particularly susceptible to fraud. Diversity visa fraud is rampant in parts of South Asia, Africa, and Eastern Europe, and is particularly acute in areas where few individuals have independent access to the Internet. A typical scenario includes visa facilitators, travel agents, or Internet café operators who help would-be applicants submit an entry for a fee. Many of these facilitators withhold the confirmation information that the entrant must use to retrieve his or her selection status. To access the lottery notification, the facilitators may require winning applicants to either pay an additional exorbitant fee or agree to enter into a marriage with another of the facilitator's paying clients solely for the purpose of extending immigration benefits.

The gentlelady from Houston mentioned in depth the question of diversity. Mr. Speaker, 55,000—and perhaps more in the future—STEM graduates will bring diversity of employment. The highest levels of unemployment in America are in the African American community and other minority communities. That's the diversity we need to work on. The diversity of unemployment needs to be turned around. That's what the STEM bill is about, helping employ Americans.

I now yield 4 minutes to the gentleman from Florida (Mr. DIAZ-BALART), one of the hardest working and most distinguished Members when it comes to immigration reform.

Mr. DIAZ-BALART. Mr. Speaker, let me first thank the gentleman from California (Mr. ISSA), and I applaud the Republican leadership for bringing this important bill to the floor.

I think it's important that we bring down the decibels and that we talk about facts. This is an issue where passions are very high, but I think it's important to bring down the decibels a little bit and speak about some of the facts.

Look, we know that America is home to some of the best universities on the planet; and because of that, people from around the world, students from around the world, young people from around the world come to study in our universities. Then, unfortunately, when they're done, we, in essence, show them the door out; and they have to leave the country. And they leave the country then and become the best, the toughest competitors to American enterprise. They create jobs elsewhere—not in the United States. Talking about outsourcing, this is the mother of all outsourcing.

So what does this bill do? It tries to solve that issue. It tries to keep those individuals here. Those are the facts. Now, I would like to see a large number of that. And I think all of us should be talking about maybe we can expand those numbers. And that, I think, would be a wonderful debate to have.

Now, not only does this bill do that, but it also promotes a smarter immigration system that helps maintain our competitive edge, and it also helps keep families together. Ensuring that spouses and minor children remain together is simply the right thing to do; is it not? Is that not something that is a compassionate principle of the vast majority of the Members of the House, keeping families together? Of course it is. This bill helps to do that.

Mr. Speaker, we've heard a lot of blame on this issue on the floor today and, frankly, for years. And on immigration reform. And everybody knows my position on immigration reform.

It has been talked about for years with a lot of inflammatory rhetoric. And I will tell you, from Republicans and Democrats alike, the reality is that both sides are to blame for the broken immigration system that we currently have; and both sides need to come together—finally lowering the rhetoric—to find lasting, permanent solutions.

This bill is an important step in the right direction. It helps address and fix a very important part of the broken immigration system. It does not, Mr. Speaker, solve all the problems. It is not the panacea. It does not solve all the problems, but it takes a huge step in an area that we've been talking about in the House here for years—and both Republicans and Democrats have failed to deal with. This bill deals with that important part. So I'm glad this legislation is finally being considered by this body.

I commend the House leadership for their commitment to this issue. And I look forward, Mr. Speaker, to continuing to bring other issues, other issues to fix our grossly broken immigration system that is broken from A to Z. I look forward to bringing other issues; but in order to do so, Mr. Speaker, we need to lower the decibels. We need to talk about the facts.

The American people want us to finally fix this issue. They want us to come up with real solutions. As I mentioned before, nobody's claiming that this fixes everything; but it's a step in the right direction. It fixes a part of the problem.

I look forward to working with my colleagues on the Democratic side and my Republican colleagues on other such fixes. But I commend this House. I commend Mr. ISSA. I commend the Republican leadership for taking an important step forward.

Mr. CONYERS. Mr. Speaker, no one's worked harder on this issue than Mr. GUTIERREZ, the gentleman from Illinois; and I am pleased to yield him 3 minutes.

Mr. GUTIERREZ. I thank the gentleman from Michigan.

We've heard about how important STEM visas are. And we don't want to debate the point; they're important. That's why when we have the real immigration debate, the debate that will result in the signature of the President, the debate that starts in January when Congress is sworn in, that's why we will have STEM visas in that bill.

So everyone agrees STEM visas are important; and if you didn't know this before the last election, I hope you know it now. The American people want us to fix our immigration system.

But the more important message I got from the election is that American people say that we can solve the immigration issue if Republicans and Democrats work together, put aside bitterness, come to the table in an honest manner. It's not enough to talk about lowering the rhetoric. If we do it in an honest manner, a transparent manner, we can solve the tough problems of immigration and put it at the top of our list.

□ 1000

We need to approach immigration as a faucet of America's past, present, and future, and solve the problems we have with our current immigration mess like adults: honestly and openly and in a bipartisan manner. We need to stop scoring cheap political points and playing games with immigration and start working together, not bringing bills without ever discussing and negotiating with the other side of the aisle. That's not the way to be comprehensive. This is why it is so disappointing that the majority has decided to undermine an area of bipartisan agreement on STEM visas by loading up the measure with provisions that are a slap in the face to the core values and the rich tradition of immigrants to the United States of America.

If you support this bill, you're saying that one group of immigrants is better than another, that one type of educated, degree-holding person and their work is more important than others. In order to give visas to those with Ph.D.s and master's degrees, Republicans make two demands. First, we take away visas and the only means of legal immigration from 50,000 people who may not have Ph.D.s and master's degrees. Talk about picking winners and losers. My dad, if he had been an immigrant from Ireland or Nigeria or Taiwan, would have been told, No, America is not for you under this bill, Mr. GUTIERREZ. It's like when they used to hang up signs in America saying, ''Help wanted. Irish need not apply.'' They were part of the diversity program today that they want to kill.

The second thing this bill requires is that we treat the families of those with Ph.D.s and master's degrees differently than we treat the families of those who don't have doctorates. If you have a master's or a Ph.D., we say, Please, come to America. Bring your wife, bring your husband, bring your kids. We'll give them all permission to work. Automatic work permits for spouses, no waiting for STEM-degree holders. But if you don't have a Ph.D. or a master's degree, we're going to take away your wife's ability to work legally. We may let her in 6 months earlier, but—

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CONYERS. I yield 30 seconds to the gentleman from Illinois.

Mr. GUTIERREZ. It's as though they said to my father, Let's check your education record, Mr. GUTIERREZ. Oh, no doctor before your name, no fancy initials, Mr. GUTIERREZ, after your name? Well, Mr. GUTIERREZ, you and the kids stay home. You can't work.

That is not America. There was no special line for Ph.D. and master's degree holders on Ellis Island. There was no asterisks on the Statue of Liberty that said IQ must be there in a higher standard. They are saying my father—and I resent it—was too stupid to make it, but he put two kids through college, and one in the House of Representatives.

Mr. ISSA. Mr. Speaker, I might note for the gentleman that, in fact, there are more than 12,000 African students studying in STEM fields here in the United States at the advanced level, and almost 1,500 Nigerian-specific students alone getting graduate-level degrees in STEM fields in America at this time.

With that, I yield 1 minute to the gentleman from Iowa, a member of the Immigration Subcommittee, Mr. KING.

Mr. KING of Iowa. I thank the gentleman from California for yielding to me.

I point out, Mr. Speaker, that I have served on the Immigration Subcommittee for 10 years. In that period of time, I've sat in on dozens and scores and perhaps hundreds of hearings during that period of time, and gathered information and a knowledge base on these issues.

I walked into this issue as a freshman Member of Congress 10 years ago with this statement: the immigration policy that we have in this country needs to be designed to enhance the economic, the social, and the cultural well-being of the United States of America. In fact, every country's immigration policy should fit that standard.

We can have debates about the definitions of those three words that are part of that direction, but what's going on here is eliminating a really foolish policy that we've had, and I have long been for the repeal of the Diversity Visa lottery program, and I have long been for setting up a system so that we can promote the economic, social, and cultural well-being of the United States through our policies.

In some of the information in hearings, we only control with our immigration policy—depending on whose numbers you want to look at—between 7 percent and 11 percent of the legal immigrants coming into this country on merit.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ISSA. I yield the gentleman an additional 15 seconds.

Mr. KING of Iowa. I thank the gentleman.

We only control between 7 percent and 11 percent of the legal immigration into this country on merit. The rest of that doesn't have anything to do with merit and how they contribute to the U.S. This bill does do that.

I support H.R. 6429, and I urge my colleagues to vote in favor of it.

Mr. CONYERS. Mr. Speaker, I'm pleased to yield 3 minutes to the gentleman from New York, who's worked on this issue, Congressman JOSE SERRANO.

Mr. SERRANO. I thank the gentleman.

Let's understand what is happening here today. This bill doesn't increase available visas. It merely transfers them from one program to another. But it eliminates a Diversity Visa program that allows people from all over the world to come here.

Sometimes I wish I could be not only a member of this party, but an adviser to that party, to tell them that they miss opportunities. Here they have the first immigration statement that they can make after the people spoke November 6. What do they do? They destroy a great program—because they just can't help themselves.

What we need is not a piecemeal approach. What we need is not to say that we will only take certain people with college degrees and with ''doctor'' in front of their names and the rest we will reduce those visas. No. What we need is to say that we have an immigration issue in this country. We have 11 million people who are in this country, who want to stay in this country, and who do a lot for this country. Rather than be dealing with this approach today, we should seriously be speaking about comprehensive immigration reform.

To say to those 11 million people, we understand who you are, and we're going to help you to speak English; we understand who you are, and we're going to make sure you pay your taxes; we're going to make sure that you're applying to be a part of this country and you haven't broken the law. But if you came here to work and if you came here with children and if you came here with your parents a long time ago, we want you to stay. That was clear.

If there was any analysis that came from November 6, it is that the American people want comprehensive immigration reform. That is what we need to do, not a piecemeal approach that pits one group of people against the other. If this is an indication of what's coming as people evolve on the issue, as we're hearing on the talk shows, that they're evolving on the issue of immigration, if this is evolving, we're in deep trouble again.

Mr. ISSA. Mr. Speaker, it is now my honor to yield 1 minute to my distinguished colleague from the State of Virginia, the majority leader of the House, and a strong advocate for this and other immigration reform, Mr. CANTOR.

Mr. CANTOR. Mr. Speaker, I thank the gentleman from California.

Mr. Speaker, we all agree that getting our economy moving again needs to be our top priority, but jobs will not take off until American businesses have the workers they need to drive innovation and growth.

The immigrants who come to this country for school and for work have always been key players in driving our Nation's economy. Unfortunately, current immigration policies are preventing American businesses from hiring foreign students who earn advanced degrees in science, technology, engineering, and math from our best universities.

From growing startups to U.S. multinationals, American employers are desperate for qualified STEM workers, no matter where they're from. Microsoft, for example, has over 6,000 job openings waiting to be filled by scientists, researchers, engineers, and developers. For now, these openings and many others will remain vacant because too few American students are graduating with STEM degrees, and foreign STEM graduates can't get the visas they need.

Every year, the U.S. invests in educating thousands of foreign students in STEM fields at our top universities only to send them back to compete against us. Chairman LAMAR SMITH, along with Congressman RAUL LABRADOR, Congressman BOB GOODLATTE, and, of course, the chairman from California, Mr. ISSA, have all been working on this, and we've now put forward the measure before us to spur job creation by providing a pathway for American-educated foreign graduates with advanced STEM degrees to work here and contribute to our economy.

□ 1010

This bill also keeps immigrant families together by letting the husbands, wives, and minor children of immigrant workers wait in the U.S. with their families for their green cards.

The STEM Jobs Act reallocates existing visas currently distributed through a random lottery and directs them, instead, to the highly skilled foreign graduates of U.S. universities who have enormous potential to help grow our economy, which is our top priority.

The Partnership for a New American Economy found that every immigrant with an advanced STEM degree, working for a U.S. company, creates about three new American jobs, and one-quarter of all STEM-focused companies in the U.S. count at least one immigrant as a founder. At American multinationals like Qualcomm, Merck, GE, and Cisco, immigrants filed up to 72 percent of the patents filed, giving those businesses a competitive edge and helping them expand and create jobs here at home. Our commitment to foreign STEM graduates is a commitment to American job creation.

Foreign students are drawn to our shores by our world-class universities, and they want to stay because they know, in America, there is immense opportunity. We need to bet on the students who bet on America. We are a Nation that was built by people who risked everything for the promise of opportunity, and we must continue to be that Nation. We must make sure that U.S. companies can hire the top foreign talent we are educating instead of sending those graduates into a bureaucratic maze—or worse, to our competitors.

This is a commonsense solution that should have bipartisan support. Let's pass the STEM Jobs Act to make sure diplomas come with green cards, not with a spot on a government waiting list.

Mr. CONYERS. I yield 3 minutes to a member of the Judiciary Committee, the distinguished gentleman from Georgia (Mr. JOHNSON).

Mr. JOHNSON of Georgia. Deeply embedded in this legislation is a poison pill, and for that reason and others, I rise in opposition to H.R. 6429. It eliminates the Diversity Immigrant Visa program while failing to address the broader problems of the immigration system.

Highly skilled immigrants contribute much to the U.S. economy through new businesses and jobs. Indeed, STEM visas should be the cornerstone of a 21st century immigration system that meets our economic needs; but the STEM Jobs Act unnecessarily eliminates the Diversity Immigrant Visa program, which provides 55,000 visas annually to immigrants who are underrepresented in the U.S. immigration system.

Because roughly half of these immigrants are blacks from Africa, eliminating these visas disproportionately affects them. African immigrants are also disadvantaged by a system that perpetuates their exclusion. For instance, Africans are unable to take advantage of immigrant visas issued in the family preference category because few Africans have existing family ties in the United States. Eliminating the Diversity Visa program harms America's diversity, which is both important and necessary.

It is alarming that Republican supporters of this bill view immigration as a zero-sum game in which we can only grant STEM visas by eliminating Diversity visas. That is racist—if not in its intent, then certainly in its effect. Republicans just received historically low votes from minorities in the past election, yet they want to create an immigration system that gives visas with one hand while taking visas away from minorities with the other. H.R. 6429 fixes one problem while creating others, undermining a program that is critical to our Nation's diversity. It is a Trojan horse, and the ugly head of racism will rear its ugly head if this Trojan horse, H.R. 6429, becomes law.

What America needs is an immigration system that creates opportunities for new Americans, unites families, and provides for a robust system for enforcement. Because this bill fails to address these larger challenges while eliminating an important program for enhancing diversity, I plan to vote against it, and I urge my colleagues to do the same.

Mr. ISSA. Mr. Speaker, I would inquire if the gentleman's statement about the ugly head of racism was in reference to those of us who authored this bill.

The SPEAKER pro tempore. The Chair will not render an advisory opinion regarding the meaning of words spoken in debate.

Mr. JOHNSON of Georgia. Will the gentleman yield?

Mr. ISSA. I yield the gentleman 10 seconds.

Mr. JOHNSON of Georgia. I am not accusing anybody of racism. I don't know what is in the heads of those who support this bill, but if it's not racist in its intent, it's certainly racist in its effect.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ISSA. Mr. Speaker, I yield myself such time as I may consume.

As I previously said, more than 12,000 African citizens will be eligible under this today, and more than 1,500 Nigerian citizens will be eligible under this today. Out of 1 million people who get to come to this country today, it's amazing that a program so fraught with fraud and recognized for fraud would somehow not be the logical place to expand the merit-based opportunity.

Mr. Speaker, as a point of personal privilege, I must tell you that I went to college with a lot of people from around the world. They were very diverse, and the grad students were very diverse. I am personally insulted that anyone would use even loosely the term ''racism'' as part of a statement related to merit-based advanced degrees.

I've been at university graduations. The people graduating and walking across the aisle are extremely diverse, and I believe the gentleman needs to go to a few college graduations and see master's and Ph.D. candidates if he is going to refer to this in any way as racist.

With that, I yield 2 minutes to the distinguished gentleman from Pennsylvania (Mr. FITZPATRICK).

Mr. FITZPATRICK. I thank the gentleman.

Mr. Speaker, I rise in support of this legislation, the STEM Jobs Act. This is a bill which will provide much-needed employment-based immigration reform and which will help position our economy for success in the 21st century.

The STEM fields of science, technology, engineering, and math must be encouraged in our own schools as well as in the new populations of innovators who want to participate in our economy. These high-tech jobs help support many middle class communities, which are the bedrock of the American economy, including the communities of Bucks County, Pennsylvania, from which I hail.

While we continue to encourage STEM education here at home and while still protecting American workers, we must also welcome those who earned advanced degrees in a STEM field from an American university and who want to become part of our economy. This is exactly what the STEM Jobs Act accomplishes.

As we engage these high-tech innovators in our economy, the STEM Jobs Act also rightly recognizes the need to support and to prioritize families. The pro-family expansion of the V Nonimmigrant Visa program within this bill is an important element of a fair immigration system.

The STEM Jobs Act appropriately prioritizes jobs and families. It's a very good bill. It's a fair bill for the 21st century. I encourage my colleagues to support it.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 30 seconds to the gentlelady from California (Ms. ZOE LOFGREN).

Ms. ZOE LOFGREN of California. I thank the gentleman for yielding.

I think it's important that we have the facts from the National Science Foundation on immigration from Africa.

According to NSF, there are about 13,000 students from Africa. The vast majority of them are bachelor's degree candidates who are not eligible for visas under this bill, and the vast majority of those in graduate school are not in STEM fields. Again, they're not eligible for visas under this bill.

Mr. ISSA. I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Virginia (Mr. CONNOLLY).

□ 1020

Mr. CONNOLLY of Virginia. Mr. Speaker, I thank my colleague, my friend from Michigan.

Mr. Speaker, this is the second time this bill has been brought before this House for consideration, so it's clear my Republican friends recognize the urgency for expanding the number of visas for high-skilled workers, particularly students with STEM graduate degrees—a worthy goal.

Yet rather than simply increase the number of visas, my Republican colleagues once again are presenting us with a false choice. Just like the previous bill, which failed, this one deceptively expands the number of STEM visas, but only at the expense of the successful Diversity Visa program, which has been the primary pathway used by generations of immigrants in American history.

This bill not only eliminates that program, but it would also reduce the total number of available visas by preventing unused slots from rolling over to be transferred to another visa program. That just shows my colleagues still haven't gotten it from the recent election in which immigrants and minorities played a growing role, and it casts doubt on whether we're going to be able to come together to achieve meaningful immigration reform, frankly, with that attitude.

The business community, particularly the high-tech employers in my district in northern Virginia, they get it about the need to expand the STEM program. But here again, this bill fails the reasonability test by creating a new process in which employers have to file an application with the State or Federal Government to certify that issuing that STEM visa is in the national interest. Talk about unnecessary regulation. And now the manager's amendment delays implementation of the bill by a year. We already know the economic benefits of expanding the high-skilled visa pool, and employers have said we can't afford to wait any longer.

Mr. Speaker, this does not have to be a zero-sum game. If my Republican colleagues truly want to help our employers and our economy, we could bring up a clean version of this bill, one for example which was introduced by the gentlewoman from California (Ms. ZOE LOFGREN). Or we could bring up another bipartisan bill, the Startup 2.0 Act, which I am proud to cosponsor with our colleague, MICHAEL GRIMM of New York. That would not only expand the number of visas for STEM graduates, but also those entrepreneurs looking to start up a business and create jobs right here in America.

Here is an opportunity for us to fulfill the mandate from the election and actually compromise on something that will benefit the economy. This bill, sadly, does not meet that test.

Mr. ISSA. Mr. Speaker, the truth is persistent. According to DHS, where they study student tracking, this is their source, not mine, I will read verbatim once again for the gentlelady from California: There are more than 12,000 African students studying in STEM fields in the United States.

Of course, some currently could be undergraduate.

Almost 1,500 Nigerian students alone are getting a graduate-level education in STEM fields.

Yes, this bill will encourage those able to go on and get graduate degrees in STEM fields to do so because, yes, that's going to give them an opportunity. But don't we want the best and the brightest? Isn't that the goal? Isn't job creation the goal?

With that, I yield 3 minutes to the gentleman from Arkansas (Mr. GRIFFIN).

Mr. GRIFFIN of Arkansas. Mr. Speaker, I thank the chairman. I rise today in support of the STEM Jobs Act, and I thank Chairman SMITH for his leadership as chairman of the Judiciary Committee.

This is a critical piece of legislation that narrowly failed to pass when the House considered it in September, and I'm very pleased that we're considering it again here today.

Over the past few weeks when I was back in my district, the job creators in central Arkansas that I spoke with emphasized the need to once again bring this bill up, and I want to share a little bit about those conversations.

First of all, Welspun Tubular is in my district. It made the pipe for the Keystone XL pipeline. They need advanced STEM graduates to train workers.

Power Technology is a company that needs highly skilled workers to design, develop, and manufacture laser products. They say that they need this bill passed.

These companies have struggled to find the specific talent they need, and this bill would help them create jobs. This is a jobs bill. I want to emphasize that this bill will not take away from American jobs. These STEM visas will be made available only for foreign graduates of U.S. universities with advanced STEM degrees—Ph.D.s in the first instance, followed by foreign-born graduates of master's degree programs of which we have a shortage. Companies that offer jobs to foreign STEM graduates also must have certified that there are no American workers able, willing, or qualified and available for the job.

We are currently educating highly skilled Ph.D.s and master's and sending them back home to compete against us after they graduate. Where I'm from, that's like recruiting the best football players from Texas, teaching them the Arkansas offense, and then sending them back to Texas to compete against us. That doesn't make any sense, and people get that. Let's fix it. Let's pass this bill.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Speaker, I thank the gentleman for yielding and for his leadership.

Mr. Speaker, in the wake of the November elections, there has been a growing consensus that it is time to undertake comprehensive immigration reform. There are many good reform proposals out there; but, unfortunately, this is not one of them. Although this bill does have some merits, those merits are more than offset by the bill's defects.

One glaring problem is that this bill treats immigration as a zero-sum game. It seems to operate under the assumption that anytime a door is opened to a new class of entrants, it must slam the door shut on another.

This bill would totally eliminate the longstanding Diversity Visa program that now provides one of the few legal pathways to enter the United States. Currently, the Diversity Visa program only issues 50,000 visas a year. And in 2013, almost 8 million people worldwide have applied for this visa. For anyone looking to find a legal way to come to this country right now, the chances are pretty slim. The zero-sum approach of this bill reduces those chances even further. It achieves almost the opposite of what the American people have asked us to do.

Fortunately, there are better bills out there, bills that address some of the core concerns, bills that are ready to go. For instance, the Attracting the Best and the Brightest Act, ZOE LOFGREN's bill, H.R. 6412, would create a new green card for people with graduate degrees from U.S. research universities in the STEM disciplines.

According to a recent article in the New York Times, currently we have in our country about a million engineers, scientists, and other highly skilled workers on H–1B temporary visas. And when these visas expire, we just send them home. We train them in the STEM disciplines that our high-tech economy so badly needs, and then we just send them home. That is absolutely crazy.

The Democratic bill, H.R. 6412, would help us retain some of that valuable, highly trained talent we helped to create. The EB–6 visa would require all applicants to have an advanced degree from an accredited public or nonprofit university. It would provide 50,000 of these STEM visas, but it would not eliminate other visa programs which are helpful, such as the Diversity Visa.

There is also a bill I authored with Senator KERRY, the Start-Up Visa Act. Our bill would recognize the great contributions being made to our economy by these job creators, and it would establish an employment-based, conditional immigrant visa. Applicants would have to be immigrant entrepreneurs seeking to establish a start-up company or already have a business in the U.S., and it would have to have sufficient financial backing.

We do need more talented people going into the STEM disciplines in our economy. Let's refuse to slam the door on other immigrants. Let's vote ''no'' on this bill. Let's vote ''yes'' on the Democratic bills that provide STEM visas and provide help to our economy.

□ 1030

The SPEAKER pro tempore. Without objection, the gentlewoman from Florida (Mrs. ADAMS) will control the time.

There was no objection.

Mrs. ADAMS. I yield 3 minutes to the gentlewoman from Washington (Ms. HERRERA BEUTLER).

Ms. HERRERA BEUTLER. Mr. Speaker, before I speak specifically to this bill, I think it's important to note, I know my colleagues from the other side of the aisle are decrying this bill and its immigration stances, but I would submit for your consideration, when you had control of the House, the Senate, and the White House, you did not pass immigration reform. So let's stop treating this issue like a political football.

As the first American of Hispanic descent to represent Washington State here in the United States House, I want us to tackle this issue. But let's keep the facts the facts, and not use it as a political football, because it's important to millions of Americans and millions of immigrants who want to come here.

And why wouldn't you? This is a land of opportunity, and we want the best and the brightest here in the United States creating jobs and growing our economy, because in southwest Washington, where I'm from, we need jobs.

Today we're here to focus on commonsense solutions. And unfortunately, under the current setup, we're literally educating foreign men and women and then requiring them to go to India and China and be our competitors.

Under this scenario, who wins? Well, China and India win. Our competitors win.

Who loses? The American worker because, as the best and the brightest internationally want to come here and we tell them go away, go start a business to compete with our jobs, those jobs aren't going to grow in southwest Washington.

Fortunately, today we have the opportunity to change that, and then we can go on and tackle some of the other issues that my colleagues are bringing up because they're important and they're valid.

This STEM jobs bill ensures that employers are opening their doors and their job opportunities to Americans first. And if there aren't enough Americans to fill these highly skilled job openings, then we invite those foreign STEM graduates to apply. That's all this bill does. And it's an important piece that's going to open up economic opportunity for the men and women that I serve and that we all serve across this great Nation.

Right now, large employers—Microsoft was mentioned, that's from my home State, they have over 6,000 jobs that they're trying to fill. And you know what? They want to fill them with American workers. If they're not able to, then I think they should have the ability to offer those options to immigrants from China and India, South America, Mexico, Africa.

Whoever wants to come here and be a part of the economic engine that creates opportunities, let's open those doors. Why not?

With this bill, we'll continue to educate talented people to fuel our economy, and instead of sending them home to compete with us and our workers, we'll get to grow those jobs right here.

This is a compassionate bill that will drive economic innovation and create jobs. It is pro-family. It actually provides incentives to those folks. Those immigrants who go about this process in the right way, they'll be able to be united with their family here in the United States because of this bill.

There are safeguards.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. ISSA. I yield the gentlelady an additional 30 seconds.

Ms. HERRERA BEUTLER. This will allow them, and those family members who are waiting to immigrate legally, to come here and be with their mother, their father, who are here working. This has a lot of opportunities, and it also has safeguards for the American worker. Those jobs are first available to those citizens who may be able to fill the qualification.

So I'd ask my colleagues here today to support this very good bill. It's a piece of the puzzle. It's not the whole thing, but we need to take this a piece at a time, a solution at a time. And quite frankly, right now, solutions are what the American people are asking for, and this is a very good one.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. LOFGREN).

Ms. ZOE LOFGREN of California. Mr. Speaker, I just wanted to correct the record. I recall when Democrats were in the majority, we passed the DREAM Act. We only got 8 Republican votes to pass that DREAM Act.

Further, the way this bill is written, if you were brought here as a baby in violation of the immigration law, but now you're getting your Ph.D. in computer science from Stanford University, you're not eligible for one of these visas. This is written in a way to divide people. It's not even an honest effort to capture the best and brightest.

And further, on African immigration, last year we had 6,218 Diversity Visa recipients from Nigeria. Taking the chairman's number of 1,200—I don't want to get in an argument—in master's and Ph.D. in STEM fields, that's the enrollment. As you know, most Ph.D. programs are 6-year programs, most Master's programs are 2-year programs. So those actually graduating would be a small fraction of that, a few hundred each year. So we would be seeing, for example, a huge reduction in immigration from Nigeria, just as an example.

The SPEAKER pro tempore. Without objection, the gentleman from California will control the time.

There was no objection.

Mr. ISSA. Mr. Speaker, I yield myself such time as I may consume in response.

There we go again, looking at the numbers rather than the merit.

Mr. Speaker, the merit of this piece of legislation is to get America working, to use the opportunity that is being squandered to get America working again. For each advance degreed STEM immigrant, we, in fact, create three jobs. That's not being disputed by the minority. It's not being disputed certainly by the 30 or so members of the minority that voted for this bill previously.

When we bring up, under this legislation, the opportunity to more quickly reunify families of legal immigrants, what we get told is, you're not doing it immediately. Now, of course, if we did it immediately, without any sort of process and opportunity to make sure that they're eligible for reunification, we'd be criticized for that.

You're moving up the speed with which families can be reunited, you get no credit. You're giving an opportunity for hundreds of thousands of American jobs for existing Americans to be created by recruiting people that could help create jobs, you're being criticized. If one country wins and other one loses a few thousand slots, you're being criticized.

Mr. Speaker, I just have to remind my colleagues on the other side of the aisle, a million or so people come to this country every year. This is a small part of it. And this is a part of it that history is quite clear on.

Senator Kennedy, and a few others, created this particular item for their own purposes because they looked at the outcome of Irish, basically, to a certain extent getting to come here under this visa. And now everyone's wanted to use the Diversity Visa lottery for years, and I've seen it gamed all over the world, in Lebanon, in Bangladesh, and in other places. There's no questions it has a lot of fraud. But that's not really the discussion today.

The real discussion is American jobs, the diversity of employment. And as the gentlelady from California, my colleague on the committee, knows, this also is a piece of legislation that will encourage men and women from around the world, brilliant men and women, to choose American universities to get their degrees from, to choose America to be the place in which they invest, not just their God-given talents, but their American-acquired talents in.

And yes, it will encourage people from countries like Africa and other places who are smart to come here to get their advanced degrees in greater numbers. What part of a good idea can't we accept?

Lastly, Mr. Speaker, I just can't stop finding it hard to understand. We roll over these slots specifically because we understand in the first year, bureaucracy in our government often makes things not happen. But we preserve for 4 years these slots.

The gentlelady from California is quite right about one thing: we certainly should look together at additional areas of skills and degrees that, if they came to America, would add to America, and put them at the front of the line.

And I'm going to say, I guess lastly, lastly, to the immigrant population, to the people who are new Americans, you came here with a belief in America, and you came here wanting to add to America. And we want the next people that come behind you to add to what you're adding, not to undermine a job that you currently have, but in fact, to help create more jobs.

I believe in the immigrant history of America and immigrant future of America or I wouldn't be supporting this and other bills. In just a few weeks, I hope that in the new Congress we'll be taking up additional comprehensive legislation. But if you can't take yes for an answer on a significant portion, then I suspect we will have a very difficult time taking yes for an answer on the harder decisions to come on immigration reform.

I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, we're prepared to close on this side, if the gentleman on the other side is ready.

Mr. ISSA. Mr. Speaker, so are we. I reserve the right to close.

□ 1040

Mr. CONYERS. I am pleased to yield our remaining time to the gentleman from Illinois (Mr. GUTIERREZ).

Mr. GUTIERREZ. Let's look at what we've debated here this morning. The truth is, as the gentleman from California so rightfully notes, this is something we can all agree on, and that is STEM visas to supply the need for that economic engine of our economy. That's not really the question here. The question is: At what cost do we allow this to happen? And what we are saying is it is almost as though November 6 came and went and my friends on the other side of the aisle just never listened to the verdict of the people. And what they said to us was, Stop picking winners and losers. Stop dividing and pitting one American against another.

How many countless occasions have we heard our friends on the other side of the aisle decry us for class warfare, and yet they come with a proposal here today, and we can use their very words: They want smart people; they want educated people; they want people that are going to add something to the economy. Well, let me just suggest that we, many of us in this Congress today, came from very humble roots.

And, yes, I resent the fact that people come before the well of the House to tout the virtues of their moms and dads and say, My mom worked really hard. She scrubbed pots; she stayed up; she mopped people's homes; she worked so hard. She had nothing left on her fingers so that I could get an education and I could come to the Congress of the United States. And yet they come and propose something that will deny other people that same opportunity to come here to work hard, to sweat and to toil

and to one day maybe send their son or daughter to the Congress of the United States.

We can find these speeches throughout the history of the Congress of the United States; but the difference today is that this side of the aisle wants to be honest and consistent with that story, that virtuous story of immigrants who have come here to sweat and to toil from all kinds. We don't want to go back to the day of ''Irish need not apply.'' We know the history of immigration in this country when they were saying, Well, not those people, not those that are not educated, not those that are hungry, not those that are famished, they should not come here. That's an old argument and we shouldn't be making it today, especially after the election that we just had.

All we're saying to the other side of the aisle is: Why is it that you couldn't sit down with this side of the aisle in a bipartisan manner? Because that's what people said during the election. They said, Listen, guys, we want you to settle down. We want you to work this out for the good of the American people.

I'm going to tell you why I believe you couldn't negotiate with us. Because you have to negotiate with NumbersUSA. Why don't we just say it. They're the party that's not here in the well of the House, but they're here in spirit and in the legislative policy that we are reiterating here today. You can't negotiate with us because you have to negotiate with the most extreme element of American society on immigration and not with those that want to bring about comprehensive immigration reform and reform in our immigration system.

And what is NumbersUSA? In short, NumbersUSA, a short, descriptive modifier should call it an immigration reduction organization.

So who did you negotiate with? The immigration reduction organization. And that's why you have to put up the visas, these visas that have allowed tens of thousands of people to come to this country and to work hard and to sweat and to toil and to make this a greater Nation for all of us.

Now, how does it reduce the numbers? It's simple. You know it and we know it. Every graduate, master's, and Ph.D. on an annual basis in the United States, what is the number? What is the number? That's the number we should be cognizant of here today. It's 29,000. Now it's 55,000 visas.

So why is it that we're offering 55,000 visas for 29,000 possible graduates? And wait a minute. That's if every graduate doesn't go back to their country. And we know many of them return to their countries to build those nations, and we want that to continue. We want them to come to the United States of America and go back to their country and foster democracy and goodwill. So many of them do that. But not all the 29,000 stay here. So what happens? You eliminate 50,000 visas. You say we're going to give you 55,000. You know you only can use 29,000. It's a net loss.

The people on the other side of the aisle keep telling us, Why don't they come through the legal way? Why don't they come through the legal way? Why do they always have to go under and around? They should come here legally because we're for legal immigration.

Today you're not for legal immigration because, in the end, you reduce the ability of people to come legally to the United States of America, and that is the Diversity program.

And lastly, let me just be very, very clear. When we look at this and we talk about the continent of Africa, we think it's important that every continent of the world be able to come here and contribute to the great Nation that is because that is the diversity and the greatest tradition of America: Ellis Island, bring me everyone from everywhere to sweat and to toil and to make America a greater Nation. But think about it a moment. Just do the math. If half of the 55,000 Diversity visas come from the continent of Africa, and there are only 29,000 total STEM, come on, just do the numbers and you can see why it is that on our side of the aisle.

Let's sit down. Let's have a hearing. Let's bring in the experts. Let's have a discussion and a debate. Let's work together. Let's sit back. But if we're going to move America forward, then we have to stop negotiating with those that want to keep us in the past, and that's NumbersUSA. It's NumbersUSA who said to you self-deportation should be the rule of law in America; S.B. 1070 is great and should be institutionalized in every State of the Union.

We rejected that this last election. In this last election, there was a referendum and there were those of us on one side that said to the American people, We want an immigration system that is fairer and sets aside the political bickering to the one side and allows us to fix our immigration system, and another that said, We want to stand in the past.

Let's work together to build a better future for all of us. I honestly and earnestly want that to happen, but I cannot in good conscience vote for a bill that offends my sense of fairness, that offends my sense of the great American tradition that is our immigration tradition.

Thank you so much.

Mr. ISSA. Mr. Speaker, I would inquire as to how much time I have remaining.

The SPEAKER pro tempore. The gentleman has 8½ minutes remaining.

Mr. ISSA. I yield myself the balance of my time.

Mr. Speaker, if we were to have a discussion on outcome, my distinguished colleague from Detroit, Michigan, and I could endlessly quote figures. I'm going to quote a few because I think they're germane to the last speaker's close.

In 2009, the numbers of the top three Diversity visas were as follows: Ethiopia, 3,829; Nigeria, 3,720; and Egypt, a country I visited many, many times, 3,336. No question at all they're all on the continent of Africa. But as recently as 1994, earlier on in this longstanding 30-year piece of set-aside, it went more like this: Poland, 17,396; Ireland, 15,659; the United Kingdom—Great Britain—3,174.

Mr. Speaker, one of the problems with the Diversity Visa is, in fact, it's a question of whether you've put in all the names in the phone book or not. It's a question of who's gaming the system. It doesn't have any sort of, if you will, set-aside to ensure an outcome. And within the outcome, whether you're taking from Poland, Ireland, United Kingdom, or, in 1999, a few years later, it switched to Bulgaria, Nigeria, and Albania.

These top names that occur have a lot to do with how many people throw their name in a hat and nothing to do with whether or not they really want to be Americans, whether they really have the qualifications, whether they have any connection to America that would allow them to get a job.

□ 1050

Not long ago, The Wall Street Journal, I believe, put a whole page into this, taking one after another of anecdotal examples of people who came, having won the lottery, with the American Dream and found out that they couldn't find a job—maybe a taxi driver, maybe not. They weren't making it, and they were thinking about going back. This is all too common in those visas.

Mr. Speaker, I want to use my closing time to address a couple of points because they're important for the American people to understand. Because what you heard here just a few seconds ago was a statement that we just had a referendum. Well, I remember all the election talk and very little of it was on immigration—sadly, much more of it should have been. We had a referendum on each of us individually. So each of us returning men and women to Congress, we've had a referendum in our district.

My district was asking me for jobs. I have Calcom in my district. I have a lot of high-tech companies, particularly in telecommunications and biotechnology; and they were asking me for, believe it or not, more H–1B temporary visas. If they could get permanent immigrants, they could use them all up.

There was a statement made about the numbers—and we could argue over 29,000 or some other number—as though this bill only pertained to next year's college graduates. It doesn't. There is a backlog of tens and hundreds of thousands of people in the STEM field who have already received degrees who would love to come here. They graduated a year ago, 2 years ago. They're here on an H–1B—they're not here, but

they would come back here. There is a wealth of people that fit this category so that that first 4 years, that first 220,000 number, in fact, will be well filled. I'm confident it will be filled and overfilled.

I'm confident that Ms. LOFGREN's desire to deal with some of the other areas in which we have critical shortages of skilled people—computer sciences being certainly a possibility—that those will be clamored, once this is passed, to be added. As a matter of fact, I'm confident that my colleague from California will probably be somebody wanting to add them very quickly, and I suspect I will strongly support her.

Now, we've had a discussion, mostly from the minority, about winners and losers. The last, the closing side on the minority side said things like: you only want smart people. You only want people that will add to our economy. You don't want the people who come without skills, just with hope. Well, we do take a lot of those people, but my colleague was right in a sense. We want to put to the head of the line the people that on every single one of them that comes, net creates jobs. So that we know that the immigrant coming, at least in the case of 55,000 a year, for each one that comes, three great jobs are created in America. And for each of those that come, even if they bring their family, they're not likely to be a burden on our society, just the opposite: they're going to be a net positive to our economy. They're going to send their children to our colleges and universities, of course, and the world is better because America is better.

I also heard a lot of discussion—and I've spent 12 years on Judiciary. I love what we deal with on that committee—the Constitution, immigration, intellectual property; that's why I came to that committee. But when you say what you're doing, like if you take from this particular category, that somehow you're being bad, let's think about some of the other categories.

What if we took from family reunification? What would be the cry? It would be, My goodness, these are people just trying to be with the rest of their family. Be compassionate. And they would be right. Maybe if we took from E-B5, a program that I'm personally supportive of and want to make better, a program where people invest in America, create net jobs, and get a visa as a result, we can take from that, but that wouldn't be good for jobs. We certainly could, theoretically, take from people who are the victims of terrorism, of persecution; but America would never do that.

So when you look at this vast number, more than half of all immigrants going anywhere in the world come to America. In other words, we produce more new Americans by importation than the entire rest of the world combined. So if out of that vast number we choose a small amount, 5 percent, and say we can do better, we hear a human cry that we can't do better, that this isn't better.

Mr. Speaker, I will say, as someone who was listening to my constituents upon my reelection, you better believe this is better. We are bringing the best and the brightest. We are encouraging the front of the line be given to a small portion of immigration for people who will help create jobs. They will create jobs for people of all colors, all races. They will create jobs for people who just came to this country and can't find a job. We are trying to do the right thing for the American people, at least in a small way; and I believe this is a great start.

So as I vote for this piece of legislation, I'm voting for it because I know, as a former businessman, I know as someone who just had a referendum on my own returning to Congress that jobs and the economy are what people want us to work on. This is a good down-payment. These slots will be filled and oversubscribed. We will look at this as a beginning of a turn toward looking at immigrants as a positive part of our economy and making it happen.

So I believe that the minority, although well-intended, has basically misled the American people with some of their assumptions because their assumptions simply aren't right. We will fill these slots. We will bring in 55,000 job creators. We will have diversity from around the world in these individuals. We will encourage people from all over the world, if they want to get a master's or Ph.D. and they're already in London or they're in Poland or they're in Nigeria, that maybe when they finish their master's there, they get their Ph.D. here and become eligible.

With that, I urge support of the bill and I yield back the balance of my time.

Mr. VAN HOLLEN. Mr. Speaker, I rise in opposition to H.R. 6429, an unnecessarily partisan bill to increase the number of visas for foreign students graduating with advanced degrees in science, technology, engineering, and mathematics (STEM). While I strongly believe we should increase the number of visas for these students, I oppose this bill because it eliminates the Diversity Visa Program. There is broad bipartisan support to increase the number of STEM visas. It is unfortunate that the Republican Leadership brought this bill to the floor. President Obama highlighted his support for increasing the number of STEM visas in his 2012 State of the Union Address, when he stated that it made no sense to train foreign students with advanced STEM degrees and then "send them home to invent new products and create new jobs somewhere else."

This bill is virtually identical to the version the House considered last September. However, Republicans added a provision to reauthorize the temporary "V visa" program. I support the "V visa" program, because it unites families. Unfortunately, the Republicans restricted the "V visas" by eliminating the ability to obtain work authorization and by not allowing spouses and children already here to participate in the program.

This bill is flawed and we can do better. I wish the Republican Leadership would have brought to the floor a bill introduced by Rep. ZOE LOFGREN to increase the number of STEM visas without eliminating the Diversity Visas Program. I support that legislation.

Mr. JONES. Mr. Speaker, today, the House of Representatives will be voting on H.R. 6429, the STEM Jobs Act. This bill would terminate the visa lottery program (diversity immigrant program) and allocate those visas to foreign graduates in the fields of STEM (science, technology, engineering, and mathematics) degrees. I am highly supportive of ending the visa lottery program. However, at a time when so many Americans are unemployed in my district and all over the country and when American college graduates cannot find jobs, I cannot, in good conscience, vote to give American jobs to foreigners. That is why I plan to vote against the STEM Jobs Act. As always, I will continue to support legislation that enforces our laws and secures our borders.

Mr. JACKSON LEE of Texas. Mr. Speaker, I rise today to oppose H.R. 6429 "STEM Jobs Act," an ill-conceived bill that eliminates the Diversity Immigration Visa Program in order to increase the amount of visas available for STEM applicants.

As a senior Member of the Judiciary Committee I have long advocated for the Diversity Immigration Visa program. Earlier this year, during a Judiciary Committee mark up of a bill which was also designed to kill the Diversity program, I offered an amendment that directed the Secretaries of Homeland Security and State to report to Congress on steps that could be taken to further eliminate fraud and security risks in the Diversity Visa program. Rather than vote to fix the program and defend legal immigration and diversity in our immigrant pool, every Republican on the Committee who was present voted down the amendment.

On Wednesday, I once again I offered amendments in Rules Committee to protect the Diversity Visa Program, and once again the Republican majority on the Committee voted against it.

Nearly 15 million people, representing about 20 million with family members included, registered late last year for the 2012 Diversity Visa Program under which only 50,000 visa winners were to be selected via random selection process.

Each year, diversity visa winners make up about 4 percent of all Legal Permanent Resident (LPR) admissions.

Unlike every other visa program, its express purpose is to help us develop a racially, ethnically, and culturally-diverse population. It serves a unique purpose and it works. In recent years, African immigrants have comprised about 50 percent of the DV program's beneficiaries.

Diversity Visa immigrants succeed and contribute to the U.S. economy. According to the Congressional Research Service, in FY 2009 Diversity Visa immigrants were 2.5 times more likely to report managerial and professional occupations than all other lawful permanent residents.

The Diversity Visa program promotes respect for U.S. immigration laws. It reduces incentives for illegal immigration by encouraging prospective immigrants to wait until they win a visa, as opposed to attempting to enter without permission.

CHANCE FOR THE AMERICAN DREAM

The Diversity Visa sustains the American Dream in parts of the world where it represents the only realistic opportunity for immigrating to the U.S.

Former Rep. Bruce Morrison—one of the architects of the Diversity Visa—testified in 2005 that the program advances a principle that is ''at the heart of the definition of America;'' the principle that ''all nationalities are welcome.''

Ambassador Johnny Young, Executive Director of Migration and Refugee Services, U.S. Conference of Catholic Bishops, testified at a 2011 Judiciary Committee hearing: ''The Program engenders hope abroad for those that are all too often without it—hope for a better life, hope for reunification with family in the United States, and hope for a chance to use their God-given skills and talents.''

NO SIGNIFICANT EVIDENCE OF A SECURITY RISK

No substantive evidence has been given that the Diversity Program poses a significant risk to our national security. There are organizations like Numbers USA who are not just advocating against illegal immigration but also wish to place caps on or decrease legal immigration as well.

As former Congressman Bruce Morrison testified in 2005: ''[I]t is absurd to think that a lottery would be the vehicle of choice for terrorists.'' 12 to 20 million people enter the Diversity Visa lottery each year and no more than 50,000 visas are available.

In 2007, GAO ''found no documented evidence that DV immigrants . . . posed a terrorist or other threat.''

Diversity Visa recipients go through the same immigration, criminal, and national security background checks that all people applying for Lawful Permanent Residence undergo. They also are interviewed by State Department and Department of Homeland Security personnel.

FRAUD

Since the State Department OIG first raised concerns about fraud in 1993, significant changes have been made. In 2004, State implemented an electronic registration system. This allows State to use facial and name recognition software to identify duplicate applications and to share date with intelligence and law enforcement agencies for necessary immigration and security checks.

In 2012 there was an incident where 20,000 people were erroneously notified that they were finalists in the Diversity program. They would have the opportunity to enter the lottery. The OIG investigated and found this we due to a computer error. There was no evidence of intentional fraud, as a safety precaution and because of the principle of fairness the State Department did the lottery again.

The Diversity Visa program has led the way in applying cutting edge technology to reduce fraud and increase security. The program was one of the first in the government to use facial recognition software to analyze digital photographs.

I join the vast majority of my Democratic colleagues in supporting an expansion of the STEM program. H.R. 6429 attempt to increase the STEM Visa program is an admirable one; however, I firmly believe it should not come at the expense of the Diversity Immigration Visa Program and should include a broader range of institutions.

We must address comprehensive immigration reform this bill does not address this issue in the right way. As I have repeatedly stated I strongly support the advancement of STEM careers. I believe that we can address the potential future shortage of qualified applicants in STEM fields by not only welcoming those from other countries who choose to study in the United States to remain in the United States to work but also to encourage Americans to pursue careers in STEM.

Science, technology, engineering and math education play a crucial role in determining our Nation's level of innovation, which has been the backbone of the American economy since the Industrial Revolution. If we are to strengthen our economy, we must strengthen our STEM education system.

The National Assessment of Educational Progress (NAEP)—the Nation's education report card—shows that fewer than forty percent of students, at every grade level tested, are proficient in math and science. Furthermore, recent statistics provided by the Engineering Workforce Commission indicate a large disparity in STEM education between men and women, and between minorities and Caucasians.

In 2008, 77,671 women were enrolled in an undergraduate engineering program across the United States, while 365,281 men were enrolled in engineering programs in the same year. In the same year, 301,483 Caucasian Americans were enrolled in engineering programs, while only 24,771 African Americans were enrolled. Respectively, 41,919 Hispanics were enrolled in engineering programs across the Nation.

In order to encourage women and minorities to pursue degrees in STEM, it is absolutely essential that we level the educational field and provide equal, high quality education for everyone across the United States.

Internationally, the Programme for International Student Achievement (PISA), an international education benchmark last conducted in 2009 by the Organisation for Economic Cooperation and Development (OECD), finds the United States is barely average in reading and science and below average in math. The United States ranked 25th out of 34 nations in math.

More than 3 million job openings in STEM related fields will be created by 2018 that will require a bachelor's degree or higher (Georgetown Center on Education and the Workforce). At our current rate, the United States falls short of those needs by more than a million workers (National Science Foundation).

The United States must mobilize for excellence in mathematics and science education so that ALL students—not just a select few, or those fortunate enough to attend certain schools—achieve much higher levels of math and science learning.

Significant improvement in math and science education will be much more likely if the American people, especially young people, understand what's possible and demand it. We must consider the Nation's teaching force to be our primary asset, and as such, we must reinvent our strategies for recruiting, inducting, assessing, compensating, and retaining the best and brightest talent for our classrooms.

A new focus on elevating and reinvigorating the profession of teaching must be matched with a new culture of schooling and teaching, that encourages effective teachers to remain in the classroom, rewards them for performance, and creates a career ladder that is a greater incentive for attracting them to the profession.

Upgrade human capital management throughout U.S. schools and school systems toward ensuring that every student has access to effective teachers, regardless of their socioeconomic background.

Teachers and students need access to math and science instructional materials that are challenging, content-rich, motivating, engaging, and connected to the world in which we live today.

We must explore a range of new delivery options grounded in the latest technologies and cognitive sciences that tap into the vast resources we have in our institutions of higher learning, museums, and other science-rich community institutions.

We must create understanding among students about the relationship of effective math and science education to their future success, regardless of their chosen field of study.

It is important to encourage African Americans, Hispanics, Asians, and women to enter into STEM fields. We can do more to fund programs at Historically Black Colleges, Hispanic Serving Institutions, and Community Colleges to reach all segments of society to train homegrown STEM professionals. As we already predict that the jobs of the future will include millions of new jobs in STEM fields it makes sense that we would train American citizens to fill these jobs.

I believe this can be done in a balanced way. We can improve access to STEM for African American, Hispanics, and poor Americans.

America's ability to extend its arms and welcome immigrants is more than a cultural tradition; it is a fundamental promise of our democracy. The Diversity Immigration Visa Program is designed to give a very small diverse percentage of immigrants the opportunity to attain a green card and live the American dream. It's a popular program, it's a successful program and it reflects core American values of inclusion and opportunity.

Ms. VELAZQUEZ. Mr. Speaker, I rise in opposition to this partisan legislation. Rather than simply creating a program that offers visas for students graduating in fields we need, this legislation picks ''winners and losers'' among our Nation's immigrants. Rather than tackling the tough issues surrounding immigration reform by building consensus, once again our Republican colleagues are pushing divisive legislation that punishes certain immigrant groups and rewards others.

We have another option. My Democratic colleagues have put forth a straightforward STEM proposal that would offer visas to graduates fields like science, mathematics and engineering. Instead, we are debating a measure that would reduce overall immigration levels and create a series of false choices.

All of us recognize the value of bringing more immigrants with certain skills and educational backgrounds. Where we seem to disagree is this—those of us on our side of the aisle also recognize that we should not be penalizing other hardworking immigrants from more humble backgrounds.

I say to my colleagues—reject this bill. Let us instead focus on real immigration reform that is based on consensus and focuses on making our system fairer and better.

Mr. ISSA. Mr. Speaker, I rise today to express my support of the STEM Jobs Act (H.R.

6429). I have long been a proponent of visa reform and am proud to be an original cosponsor of this bill.

Our current visa system is inadequate. Many of the world's top students come to the United States to obtain advanced degrees from some of the best universities and colleges in the world to gain competitive science, technology, engineering and mathematic (STEM) skills.

We desperately need to retain these skills to boost our economy. The high-tech and biotech companies in California would benefit from increased STEM visas by creating new, innovative jobs in our communities. However, instead of encouraging these highly skilled students to stay in America, current law forces these individuals to return home, or to third-party countries where they become innovators and entrepreneurs creating prosperity and capital for American competitors.

The STEM Act is an important step towards reforming our immigration system and getting our economy back into working order. Republicans and Democrats alike agree that we need the growth these highly trained individuals are creating elsewhere. Making STEM visas more readily available will foster innovation and job creation in our workforce.

I urge my colleagues to help generate jobs, boost the economy and increase American competitiveness by passing this bill.

Mr. POE of Texas. Mr. Speaker, every year, competitive students from all over the world come to America to attend some our top schools, including the University of Texas—Austin, for advanced degrees in the STEM fields.

While these students are in school, many of these students fall in love with America, and our way of life.

I don't blame them . . . who wouldn't fall in love with Austin, Texas and want to stay?

And the thing is, there are employers right there in Austin and all over the country that want to hire these folks because there are not enough Americans graduating with these types of degrees every year. Sounds like a marriage made in heaven right?

The problem is . . . the students often face a difficult time getting VISA's to stay when they graduate, even though there are employers who want to hire them.

To rectify this, the STEM Jobs Act will cancel the diversity visa program and redistribute up to 55,000 VISA's to the best qualified graduates of American universities with STEM degrees.

This legislation makes sense not only for the students, but it makes sense for America.

Studies have shown that STEM graduates, on average over the course of their careers, create 2.6 American jobs.

In fact, between 1995 and 2005, foreign-born STEM workers founded half of the firms in Silicon Valley. Think of how many jobs, and how much wealth, these firms created here in America.

Wouldn't we rather have these jobs created here in the United States then in China or India?

Do we really want the next Google to be created abroad?

America has given birth to so many innovations over the past 150 years. The assembly line, electricity, the automobile, the airplane, the telephone, the personal computer, the Iphone, the list goes on and on. These innovations have changed our world for the better.

America has always been the birthplace of innovation, let's keep it that way.

Let's allow the world's best and brightest to come to the land of opportunity.

And that's just the way it is.

Mr. DINGELL. Mr. Speaker, I rise in opposition to H.R. 6249, the STEM Jobs Act of 2012. While proponents of this legislation claim that they are making a serious effort at immigration reform, nothing could be farther from the truth. True to their pattern throughout the 112th Congress, the Republican Majority has once again chosen to bring a divisive, partisan bill to the floor rather than seeking compromise and middle ground.

I have long called for comprehensive immigration reform, and am pleased to hear this sentiment echoed by others recently. Reducing the backlog for immigrant graduates from American universities who are studying science, technology, engineering, and math (STEM) is a worthy and laudable goal. Sadly, H.R. 6429 is not the right way to achieve it. Instead of increasing the number of STEM visas that are available, this legislation would completely eliminate the Diversity Visa program, which provides visas to countries with low immigration rates to the United States. We do not need to rob Peter to pay Paul to help improve our immigration system. We just need some common sense.

Our immigration system has been broken for long enough. Let's dedicate ourselves to finding a workable compromise to this serious problem instead of making a half-hearted attempt at reform. I urge my colleagues to join me in voting against H.R. 6429.

Mr. MEEKS. Mr. Speaker, regretfully, I have to oppose H.R. 6429 although this is an important issue that needs to be addressed. There is a need for legislation that attracts and allows highly-skilled immigrants and students who graduate with advanced STEM degrees to live and work in the United States. The STEM Jobs Act of 2012, however, fails to address fundamental issues while creating additional inequities in immigration.

It is increasingly necessary to American industries to keep these highly qualified individuals, whom we have educated, to help develop and grow our businesses instead of forcing them to take their talents elsewhere. The number of full-time graduate students in STEM fields who were foreign students (largely on F–1 nonimmigrant visas) grew from 91,150 in 1990 to 148,923 in 2009, with most of the increase occurring after 1999. Despite this rise in foreign student enrollment, the percentage of STEM graduate students with temporary visas in 2009 (32.7 percent) was comparable to 1990 (31.1 percent). The visas are not increasing to keep up with the talent; and according to the U.S. Department of Commerce, "growth in STEM jobs was three times as fast as growth in non-STEM jobs" over the past 10 years.

Clearly we must create a way to incorporate this untapped potential into our own economy instead of creating a "brain-drain" and sending these highly-skilled immigrants overseas. Our economy needs the growth that comes with filling these jobs.

If enacted, this bill would allocate immigrant visas to a select group of individuals and would eliminate the long-standing Diversity Visa program that allows individuals from countries with low rates of immigration access to visas. It places a band-aid on an issue that needs a real long-term solution, and does not allow for equal and fair access to visas. H.R. 6429, as constructed, is a poison pill that obscures the true need for comprehensive immigration reform.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 821, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Ms. ZOE LOFGREN of California. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Ms. LOFGREN of California. I am opposed in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Ms. Zoe Lofgren of California moves to recommit the bill H.R. 6429 to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "STEM Jobs Act of 2012".

SEC. 2. IMMIGRANT VISAS FOR CERTAIN ADVANCED STEM GRADUATES.

(a) WORLDWIDE LEVEL OF IMMIGRATION.—Section 201(d)(2) of the Immigration and Nationality Act (8 U.S.C. 1151(d)(2)) is amended by adding at the end the following:

"(D)(i) In addition to the increase provided under subparagraph (C), the number computed under this paragraph for fiscal year 2014 and subsequent fiscal years shall be further increased by the number specified in clause (ii), to be used in accordance with paragraphs (6) and (7) of section 203(b), except that—

"(I) immigrant visa numbers made available under this subparagraph but not required for the classes specified in paragraphs (6) and (7) of section 203(b) shall not be counted for purposes of subsection (c)(3)(C); and

"(II) for purposes of paragraphs (1) through (5) of section 203(b), the increase under this subparagraph shall not be counted for purposes of computing any percentage of the worldwide level under this subsection.

"(ii) The number specified in this clause is 55,000.

"(iii) Immigrant visa numbers made available under this subparagraph for fiscal year 2014, but not used for the classes specified in paragraphs (6) and (7) of section 203(b) in such year, may be made available in subsequent years as if they were included in the number specified in clause (ii) only to the extent of the cumulative number of petitions under section 204(a)(1)(F), and applications for a labor certification under section 212(a)(5)(A), filed in fiscal year 2014 with respect to aliens seeking a visa under paragraph (6) or (7) of section 203(b) up to, but not exceeding, the number specified in clause (ii) for such year. Such immigrant visa numbers may only be made available in fiscal years after fiscal year 2014 in connection with a petition under section 204(a)(1)(F), or an application for a labor certification under section 212(a)(5)(A), that was filed in fiscal year 2014.

''(iv) Immigrant visa numbers made available under this subparagraph for fiscal year 2015, but not used for the classes specified in paragraphs (6) and (7) of section 203(b) during such year, may be made available in subsequent years as if they were included in the number specified in clause (ii) only to the extent of the cumulative number of petitions under section 204(a)(1)(F), and applications for a labor certification under section 212(a)(5)(A), filed in fiscal year 2015 with respect to aliens seeking a visa under paragraph (6) or (7) of section 203(b) up to, but not exceeding, the number specified in clause (ii) for such year. Such immigrant visa numbers may only be made available in fiscal years after fiscal year 2015 in connection with a petition under section 204(a)(1)(F), or an application for a labor certification under section 212(a)(5)(A), that was filed in fiscal year 2015.

''(v) Immigrant visa numbers made available under this subparagraph for fiscal year 2016, but not used for the classes specified in paragraphs (6) and (7) of section 203(b) in such year, may be made available in subsequent years as if they were included in the number specified in clause (ii), but only—

''(I) to the extent of the cumulative number of petitions under section 204(a)(1)(F), and applications for a labor certification under section 212(a)(5)(A), filed in fiscal year 2016 with respect to aliens seeking a visa under paragraph (6) or (7) of section 203(b) up to, but not exceeding, the number specified in clause (ii) for such year;

''(II) if the immigrant visa numbers used under this subparagraph for fiscal year 2015 with respect to aliens seeking a visa under paragraph (6) or (7) of section 203(b) were less than the number specified in clause (ii) for such year; and

''(III) if the processing standards set forth in sections 204(a)(1)(F)(ii) and 212(a)(5)(A)(vi) were not met in fiscal year 2016.

Such immigrant visa numbers may only be made available in fiscal years after fiscal year 2016 in connection with a petition under section 204(a)(1)(F), or an application for a labor certification under section 212(a)(5)(A), that was filed in fiscal year 2016.

''(vi) Immigrant visa numbers made available under this subparagraph for fiscal year 2017, but not used for the classes specified in paragraphs (6) and (7) of section 203(b) in such year, may be made available in subsequent years as if they were included in the number specified in clause (ii), but only—

''(I) to the extent of the cumulative number of petitions under section 204(a)(1)(F), and applications for a labor certification under section 212(a)(5)(A), filed in fiscal year 2017 with respect to aliens seeking a visa under paragraph (6) or (7) of section 203(b) up to, but not exceeding, the number specified in clause (ii) for such year;

''(II) if the immigrant visa numbers used under this subparagraph for fiscal year 2016 with respect to aliens seeking a visa under paragraph (6) or (7) of section 203(b) were less than the number specified in clause (ii) for such year; and

''(III) if the processing standards set forth in sections 204(a)(1)(F)(ii) and 212(a)(5)(A)(vi) were not met in fiscal year 2017.

Such immigrant visa numbers may only be made available in fiscal years after fiscal year 2017 in connection with a petition under section 204(a)(1)(F), or an application for a labor certification under section 212(a)(5)(A), that was filed in fiscal year 2017.''.

(b) NUMERICAL LIMITATION TO ANY SINGLE FOREIGN STATE.—Section 202(a)(5)(A) of such Act (8 U.S.C. 1152(a)(5)(A)) is amended by striking ''or (5)'' and inserting ''(5), (6), or (7)''.

(c) PREFERENCE ALLOCATION FOR EMPLOYMENT-BASED IMMIGRANTS.—Section 203(b) of such Act (8 U.S.C. 1153(b)) is amended—

(1) by redesignating paragraph (6) as paragraph (8); and

(2) by inserting after paragraph (5) the following:

''(6) ALIENS HOLDING DOCTORATE DEGREES FROM U.S. DOCTORAL INSTITUTIONS OF HIGHER EDUCATION IN SCIENCE, TECHNOLOGY, ENGINEERING, OR MATHEMATICS.—

''(A) IN GENERAL.—Visas shall be made available, in a number not to exceed the number specified in section 201(d)(2)(D)(ii), to qualified immigrants who—

''(i) hold a doctorate degree in a field of science, technology, engineering, or mathematics from a United States doctoral institution of higher education;

''(ii) have taken all doctoral courses in a field of science, technology, engineering, or mathematics, including all courses taken by correspondence (including courses offered by telecommunications) or by distance education, while physically present in the United States; and

''(iii) have an offer of employment from an employer and will receive a wage level from the employer that is at least the actual wage level paid by the employer to all other individuals with similar experience and qualifications for the specific employment in question.

''(B) DEFINITIONS.—For purposes of this paragraph, paragraph (7), and sections 101(a)(15)(F)(i)(I) and 212(a)(5)(A)(iii)(III):

''(i) The term 'distance education' has the meaning given such term in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003).

''(ii) The term 'field of science, technology, engineering, or mathematics' means a field included in the Department of Education's Classification of Instructional Programs taxonomy within the summary groups of computer and information sciences and support services, engineering, mathematics and statistics, and physical sciences.

''(iii) The term 'United States doctoral institution of higher education' means an institution that—

''(I) is described in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a));

''(II) was classified by the Carnegie Foundation for the Advancement of Teaching on January 1, 2012, as a doctorate-granting university with a very high or high level of research activity or classified by the National Science Foundation after the date of enactment of this paragraph, pursuant to an application by the institution, as having equivalent research activity to those institutions that had been classified by the Carnegie Foundation as being doctorate-granting universities with a very high or high level of research activity;

''(III) has been in existence for at least 10 years; and

''(IV) is accredited by an accrediting body that is itself accredited either by the Department of Education or by the Council for Higher Education Accreditation.

''(C) LABOR CERTIFICATION REQUIRED.—

''(i) IN GENERAL.—Subject to clause (ii), the Secretary of Homeland Security may not approve a petition filed for classification of an alien under subparagraph (A) unless the Secretary of Homeland Security is in receipt of a determination made by the Secretary of Labor pursuant to the provisions of section 212(a)(5)(A), except that the Secretary of Homeland Security may, when the Secretary deems it to be in the national interest, waive this requirement.

''(ii) REQUIREMENT DEEMED SATISFIED.—The requirement of clause (i) shall be deemed satisfied with respect to an employer and an alien in a case in which a certification made under section 212(a)(5)(A)(i) has already been obtained with respect to the alien by that employer.

''(7) ALIENS HOLDING MASTER'S DEGREES FROM U.S. DOCTORAL INSTITUTIONS OF HIGHER EDUCATION IN SCIENCE, TECHNOLOGY, ENGINEERING, OR MATHEMATICS.—

''(A) IN GENERAL.—Any visas not required for the class specified in paragraph (6) shall be made available to the class of aliens who—

''(i) hold a master's degree in a field of science, technology, engineering, or mathematics from a United States doctoral institution of higher education that was either part of a master's program that required at least 2 years of enrollment or part of a 5-year combined baccalaureate-master's degree program in such field;

''(ii) have taken all master's degree courses in a field of science, technology, engineering, or mathematics, including all courses taken by correspondence (including courses offered by telecommunications) or by distance education, while physically present in the United States;

''(iii) hold a baccalaureate degree in a field of science, technology, engineering, or mathematics or in a field included in the Department of Education's Classification of Instructional Programs taxonomy within the summary group of biological and biomedical sciences; and

''(iv) have an offer of employment from an employer and will receive a wage level from the employer that is at least the actual wage level paid by the employer to all other individuals with similar experience and qualifications for the specific employment in question.

''(B) LABOR CERTIFICATION REQUIRED.—

''(i) IN GENERAL.—Subject to clause (ii), the Secretary of Homeland Security may not approve a petition filed for classification of an alien under subparagraph (A) unless the Secretary of Homeland Security is in receipt of a determination made by the Secretary of Labor pursuant to the provisions of section 212(a)(5)(A), except that the Secretary of Homeland Security may, when the Secretary deems it to be in the national interest, waive this requirement.

''(ii) REQUIREMENT DEEMED SATISFIED.—The requirement of clause (i) shall be deemed satisfied with respect to an employer and an alien in a case in which a certification made under section 212(a)(5)(A)(i) has already been obtained with respect to the alien by that employer.

''(C) DEFINITIONS.—The definitions in paragraph (6)(B) shall apply for purposes of this paragraph.''.

(d) PROCEDURE FOR GRANTING IMMIGRANT STATUS.—Section 204(a)(1)(F) of such Act (8 U.S.C. 1154(a)(1)(F)) is amended—

(1) by striking ''(F)'' and inserting ''(F)(i)'';

(2) by striking ''or 203(b)(3)'' and inserting ''203(b)(3), 203(b)(6), or 203(b)(7)'';

(3) by striking ''Attorney General'' and inserting ''Secretary of Homeland Security''; and

(4) by adding at the end the following:

''(ii) The following processing standards shall apply with respect to petitions under clause (i) relating to alien beneficiaries qualifying under paragraph (6) or (7) of section 203(b):

''(I) The Secretary of Homeland Security shall adjudicate such petitions not later than 60 days after the date on which the petition is filed. In the event that additional information or documentation is requested by the Secretary during such 60-day period, the Secretary shall adjudicate the petition not later than 30 days after the date on which such information or documentation is received.

''(II) The petitioner shall be notified in writing within 30 days of the date of filing if

the petition does not meet the standards for approval. If the petition does not meet such standards, the notice shall include the reasons therefore and the Secretary shall provide an opportunity for the prompt resubmission of a modified petition.''.

(e) LABOR CERTIFICATION AND QUALIFICATION FOR CERTAIN IMMIGRANTS.—Section 212(a)(5) of such Act (8 U.S.C. 1182(a)(5)) is amended—

(1) in subparagraph (A)—

(A) in clause (ii)—

(i) in subclause (I), by striking '', or'' at the end and inserting a semicolon;

(ii) in subclause (II), by striking the period at the end and inserting ''; or''; and

(iii) by adding at the end the following:

''(III) holds a doctorate degree in a field of science, technology, engineering, or mathematics from a United States doctoral institution of higher education (as defined in section 203(b)(6)(B)(iii)).'';

(B) by redesignating clauses (ii) through (iv) as clauses (iii) through (v), respectively;

(C) by inserting after clause (i) the following:

''(ii) JOB ORDER.—

''(I) IN GENERAL.—An employer who files an application under clause (i) shall submit a job order for the labor the alien seeks to perform to the State workforce agency in the State in which the alien seeks to perform the labor. The State workforce agency shall post the job order on its official agency website for a minimum of 30 days and not later than 3 days after receipt using the employment statistics system authorized under section 15 of the Wagner-Peyser Act (29 U.S.C. 49 et seq.).

''(II) LINKS.—The Secretary of Labor shall include links to the official websites of all State workforce agencies on a single webpage of the official website of the Department of Labor.''; and

(D) by adding at the end the following:

''(vi) PROCESSING STANDARDS FOR ALIEN BENEFICIARIES QUALIFYING UNDER PARAGRAPHS (6) AND (7) OF SECTION 203(B).—The following processing standards shall apply with respect to applications under clause (i) relating to alien beneficiaries qualifying under paragraph (6) or (7) of section 203(b):

''(I) The Secretary of Labor shall adjudicate such applications not later than 180 days after the date on which the application is filed. In the event that additional information or documentation is requested by the Secretary during such 180-day period, the Secretary shall adjudicate the application not later than 60 days after the date on which such information or documentation is received.

''(II) The applicant shall be notified in writing within 60 days of the date of filing if the application does not meet the standards for approval. If the application does not meet such standards, the notice shall include the reasons therefore and the Secretary shall provide an opportunity for the prompt resubmission of a modified application.''; and

(2) in subparagraph (D), by striking ''(2) or (3)'' and inserting ''(2), (3), (6), or (7)''.

(f) FURTHER PROTECTING AMERICAN WORKERS.—Section 212(p) of such Act (8 U.S.C. 1182(p)) is amended by adding at the end the following:

''(5) To satisfy the requirement under paragraph (6)(A)(iii) or (7)(A)(iv) of section 203(b), an employer must demonstrate that the total amount of compensation to be paid to the alien (including health insurance, stock options, and other benefits provided by the employer) must meet or exceed the total amount of compensation paid by the employer to all other employees with similar experience and qualifications working in the same occupational classification.''.

(g) GAO STUDY.—Not later than June 30, 2018, the Comptroller General of the United States shall provide to the Congress the results of a study on the use by the National Science Foundation of the classification authority provided under section 203(b)(6)(B)(iii)(II) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(6)(B)(iii)(II)), as added by this section.

(h) PUBLIC INFORMATION.—The Secretary of Homeland Security shall make available to the public on the official website of the Department of Homeland Security, and shall update not less than monthly, the following information (which shall be organized according to month and fiscal year) with respect to aliens granted status under paragraph (6) or (7) of section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)), as added by this section:

(1) The name, city, and State of each employer who petitioned pursuant to either of such paragraphs on behalf of one or more aliens who were granted status in the month and fiscal year to date.

(2) The number of aliens granted status under either of such paragraphs in the month and fiscal year to date based upon a petition filed by such employer.

(3) The occupations for which such alien or aliens were sought by such employer and the job titles listed by such employer on the petition.

(i) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2013, and shall apply with respect to fiscal years beginning on or after such date. Nothing in the preceding sentence shall be construed to prohibit the Secretary of Homeland Security from accepting before such date petitions under section 204(a)(1)(F) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(F)) relating to alien beneficiaries qualifying under paragraph (6) or (7) of section 203(b) of such Act (8 U.S.C. 1153(b)) (as added by this section).

SEC. 3. PERMANENT PRIORITY DATES.

(a) IN GENERAL.—Section 203 of the Immigration and Nationality Act (8 U.S.C. 1153) is amended by adding at the end the following:

''(i) PERMANENT PRIORITY DATES.—

''(1) IN GENERAL.—Subject to subsection (h)(3) and paragraph (2), the priority date for any employment-based petition shall be the date of filing of the petition with the Secretary of Homeland Security (or the Secretary of State, if applicable), unless the filing of the petition was preceded by the filing of a labor certification with the Secretary of Labor, in which case that date shall constitute the priority date.

''(2) SUBSEQUENT EMPLOYMENT-BASED PETITIONS.—Subject to subsection (h)(3), an alien who is the beneficiary of any employment-based petition that was approvable when filed (including self-petitioners) shall retain the priority date assigned with respect to that petition in the consideration of any subsequently filed employment-based petition (including self-petitions).''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2013, and shall apply to aliens who are a beneficiary of a classification petition pending on or after such date.

SEC. 4. STUDENT VISA REFORM.

(a) IN GENERAL.—Section 101(a)(15)(F) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F)) is amended to read as follows:

''(F) an alien—

''(i) who—

''(I) is a bona fide student qualified to pursue a full course of study in a field of science, technology, engineering, or mathematics (as defined in section 203(b)(6)(B)(ii)) leading to a bachelors or graduate degree and who seeks to enter the United States for the purpose of pursuing such a course of study consistent with section 214(m) at an institution of higher education (as described in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) or a proprietary institution of higher education (as defined in section 102(b) of such Act (20 U.S.C. 1002(b))) in the United States, particularly designated by the alien and approved by the Secretary of Homeland Security, after consultation with the Secretary of Education, which institution shall have agreed to report to the Secretary of Homeland Security the termination of attendance of each nonimmigrant student, and if any such institution fails to make reports promptly the approval shall be withdrawn; or

''(II) is engaged in temporary employment for optional practical training related to such alien's area of study following completion of the course of study described in subclause (I);

''(ii) who has a residence in a foreign country which the alien has no intention of abandoning, who is a bona fide student qualified to pursue a full course of study, and who seeks to enter the United States temporarily and solely for the purpose of pursuing such a course of study consistent with section 214(m) at an established college, university, seminary, conservatory, academic high school, elementary school, or other academic institution or in a language training program in the United States, particularly designated by the alien and approved by the Secretary of Homeland Security, after consultation with the Secretary of Education, which institution of learning or place of study shall have agreed to report to the Secretary of Homeland Security the termination of attendance of each nonimmigrant student, and if any such institution of learning or place of study fails to make reports promptly the approval shall be withdrawn;

''(iii) who is the spouse or minor child of an alien described in clause (i) or (ii) if accompanying or following to join such an alien; or

''(iv) who is a national of Canada or Mexico, who maintains actual residence and place of abode in the country of nationality, who is described in clause (i) or (ii) except that the alien's qualifications for and actual course of study may be full or part-time, and who commutes to the United States institution or place of study from Canada or Mexico.''.

(b) ADMISSION.—Section 214(b) of the Immigration and Nationality Act (8 U.S.C. 1184(b)) is amended by inserting ''(F)(i),'' before ''(L) or (V)''.

(c) CONFORMING AMENDMENT.—Section 214(m)(1) of the Immigration and Nationality Act (8 U.S.C. 1184(m)(1)) is amended, in the matter preceding subparagraph (A), by striking ''(i) or (iii)'' and inserting ''(i), (ii), or (iv)''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2013, and shall apply to nonimmigrants who possess or are granted status under section 101(a)(15)(F) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F)) on or after such date.

SEC. 5. EXTENSION OF GUARANTEE FEES FOR GOVERNMENT-SPONSORED HOUSING ENTERPRISES AND FHA.

(a) GSEs.—Subsection (f) of section 1327 of the Housing and Community Development Act of 1992 (12 U.S.C. 4547) is amended by striking ''October 1, 2021'' and inserting ''October 1, 2022''.

(b) FHA.—Subsection (b) of section 402 of the Temporary Payroll Tax Cut Continuation Act of 2011 (Public Law 112–78; 125 Stat. 1289) is amended by striking ''October 1, 2021'' and inserting ''October 1, 2022''.

Ms. LOFGREN of California (during the reading). Mr. Speaker, I ask unanimous consent that the reading be waived.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

Mr. LABRADOR. I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk will read.

The Clerk continued to read.

□ 1100

Mr. LABRADOR (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Idaho?

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. LOFGREN) is recognized for 5 minutes in support of the motion.

Ms. ZOE LOFGREN of California. Mr. Speaker, over the last few days in the Rules Committee, during debate on the rule, and in today's debate, we've had a common refrain from our friends on the other side of the aisle. Over and over, they say there's agreement on STEM visas, and we shouldn't let politics get in the way. For the good of America and our economy, they say, we should come together on this bipartisan issue and do what's right. I agree.

By all accounts, there is nothing but support for a STEM visa program to attract and retain the best and brightest minds from around the world, and we support STEM visas. They support STEM visas. Everybody supports STEM visas. So why on Earth aren't we just voting on STEM visas?

According to our colleagues, that's the message we should take away from the election. Even though we may not agree on everything, we should put partisanship aside and find areas of common ground for the good of the country, and that's exactly what this motion to recommit would do.

This motion presents us with a clean STEM visa program, copied word for word from the underlying bill, but without the unrelated measures. If it's true that this vote is about creating STEM visas and not about eliminating unrelated immigration programs, then you should vote for this motion. We should put words into action and vote for a clean STEM bill.

As we all know, this motion will only amend the bill. It will not kill the bill or send it back to committee. The bill will immediately proceed to final passage, as amended.

Let's be clear, a vote against this motion is a vote against STEM visas. It says that you care more about eliminating the unrelated Diversity Visa program than you care about getting a STEM visa program. Eliminating the Diversity Visa program has absolutely nothing to do with STEM visas. It's an unfortunate attack on immigrants and minorities, and it has no place in the STEM bill.

It's also remarkably tone-deaf, considering the recent election just 3 weeks ago. The minority and immigrant communities sent a powerful message to our friends on the other side of the aisle. Our friends say they heard that message. They acknowledged the need to reach out to those communities and take a different tack with respect to immigration.

Well, actions speak louder than words. If you really want to reach out to minorities, perhaps you shouldn't start with a bill that eliminates the Diversity visas. And if you want to reach out to immigrants, perhaps you shouldn't start with a bill that pits immigrant communities against each other.

The choice between STEM immigrants and Diversity immigrants is one we are being forced to make. We do not need to make it.

When we discuss offsets in the budget context, it's about money and deficits and debt, but here we're talking about people. Is that who we are as a country? I, for one, do not believe we should offset families, spouses, or children. If you care about immigrants, you know they help grow our economy and renew our spirit. They are not pawns in a zero-sum game.

The motion to recommit also includes critical protections for U.S. workers absent from the underlying bill. We all acknowledge that a STEM visa program is important. It can grow our economy, but surely it should not come at the expense of the salaries of American workers. We should not have a race to the bottom on wages.

You know, a lot of the discussion today about the zero-sum theory on which this bill has been presented seems to imply that unless you have a graduate degree, you are not really going to contribute to this country. That's simply false. When you think about some of the great innovators—Sergey Brin, born in Russia, cofounder of Google, in my county, that employs thousands and thousands of Americans, he didn't come here because of his degree. He came with his parents. Jerry Yang, founder of Yahoo!, grew up in east San Jose. He didn't come because he got admitted to Stanford. He came with his family. Andy Grove, a legend in Intel, he didn't come because of his degree. He came as a refugee.

I am reminded of my grandfather and what he brought to this country. At age 16, he got on a boat. He never saw his parents again. He never got a degree. He came to America because he wanted to be free. He worked hard all his life. I went to Stanford University. I was the first in my family to go to college. But I am here today in Congress because my grandfather—without an education but with a lot of heart, with enough get-up-and-go to get up and go—came to become an American.

I am sure that if you examine the history of so many Members of Congress, you would find in their family trees people who had enough get-up-and-go to come to the United States. We are now proud Members of Congress in that tradition of America.

I urge you, support the motion to recommit. Don't turn our backs on immigration.

I yield back the balance of my time.

Mr. LABRADOR. Mr. Speaker, I rise in opposition to the motion.

The SPEAKER pro tempore. The gentleman from Idaho is recognized for 5 minutes.

Mr. LABRADOR. Mr. Speaker, this motion to recommit is just one more illustration of Democrats being unserious on immigration reform. We don't even need to talk about the merits or whether the MTR is good policy or bad policy. For my friends on the other side, it has always been just good politics.

Before I came to Congress, I was an immigration attorney for 15 years. That was one of the finest 15 years of my life. I have seen how broken the system is, and I have seen how few people there are on the other side who actually want to fix the problems instead of just playing political football. And sadly, the captain of the political football team is sitting in the White House. Actually, today he is sitting somewhere else doing more politicking.

Actions speak louder than words. I actually agree with the minority on this. The President of the United States made a promise to fix a broken immigration system during his first term, a promise which he could have kept, by the way, without making a single compromise. He had a majority of both Houses of Congress, a filibuster-proof majority for 2 years, and he did absolutely nothing. The other side could have had 100 percent of what they wanted when they controlled the House; the Senate was filibuster-proof, and they had the President.

When they wanted health care legislation and they wanted good policy, they passed it without any help from the Republican Party. But somehow, they come here today, and they claim that they could not pass immigration legislation during those first 2 years and that they actually want to do something about immigration reform.

Why didn't they solve it then? Because the political football would have gone away. The game would have been over, and they would not have been able to play this political football game every 2 years.

I want reform. I want no more games.

So now we sit here in a familiar position. Our side proposing solutions, their side asking for concessions. And each time we grant one concession, three more arise.

This year, just this year in this Chamber, the President of the United States said he wanted a STEM bill. He said that it didn't have to be comprehensive. This was his exact quote:

> But if election-year politics keeps Congress from acting on a comprehensive plan, let's at least agree to stop expelling responsible young people who want to staff our

labs, start new businesses, defend this country. Send me a law that gives them the chance to earn their citizenship. I will sign it right away.

My friends, this is that bill. It is exactly what the President asked for. And what has he done now? He's pulled the football away again. He now says that, in fact, it does need to be comprehensive:

The administration is deeply committed to building a 21st century immigration system that meets the Nation's economic and security needs, but it has to be comprehensive.

So he went from saying that he didn't need a comprehensive bill to saying that he needs a comprehensive bill. He says now that he, in fact, needs comprehensive reform when he said a year ago that he didn't.

How do I feel? I feel like Charlie Brown. My friends, this is a good bill. The President continues to move the ball. The Democrats continue to move the ball. Every time Republicans want to do something positive on immigration, on the economy, they keep moving the ball away from us. Let's stop being Charlie Brown.

My friends, this is a good bill. It will strengthen our economy, it will create jobs, and it is exactly what the President asked for a year ago. Let's call his bluff and send him a bill to create jobs and opportunities here in America.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Ms. ZOE LOFGREN of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on the passage of H.R. 6429, if ordered, and the approval of the Journal, if ordered.

The vote was taken by electronic device, and there were—yeas 157, nays 231, not voting 44, as follows:

[Roll No. 612]

YEAS—157

Ackerman
Altmire
Andrews
Baca
Bass (CA)
Becerra
Berkley
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Courtney
Critz
Crowley
Cuellar
Cummings
Curson (MI)
Davis (CA)
Davis (IL)
DeLauro
DelBene
Deutch
Dicks
Dingell
Doggett
Doyle
Ellison
Engel
Eshoo
Farr
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Israel
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Richmond
Ross (AR)
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Scott (VA)
Scott, David
Serrano
Sewell
Sires
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NAYS—231

Adams
Aderholt
Alexander
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilirakis
Bishop (UT)
Black
Blackburn
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
DeFazio
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Marchant
Marino
Massie
Matheson
McCarthy (CA)
McCaul
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Sherman
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (FL)
Young (IN)

NOT VOTING—44

Akin
Baldwin
Barber
Berman
Bilbray
Bonner
Boren
Burton (IN)
Carnahan
Carter
Chandler
Costa
Costello
Culberson
DeGette
Edwards
Fattah
Filner
Gallegly
Hastings (FL)
Herger
Lewis (GA)
Manzullo
McClintock
Murphy (CT)
Owens
Pence
Reyes
Richardson
Rothman (NJ)
Roybal-Allard
Schmidt
Schwartz
Shuler
Slaughter
Smith (TX)
Smith (WA)
Speier
Stark
Sutton
Towns
Waters
Watt
Young (AK)

□ 1131

Messrs. NUNES, CRAVAACK, WALBERG, LUETKEMEYER, TURNER of New York, FINCHER, THOMPSON of Pennsylvania, REICHERT, DANIEL E. LUNGREN of California, CHABOT, McHENRY, GOHMERT and Ms. HAYWORTH changed their vote from ''yea'' to ''nay.''

Mr. THOMPSON of Mississippi, Mrs. MALONEY, Messrs. LEVIN, WELCH, and Mrs. CAPPS changed their vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 612, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "yea."

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. ZOE LOFGREN of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 245, nays 139, not voting 48, as follows:

[Roll No. 613]

YEAS—245

Adams
Aderholt
Alexander
Altmire
Amash
Amodei
Austria
Bachmann
Bachus
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blumenauer
Bono Mack
Boswell
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Calvert
Camp
Canseco
Cantor
Capito
Carney
Carter
Cassidy
Chabot
Chaffetz
Chu
Coble
Coffman (CO)
Cohen
Cole
Conaway
Cooper
Cravaack

Crawford
Crenshaw
Cuellar
DeFazio
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hayworth
Heck
Hensarling
Herrera Beutler
Himes
Hochul
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kelly
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
Lipinski
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Marchant
Marino
Massie
Matheson
McCarthy (CA)
McCaul
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Moran
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ruppersberger
Ryan (WI)
Scalise
Schilling
Schock
Schrader
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Smith (NE)
Smith (NJ)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Tonko
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (FL)
Young (IN)

NAYS—139

Ackerman
Andrews
Baca
Barletta
Bass (CA)
Becerra
Berkley
Bishop (GA)
Bishop (NY)
Bonamici
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Campbell
Capps
Capuano
Carson (IN)
Castor (FL)
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Connolly (VA)
Conyers
Costa
Courtney
Critz
Crowley
Cummings
Curson (MI)
Davis (CA)
Davis (IL)
DeLauro
DelBene
Denham
Deutch
Dicks
Dingell
Doggett
Doyle
Ellison
Engel
Eshoo
Farr
Frank (MA)
Fudge
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (WA)
Heinrich
Higgins
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Israel
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
Meeks
Miller (NC)
Miller, George
Moore
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Richmond
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Thompson (CA)
Thompson (MS)
Tierney
Tsongas
Van Hollen
Walz (MN)
Wasserman Schultz
Waters
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOT VOTING—48

Akin
Baldwin
Barber
Berman
Bilbray
Black
Bonner
Boren
Burton (IN)
Carnahan
Chandler
Costello
Culberson
DeGette
Edwards
Fattah
Filner
Frelinghuysen
Gallegly
Hastings (FL)
Herger
Lewis (GA)
Manzullo
McClintock
Murphy (CT)
Owens
Pence
Reyes
Richardson
Rothman (NJ)
Roybal-Allard
Rush
Schmidt
Schwartz
Schweikert
Shuler
Simpson
Slaughter
Smith (TX)
Smith (WA)
Speier
Stark
Sutton
Towns
Velázquez
Visclosky
Watt
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1139

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. BLACK. Mr. Speaker, on rollcall No. 613 I was unavoidably detained. Had I been present, I would have voted "yea."

Mr. SIMPSON. Mr. Speaker, on rollcall No. 613, on H.R. 6429, to amend the Immigration and Nationality Act to promote innovation, investment, and research in the United States, to eliminate the diversity immigrant program, and for other purposes, had I been present, I would have voted "yea."

Stated against:

Ms. VELÁZQUEZ. Mr. Speaker, unfortunately, while I was in the well trying to get the Speaker's attention, rollcall vote 613 was gaveled before I was able to vote. I would have voted "nay."

Mr. FILNER. Mr. Speaker, on rollcall 613, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Mr. HERGER. Mr. Speaker, on rollcall Nos. 612 and 613 I would have voted "nay" on the former, the motion to recommit, and "yea" on the latter, passage.

PERSONAL EXPLANATION

Ms. SCHWARTZ. Mr. Speaker, on Friday, November 30, 2012, I was unable to cast my vote on rollcall vote 612, H.R. 6429, the STEM Jobs Act of 2012 and the Motion to Recommit 613, the STEM Jobs Act of 2012.

Had I been present, I would like the RECORD to reflect that I would have voted in opposition of rollcall vote 612 and I would have voted in favor of the Motion to Recommit 613.

I oppose H.R. 6429 because it eliminates the long-standing Diversity Visa program and prevents unused STEM green cards from being reused as another visa.

PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. Speaker, I was unavoidably detained and missed rollcall vote Nos. 612 and 613. Had I been present, I would have voted "yea" on rollcall vote No. 612 and "nay" on rollcall vote No. 613.

THE JOURNAL

The SPEAKER pro tempore. The unfinished business is the question on agreeing to the Speaker's approval of the Journal, which the Chair will put de novo.

The question is on the Speaker's approval of the Journal.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to the following resolution:

S. RES. 604

In the Senate of the United States, November 29, 2012.

Whereas Warren B. Rudman served in the United States Army during the Korean War with the rank of Lieutenant, earning the Bronze Star for action in combat as an infantry commander;

Whereas Warren B. Rudman rendered exceptional service to the State of New Hampshire as Attorney General for 6 years, an office to which he brought honor;

Whereas Warren B. Rudman served the people of New Hampshire with distinction for 12 years in the United States Senate;

Whereas Warren B. Rudman served the Senate as Chairman of the Select Committee on Ethics in the 99th Congress;

Whereas Warren B. Rudman served the Senate as Vice Chairman of the Select Committee on Secret Military Assistance to Iran and the Nicaraguan Opposition with impartiality and honesty;

Whereas while serving in the Senate, Warren B. Rudman authored laws to support small business and reduce the budget deficits of the United States;

Whereas Warren B. Rudman co-founded the Concord Coalition to educate the public about the dangers of Federal budget deficits;

Whereas the hallmarks of Warren B. Rudman's public service were integrity, courage, and an unflagging commitment to the common good; and

Whereas with the death of Warren B. Rudman, New Hampshire and the United States have lost an outstanding lawmaker and public servant: Now, therefore, be it

Resolved, That—

(1) the Senate has received with profound sorrow and deep regret the announcement of the passing of the Honorable Warren B. Rudman, a former member of the United States Senate;

(2) the Senate respectfully requests that Secretary of the Senate communicate this resolution to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased; and

(3) when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable Warren B. Rudman.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 3542. An act to authorize the Assistant Secretary of Homeland Security (Transportation Security Administration) to modify screening requirements for checked baggage arriving from preclearance airports, and for other purposes.

□ 1150

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I am pleased to yield to my friend, the former majority leader—I guess he still is the majority leader—the newly elected majority leader for the next Congress and congratulate him on his election.

Mr. CANTOR. I thank the gentleman from Maryland, the former Democratic whip and now the new Democratic whip, for yielding to me.

Mr. Speaker, on Monday, the House will meet at noon for morning-hour and 2 p.m. for legislative business. No votes are expected on Monday evening in order to accommodate the annual White House Holiday Congressional Ball. On Tuesday, the House will meet at 10 a.m. for morning-hour and noon for legislative business. On Wednesday, the House will meet at 9 a.m. for legislative business. Last votes of the week are expected no later than 3 p.m. on Wednesday. Members are advised that this is a change from the original House calendar.

Mr. Speaker, the House will consider a number of bills under suspension of the rules next week, a complete list of which will be announced by the close of business tomorrow. As Members are aware, the House has numerous outstanding legislative items that we are actively working to resolve. First and foremost is a resolution to the so-called ''fiscal cliff.'' We're also awaiting action from the Senate on items like the annual Defense and Intelligence authorization bills, an extension of FISA, and others. Negotiations on these and many other issues will continue regardless of the daily legislative business of the House, and Members are advised that we will not adjourn the 112th Congress until a credible solution has been found that meets these challenges.

Finally, Mr. Speaker, the 2013 House calendar is now publicly available at majorityleader.gov. The House will convene the 113th Congress at noon on January 3, and we will be in session for a total of 126 days.

I thank the gentleman.

Mr. HOYER. I thank the gentleman for his comments. I appreciate his observation with reference to a number of pieces of legislation that are pending, and as he mentions in his comments, the fiscal cliff, of course, is a concern, not only to us, but to the entire country. The negotiations, as the majority leader points out, are ongoing and hopefully will bear fruit—and hopefully will bear fruit in the short term.

Mr. Leader, there are, however, some steps that we could take, I think, that would alleviate some of the concerns and apprehensions that do exist in the country. As you know, we've discussed before, the middle class tax cut, that is, the under $250,000 that has been the object of discussion in the election and continues to be the object of discussion here. I'm wondering whether or not, given some of the comments that have been made, I know, by Mr. TOM COLE, your former chairman of the Republican Campaign Committee, and others, as well as the President's comments, that I don't see scheduled but would urge consideration, Mr. Leader, of the Senate-passed bill which will assure 98 percent of Americans that they will not receive a tax increase on January 1. I don't see that on your list, and I'm wondering if the majority leader could comment on whether it is possible for us to take up that Senate bill to give assurance to the 98 percent of the people who will be affected by that bill.

Mr. CANTOR. In direct response to the gentleman's questions, it is not the intention of this majority leader to bring forward to the floor that bill, for several reasons.

First of all, Madam Speaker, the notion of increasing tax rates in an economy that still is struggling, where we have entirely too many Americans out of work, is something anathema to a job-creating future. And secondly, Madam Speaker, raising tax rates, asking Americans, small businesses, to pay more of their money into Washington when Washington cannot seem to get a handle on its spending problem will just make matters worse.

We've got to stop the spending madness. As the gentleman knows, that is very much what this majority has been about. We want to finally provide the fix to some of the entitlement problems, the unfunded obligations that we continue to incur daily in this country.

Madam Speaker, it is not the intention for us to vote to increase tax rates on anybody in this failing economy, but we do look forward to continuing in our discussions with the administration, with the White House. The Speaker and I met with Secretary Geithner yesterday in hopes of trying to find some common ground so we can avoid the fiscal cliff, so we can get back onto a road of confidence and job creation in this economy.

Mr. HOYER. I thank the gentleman for his comments, Madam Speaker.

I would just observe that the Senate bill that I was referring to doesn't raise taxes on anybody. In fact, what it does is ensures that no taxes will be raised on 98 percent of Americans. It doesn't refer to the other 2 percent, as I understand the bill. It simply precludes taxes from being increased pursuant to the Republican-passed bills which sunsetted the tax rates that currently exist for those 98 percent of the people. From that standpoint, I think the bill that I have been referring to, Madam Speaker, and I think the majority leader probably knows this, does not refer to those over $250,000, which is what I presume he's referring to.

I might also observe, as it relates to his response, Madam Speaker, a quote of Bill Kristol's, who I think the majority leader probably knows pretty well and who obviously is a very strong proponent of policies put forward by the majority leader's party, said:

''It won't kill the country if we raise taxes a little bit on millionaires,'' he said on Fox News Sunday. ''It really won't, I don't think. I don't really understand why Republicans don't take Obama's offer.''

Now, we know the President of the United States, I want to tell my friend, the majority leader, has said he is not going to sign a bill. He disagrees with your conclusion, I disagree with your conclusion, and that's what democracy is about.

□ 1200

The President of the United States has been reelected. The President of the United States has made it very clear he will not sign a bill that reduces the tax obligations of those over $250,000 in the coming year. He's not going to sign that bill so that we can hold hostage the 98 percent. He believes, like you, that 98 percent of Americans ought not to receive a tax increase because it would, from his perspective, dampen economic growth in this country.

Now, we have disagreement on the $250,000 and above, which is a legitimate disagreement. We can debate it on the floor, we can vote on it on the floor, and every American can see where everybody stands. We believe that 60 percent of Americans or more agree with the President and with our proposition. But to say that we're not going to do something for the 98 percent because we don't want something to happen to the 2 percent—which, by the way, is not in that bill. But the gentleman's correct, nor are they included in that bill, the 2 percent.

But I would urge my friend, we're having trouble getting to an agreement. I think that's unfortunate. I think the gentleman, the majority leader, and I both want to get to an agreement. We don't want to go over that fiscal cliff; that will be bad for the economy. We both, I think, believe—I hope—that we need to have a balanced agreement so that we will not go over that cliff. That would be bad for the country, bad for the American people, bad for the growth of our economy. We don't want to do that. The gentleman, in my view, does not want to do that.

One way we can give some confidence, which is very important to the growth of the economy, is to assure, as TOM COLE, your former chairman of the Republican Campaign Committee, said just the other day in, I believe, your whip meeting, that he believes that this ought to be done; we ought to give those 98 percent assurances.

So I tell my friend that we can debate the other part of it, we can vote on the other part of it and the prevailing side will obviously win, but I don't think there's disagreement on the 98 percent. I think we agree on that. As I said before the election and I say after the election, we ought to move forward on that because that is something on which I think you and I can agree, on which Republicans and Democrats in this House can agree, something which the Senate has already agreed to. And while there was not a bipartisan vote on passage, there was a bipartisan vote to let that bill come to the floor. It's the only way it moved ahead, on a bipartisan vote. I would hope that we can at least do that so that we can give at least that on which we agree the opportunity to move forward.

I yield to my friend.

Mr. CANTOR. I thank the gentleman.

Madam Speaker, where we don't agree is asking anyone to pay more out of their paycheck to Washington when Washington seems to be incapable of getting hold of its spending problem, which is why, Madam Speaker, we continue to ask this President in these negotiations to be specific with us.

We want to address the problem. We realize that we are digging the hole deeper every day and that taxpayers are on the hook. That's why we say it is now not the time to ask anyone to pay money into Washington when we keep increasing the debt the way we are. So there is not agreement that we ought to raise taxes. There is not agreement at all until we get the problem fixed. That's all.

We can see eye to eye on this, but let's all start where we know we've got to go, which is addressing the spending problem. Then, finally, we can perhaps fulfill the promise of rebuilding the confidence that people need to have in this Federal Government.

Mr. HOYER. Madam Speaker, I don't know that I'm making myself clear: The Senate bill raises taxes on nobody. Nobody. The Senate bill simply says, for those making less than $200,000 individually, or $250,000 as a couple, they will not receive a tax increase. My friend, the majority leader, keeps responding that we're not in agreement on the over $250,000.

Mr. CANTOR. Will the gentleman yield?

Mr. HOYER. I'll be glad to yield to my friend.

Mr. CANTOR. Look, Madam Speaker, just imagine that those individuals the gentleman likes to say are perfectly willing and capable to pay more taxes, the small business man or woman who may make over $200,000 individually, $200,000, that individual will see a tax increase come January if that bill is passed or if nothing is done.

So, Madam Speaker, I know that the gentleman can be technical in his argument and say there's no tax increase, but the end effect of passing that bill, as if it resolves the matter, would mean an increased tax bill for a small business man or woman, a working man or woman at that income level. So let's be honest about what the impact is of saying that that bill is the final resolution here. I mean, the gentleman knows that is correct.

So, again, we've been through this. All I would say, Madam Speaker, to the gentleman is we are earnest in our desire to want to resolve things, and we are earnest in our statements that we don't want to go over the fiscal cliff. We've got to come together and solve this problem. Allowing taxes to go up on a certain portion of the population doesn't just fix the problem. The problem is in the spending. The gentleman knows that, he's been a real committed deficit hawk. He continues to say we've got to pay for what we buy. Well, we've bought these incredible entitlement programs, and they've got to be sustained for the people who are relying on them, which is why we want to save them. That's solving the problem. That's where we need to go on this.

Mr. HOYER. I thank the gentleman.

Madam Speaker, again, the gentleman says that I'm technically correct. I presume that means I'm correct.

The bill that I'm asking to be brought to this floor to pass will not raise anybody's taxes. What the gentleman is saying is that, unless we deal with the 2 percent, the 98 percent are going to be held hostage until such time as we deal with the 2 percent. Now, the problem with that, in a democracy, we have a disagreement on that. As a matter of fact, it was pretty clear to the American public that there was a very significant and unclouded, not confusing, difference between the two candidates for President on the very issue to which the gentleman speaks, and the American public voted. And the President of the United States, who said, ''No, I don't agree with that,'' won the election. He won the election. And he is saying, I'm not going to sign the bill on the $250,000 or above.

Now, my problem, Mr. Leader, is I understand your conclusion is that if you pass the 98 percent, that you won't have a bargaining chip with which to press your point on the over $250,000, or over $200,000 individually as you correctly observe. I understand that. But, frankly, the bargaining chip is somewhat illusory in that the President said absolutely he will not sign that. Why? Because he wants to bring down the deficit. He wants to and has agreed to—and we've agreed to—over $1.7 trillion in spending cuts already for 2011, 2012, and 2013, and for the next decade—or at least until 2022. We've already agreed to that. You pressed that, you were successful. We agreed on many of those. Some we didn't agree on, but you had the votes we needed to reach an agreement and we reached an agreement. So we cut almost $2 trillion of spending already.

You're correct: we need to assure the fact that we pay for what we buy, and if we don't want to pay for it, my view is we shouldn't buy it. Frankly, that principle applies, in my opinion, to tax expenditures as well as to buying stuff because it all reduces your ability to pay for what you're buying.

So I tell my friend, it's not that I'm technically correct; I'm correct. The bill that I'm asking you to pass will simply give to the 98 percent of American taxpayers the assurance that their taxes will not go up on January 1.

□ 1210

If we don't pass it, they won't have that assurance. Their confidence level will not be good. The stock market will be concerned. And, yes, we'll have to deal with the other 2 percent. That is clearly going to be a part of the discussion, and hopefully there will be an agreement.

But my presumption is the reason the gentleman from Oklahoma, TOM COLE, made that comment just a few days ago—and it's not like he's a backbencher. He is the former chairman of your Republican Campaign Committee—he said, We ought to do this. We ought to get it off the agenda so we give those people confidence. He called it a Christmas present to the 98 percent. I think it's a judgment that our economy will be better off if we do it.

I would be glad to yield to my friend.

Mr. CANTOR. Madam Speaker, I don't want to belabor the point. But I just want to tell the gentleman that I did not say he was technically correct. I said he was being technical in his argument.

I then went and made the case that the real impact of what the gentleman is advocating will be that taxes will go up on many people, those job creators and others. That was all.

Mr. HOYER. Let me move on, if I can, because there are a couple of other issues.

I know the gentleman indicated that you didn't include one. I think you did include the farm bill. Could you tell me what you think of the status of the farm bill? Again, we have an issue where the farm bill passed 64–35 in the Senate; 16 Republicans voted for it. And very frankly, the farm bill in this House passed out of your committee 35–11 on a bipartisan vote. That's not been brought to the floor.

Could the gentleman tell me what he thinks is going to happen to the farm bill?

Mr. CANTOR. Madam Speaker, I would tell the gentleman that both the Speaker and I have both said that we will deal with the issue of the farm bill or the issue in and around the farm bill before leaving this year.

I would tell the gentleman it is our sense that the farm bill, in being brought to the floor in regular order, does not have the votes to pass this House. And we understand the importance of the issues surrounding the farm bill and working with Chairman LUCAS and others.

But on both sides of the Capitol, we look forward to hopefully reaching

some type of resolution on issues surrounding the farm bill prior to leaving this year.

Mr. HOYER. I thank the gentleman for that response; and I am hopeful that we can, in fact, proceed on that for the farmers of America.

Obviously if we don't pass something by December 31, on January 1 prices for the Federal Government will go up very dramatically, as the gentleman knows; and it will have an impact on spending. And I know the gentleman and I are both concerned about that.

The next to last issue—just two more issues, if I can, Mr. Leader.

As you know, we've talked about the Violence Against Women Act. We've passed a bill through this House that was passed essentially on a partisan basis. They passed a bipartisan bill in the Senate, Violence Against Women. And domestic violence is an epidemic, in some respects, in this country.

I am hopeful that we might consider taking up the Senate bill again because it got passed on such an overwhelmingly bipartisan basis in the Senate. I would suggest to the gentleman that it may well pass on a bipartisan basis here as well.

The problem, as you know, from my perspective and from our side, with the House bill is that you exclude a number of people. The problem with excluding people—for instance, undocumented immigrants from being able to come forward and having a sense of safety and security in doing so—is that the abuser of the undocumented immigrant, left unaccountable, may well be the abuser of a citizen or a child in this country, either as a citizen or here illegally; and, therefore, we think there ought to be broader coverage. Apparently, the Senate shares that view. As you know, every Republican woman and Democratic woman voted for that bill in the Senate.

Does the gentleman have any idea whether we could either go to conference on that bill or whether or not we might bring the Senate bill up for passage?

I yield to my friend.

Mr. CANTOR. Well, I would tell the gentleman, Madam Speaker, that the Chair is actually the author of the House bill.

The House bill was passed out of this House. It had broad support. It was a bill that did not intend to target any specific group. It tried to streamline the grant-making process so that the benefits designed to address the needs of abused women and others could reach the victims; and I am committed to seeing if we can get this bill done.

The gentleman knows, Madam Speaker, that the Senate bill has a blue-slip problem. The Senate bill is not over here. So we continue to negotiate and discuss ways for us to resolve this by the end of the year. The Vice President and I have even spoken, because it's an issue very near and dear to his heart, to try to see how we can resolve this.

So I commit to the gentleman that I am looking to see this resolved and passed by the end of the year and to see where we can land in a way that preserves most of what that bill is about that we can have in common rather than emphasizing the areas of difference.

Mr. HOYER. I thank the gentleman, and I thank the Speaker for her leadership on this issue.

But I thank the gentleman for his assurance that he's focused on this and is going to work on it. I look forward to working with him on this bill, which I think is a very important bill for us to get passed before we leave here.

Lastly, obviously all of us know that Hurricane Sandy visited extraordinary damage on a large portion of the Northeast. I come from Maryland, and we were not very substantially damaged; but obviously New Jersey, New York, and Connecticut, in particular, were.

Can the gentleman tell me—I know the administration has not come down with a number. That number, I presume, is going to be well north of $50 billion. In terms of the estimates that are being made, this is one of the five most damaging storms to hit the coast of the United States of America.

I am wondering whether or not the gentleman might have in mind doing some interim figure in the next 3 weeks, before Christmas, substantially below what we know is going to be the ultimate figure. And then would the gentleman tell me whether or not, if we could do that, whether or not the gentleman would require that it be offset.

And I yield to my friend.

Mr. CANTOR. Madam Speaker, I will tell the gentleman I think he would agree that the best policy is to allow the administration of FEMA to come up with the estimate and the most accurate prediction of what the costs are before we move. So that would be in response to the first part of his question.

Secondly, as the gentleman knows, when we passed the Budget Control Act last year, it had in it the mechanisms to actually budget for disaster relief and imposing a formula for a 10-year rolling average, allowing for the preservation, if you will, of those dollars dedicated to disasters was what we accomplished there. And it is that process that is much different than prior to the BCA, and I think it obviates the need for us to engage in this discussion that he wants to engage in regarding offsets.

Mr. HOYER. Lastly, let me ask you: Mr. NADLER has a resolution. I'm not sure if Mr. GRIMM and Mr. KING are on the resolution, but I presume they're on the resolution as well. It's a bipartisan resolution expressing condolences to those who were devastated not only in terms of property but some, of course, lost family members and life, whether or not that resolution might be brought to the floor so that this House can express its regrets and condolences and sympathy with those who were so devastated.

Mr. CANTOR. I will tell the gentleman, Madam Speaker, that we did, as he knows, observe a moment of silence in memory of those who lost their lives in that horrific storm to hit the east coast of the United States. Certainly all of us, our thoughts, our prayers, our sorrows go out to the loved ones who have lost family members, friends in that awful tragedy of a storm. I have not looked at Mr. NADLER's bill but will do so, I will tell the gentleman.

Mr. HOYER. I thank my friend.

Madam Speaker, I yield back the balance of my time.

□ 1220

ADJOURNMENT TO MONDAY, DECEMBER 3, 2012

Mr. CANTOR. Madam Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next for morning-hour debate and 2 p.m. for legislative business.

The SPEAKER pro tempore (Mrs. ADAMS). Is there objection to the request of the gentleman from Virginia?

There was no objection.

THE FISCAL CLIFF

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Virginia (Mr. SCOTT) is recognized for 60 minutes as the designee of the minority leader.

Mr. SCOTT of Virginia. Madam Speaker, on behalf of the Congressional Black Caucus, we would like to discuss the fiscal cliff and our position on the ongoing negotiations.

We didn't get here, Madam Speaker, by accident. I was elected in 1992. In the 1993 budget, we addressed fiscal responsibility by passing the Clinton budget. It was very controversial. In fact, it only passed by one vote of the House, and the Vice President had to vote in the Senate to break the tie. That budget put us on a trajectory toward fiscal responsibility.

That was interrupted by a controversy in 1995, when the Republicans, using the votes on that budget, picked up a majority in the House and tried to dismantle that budget. President Clinton allowed the government to get shut down rather than dismantle the budget. That budget stayed into effect until 2001.

In 2001, Chairman Greenspan was answering questions like: Are we paying off the national debt too quickly, and should we pay off the national debt? The projections were that, by 2008, the entire national debt held by the public would be paid off with no money owed to China, Japan, or Saudi Arabia. We would have paid off all of those debts. All the money would have been back in the trust funds by 2013.

That's where we were beginning in 2001, but the Republicans talked people into thinking that you could pass tax cuts without paying for them, massive tax cuts in 2001 and 2003. There were two wars not paid for and a prescription drug benefit not paid for. All of that surplus evaporated, and now we find ourselves deeply in debt. Rather than paying off the debt, we have more than doubled the debt.

Now it's obvious we have to do something about it, and the Congressional Black Caucus is willing to do its part within certain parameters. This is the Congressional Black Caucus position on going forward:

Excessive partisanship and a lack of willingness to compromise has led us to this moment where tough choices must be made to prevent our Nation from going over the fiscal cliff, but one thing is clear: The path to fiscal sustainability must not be made on the backs of our Nation's most vulnerable communities.

As President Obama and congressional leaders continue to negotiate ways to avoid the fiscal cliff, the Congressional Black Caucus will adhere to the following principles in considering its support of any agreement:

First, we must protect our social safety net. Social Security should be completely off the negotiating table since it does not contribute to the deficit. Additionally, the Congressional Black Caucus will specifically oppose any plan that changes eligibility for Medicare.

Investments in job training, education, health care, transportation, and infrastructure should not be cut to pay for the extension of any of the Bush-era tax cuts. These vital government investments are critical to our Nation's short-term recovery and long-term economic prosperity.

The Simpson-Bowles Commission set a goal of $4 trillion in deficit reduction over the next decade. Considering that goal, $1.5 trillion in cuts have already been agreed to through the spending caps in the Budget Control Act of 2011. Non-defense discretionary spending, as a percentage of GDP, is at a 50-year low. Additional savings through reductions in military operations in Iraq and Afghanistan should also be recognized. So we've gone a long way in recognizing the $4 trillion goal.

The wealthiest Americans disproportionately benefited from the Bush-era tax cuts and the Federal Government's 2008 bailout of some of the largest firms on Wall Street. Revenue increases and allowing the Bush-era tax cuts to expire for the wealthiest Americans must be part of any agreement.

The Congressional Black Caucus supports extending the middle class Bush-era tax cuts, but any extension must be paid for in ways that are consistent with these principles. We should not agree to the extension of any tax cuts without knowing how we will pay for them. We cannot allow an extension of tax cuts now, only to discover that they'll be paid for by cutting Social Security, Medicare, Medicaid, and other critical social safety net programs later.

The Affordable Care Act should not be on the negotiating table. The program does not add to the debt and must be protected and fully implemented as planned. Millions of Americans are already benefiting from health care reform, and millions of Americans stand to gain access to affordable health care insurance in 2014.

Emergency unemployment insurance must be extended. Every dollar spent on unemployment insurance generates $1.55 in economic activity. Unemployment benefits are the most effective fiscal policy to stimulate the economy and put people back to work. Our economy is slowly recovering from the deepest recession since the Great Depression, and 2 million workers would be stripped of their emergency unemployment compensation if no action is taken by the end of the year.

Earlier this year, the Congressional Black Caucus offered an effective alternative budget that addresses the sequester and fully pays for an extension of Bush-era middle class tax cuts without cutting Social Security, Medicare, Medicaid, and the social safety net, while also ensuring that we invest in our children, our communities, and our economy.

We can get this done if we do this consistent with the Congressional Black Caucus principles. The vulnerable will not be hurt. We're close, but we cannot agree to any kind of scheme that puts us in a situation where we extend tax cuts now and then later find that we're going to pay for them on the backs of the most vulnerable in our community.

I now yield such time as she may consume to the gentlelady from Wisconsin, a very active member of the Budget Committee, Ms. MOORE.

Ms. MOORE. Thank you so much, Mr. SCOTT.

I would start out by asking you to yield to a question, Mr. SCOTT, because we heard prior to our discussion here at the Congressional Black Caucus hour, we heard the majority leader and the minority whip discussing spending. I just wanted some clarification.

When we provide tax cuts to anyone, but especially to the top 2 percent, is that spending?

Mr. SCOTT of Virginia. When you're talking about the budget, there are two sides of the ledger. If you spend more, you should tax more. If you have less in taxes, you have to have less in spending. That's how you balance the budget.

One of the problems we've had for the last few years is people think you can have a tax cut and don't have to cut anything. In the discussion of how much tax extension you can afford, that discussion is almost unrelated to the spending cuts. If you want to extend more tax cuts, then you have to cut more spending. People talk about it like they're unrelated. They say you can cut it off at $500,000, rather than $250,000. If you extend more tax cuts, you have to cut almost 10 percent across the board in non-defense discretionary spending to make up for the lost revenue.

At some point, people should conform their statements to fundamental principles of arithmetic. This is what we've gotten away from. This is what the Congressional Black Caucus budget does. It names how you can come up with the revenue. It names specifically revenue: the Buffett rule, the surcharge on millionaires, investment income like regular income, and naming specific corporate loopholes that can be closed. We show how you can easily come up with the amount of money that's left in the $4 trillion after the trillion and a half in cuts and after the war savings and after the expiration of the upper income Bush-era tax cuts. We can fill the gap.

If you don't want to do it that way, then name the spending cuts. This is where the trouble is. We've heard all this about reducing the size of government with unspecified cuts. That sounds good, until you start specifying.

□ 1230

The last time Republicans had a budget that reduced the size of the government, they cut almost $300 million out of Embassy security. That's what they mean by reducing the size of government. Usually what they mean is Social Security and Medicare, but whatever they mean, name it. We don't want to be in a position in which we've extended tax cuts and then come back next year and say, Oh, now we're broke, and we've got to cut Social Security and Medicare. If that's what you're going to do with a tax cut, then let's consider that as we decide if we want that tax cut or not. I think most people would say, if your goal is cutting Social Security and Medicare, we don't need a tax cut that bad. As a matter of fact, that's how the scheme works. The only way you can cut Social Security and Medicare is to get people to go for the tax cuts now and then come back and say you're so broke and we need so much money that the only place you can get it is from Social Security and Medicare.

So let's get this up front. Let's do it all at once. We know what tax cuts are going to be extended, and we know how they're going to pay for them. We're not going to get tricked later on by people coming up saying that we've got to cut Social Security and Medicare because we extended the tax cuts. This is one of the problems we get into. They will not name the programs that are going to get cut. When they talk about corporate loopholes, they don't say what they are.

Ms. MOORE. Mr. SCOTT, just for my understanding and for my constituents to appreciate the scope of this problem, if we were to cut WIC and Head Start and Meals on Wheels for elders and the

low-income heating, we are made to believe that if we were to put all of these kinds of programs on the table that we could maintain the Bush-era tax cuts, that we could maintain most of the unequal treatment of dividends and corporate gains, and that we would be just fine, that we could find $4 trillion in Pell Grants and Head Start moneys.

Am I missing something here?

Mr. SCOTT of Virginia. If you look at the budget and if you take out Social Security, Medicare, Medicaid, and defense and if you just look at what's called the nondefense discretionary budget, that's about—I'd say in round figures—$400 billion. If you're trying to get $4 trillion in cuts in 10 years, that's $400 billion a year. You would have to eliminate government. There would be no Embassy security, no FBI agents, no food inspection, no Federal prisons, no Head Start, no education, no FEMA, no transportation. I mean, nothing, nothing.

Ms. MOORE. Except for tax cuts.

Mr. SCOTT of Virginia. You would have to eliminate everything in order to fund a total extension of the tax cuts. Now, obviously, that's not going to happen.

Obviously, if you extend the tax cuts without offsetting it with other revenues, you've got to go into Social Security and Medicare. When they talk about reducing the size of government, that's why they can't tell you what they're going to cut, because they can't cut that much. When they say they're going to close the corporate loopholes, they can't name them because the corporate loopholes don't add up to enough. When you start talking about Head Start and the legal aid and all those, you're talking about hundreds of millions of dollars. We're trying to get to trillions.

Ms. MOORE. Mr. SCOTT, I thank you for that background because I just wanted to set the record straight.

On the hype that the Grand Old Party is leading us to believe, which is that, number one, extending the Bush-era tax cuts is not spending. It is exactly spending, and that is on the faulty belief that our spending on safety net programs is driving our debt. Social Security does not drive the debt.

I think, Mr. SCOTT, you have really led us into a clear understanding of Grover Norquist's claim that they really want to do away with government. They want to shrink government down to a size so small that they could drown it in a bathtub. They don't want to recognize the important role of government. They don't want clean air, clean water, food inspection. They want laissez-faire and for-corporate activity.

Now, our debts and deficits have been driven by undeniable, obvious factors. We've had a deep and ongoing recession based on an unregulated Wall Street. We've had expensive and drawn-out wars—the longest war in the history of this country that we're still in the midst of. Then there are the unpaid-for Bush-era tax cuts that have benefited primarily the wealthiest Americans, and of course there is an unpaid-for entitlement program. While we do appreciate the prescription drug program for seniors, Mr. SCOTT, the greatest beneficiaries of that program are the pharmaceutical companies because they get undue profit from not negotiating on the critical mass that this population provides them, the savings from that program.

So, if they want to talk about entitlement reform, I think a good place to start would be in negotiating for prescription drugs provided through Medicare and also in the recapturing of billions of dollars of overpayments from the insurance premiums under Medicare Advantage. The advantage goes to those insurance companies.

Our debts and our deficits have not been driven by children attending Head Start. Our debts and deficits have not been driven by seniors receiving Meals on Wheels. Our debts and deficits have not been driven by students participating in the TRIO program or receiving Pell Grants, yet we continue to hear the Grand Old Party say that we've got to put these programs on the chopping block so that we can continue tax breaks for the top 2 percent of Americans.

Now, members of the Congressional Black Caucus, believe it or not, do not agree 100 percent on how to solve the so-called ''fiscal cliff'' situation, but there is 100 percent agreement among Congressional Black Caucus leaders that we do not want an austerity cliff, which will lead to increased poverty and exacerbate the hardship for low and middle class families. The wealthiest individuals and corporations should have to pay their fair share of taxes.

As a member of the Budget Committee and as the Democratic chair of the Congressional Caucus for Women's Issues, I have a lot of thoughts on the fiscal cliff negotiations. First of all, we must include a robust extension of Federal unemployment benefits for workers.

Mr. SCOTT, has there ever been a time when the unemployment rate—7.2 percent—has ever been this high and, on a bipartisan basis, this Congress has not provided extended unemployment benefits for workers?

Mr. SCOTT of Virginia. It is generally the practice that we would extend emergency unemployment compensation for longer than normal, which is every time the rate gets high and when it's an emergency, so it's not offset. That is the usual situation.

The problem with this recession is that a disproportionately high portion of the unemployed or long-term unemployed—the people who have been unemployed for a long time—are experiencing even insult to injury because a lot of employers are discriminating against people who do not have jobs. If you apply and don't have a job, they will not consider your application. If you have a job, then they will consider you. So, if you've been without a job for a long time and are still trying to get a job, it's even harder for you to get a job. Now, those people have traditionally worked. They're hardworking Americans who want a job, are looking for a job. Unfortunately, the economy is such that you've got three or four people looking for every job that's out there. So, whatever happens, a lot of people are going to be left out.

□ 1240

And meanwhile, the question is: What happens? If you provide unemployment compensation for them, one of the things that happens is they spend that money into the economy as soon as they get it.

Ms. MOORE. Absolutely.

Mr. SCOTT of Virginia. So it is one of the most effective things. If you put $1 into unemployment compensation, economic activity is about $1.55. If you give a $1 tax cut on dividends, the economic activity is about 15 cents because the people getting that benefit will just spend what they ordinarily spend. They may pay off a credit card, they may save some money, but they're not going to spend the money. You want the money in the hands of people who will actually spend it if you want the economy stimulated.

Ms. MOORE. Thank you for that, Mr. SCOTT. That is a major point, that unemployment compensation extension would provide the greatest stimulative impact, not only for those people who are desperately in need of it, but for our economy as a whole.

We often hear so much about how much people love the little children, and I guess there's only one way to show it during these discussions. The Congressional Black Caucus agrees that we need to maintain some of the provisions that are expiring under the American Recovery and Reinvestment Act, the so-called stimulus, and that's the child tax credit and the earned income tax credit.

The austerity, Mr. SCOTT, that we're trying to avoid is that children bear the burden of this recession. They are often hidden faces. They don't vote. They don't contribute to campaigns. But we thought, the Congressional Black Caucus thought, it was really important to put on the table the need to protect children.

Again, we don't think Social Security should be on the table in these fiscal cliff discussions. It's not the driver of the deficits. And further down the line, we think it's important to not mess with the age or switch, change CPI, or any other cuts that would affect beneficiaries.

Mr. SCOTT of Virginia. People talk about increasing the age of Social Security or the cost-of-living increase. The first question is whether or not you're going to cut Social Security. And then if you decide to cut Social Security, there are different ways of doing it, some more painful than others. But the first question is: Are you

cutting Social Security? And part of that question is why. If none of the tax cuts get extended, at this point you've got too much money. You've got more money than you need on the table. So the only reason you're even discussing a cut in Social Security is because you want to extend the tax cuts.

Now, I think most people when they're faced with the choice, do you want Social Security to be a piggy bank, every time we're running short in the budget you're going to cut a little Social Security or Medicare or Medicaid, are you going to make that a little piggy bank every time you have a budget problem, and if you're going to extend tax cuts, are you going to pay for them out of Social Security, I think most people would want us to leave Social Security and Medicare and Medicaid alone. Leave it alone. And if you've got enough money for the tax cuts, fine. But do not extend tax cuts and think you're going to pay for it and people are going to like you paying for it out of Social Security and Medicare.

And that's really the choice we have, because the entire discussion about Medicare is only necessitated by the fact that people are trying to extend these tax cuts. And if you extend the tax cuts, then you have to pay for it. And we're talking arithmetic. If you extend trillions of dollars in tax cuts, the only place you can reasonably get it, Social Security and Medicare, unless you're going to raise some other taxes to offset it.

The Congressional Black Caucus has taken the position that we don't want any tax cuts that are paid for if you have to cut Social Security, Medicare, and Medicaid, the social safety net, or investments in our future like education and research and infrastructure. We don't need tax cuts that badly. We need those investments more than we need tax cuts.

So when you start talking about the different ways of cutting Social Security, we need to make sure that it's in the context, that we're talking about cutting Social Security in order to preserve the tax cuts.

Ms. MOORE. Let me ask you something about preserving the tax cuts. The President campaigned for a couple of years, but particularly in the last year, on cutting tax cuts for income over $250,000. So am I to understand, Mr. SCOTT, that that means that millionaires and billionaires will still be getting a tax cut were they to agree to this framework?

Mr. SCOTT of Virginia. They would get a tax cut on their income up to $250,000. Their income over $250,000, they would not enjoy the Bush-era tax cuts. They would be paying the same taxes they were paying when the stock market was—during the Clinton administration, when the stock market almost quadrupled. The Dow Jones Industrial Average almost quadrupled. Under the lower tax rates under the Bush administration, the Dow Jones Industrial Average was incredibly worse at the end of his 8 years than it was in the beginning. Quadrupling under Clinton; worse under Bush than it was in the beginning. Of course, job creation, record under the Clinton administration when you had the higher rate; under the Bush administration, the only measure you're looking at it, is it or is it not the worst since the Great Depression.

Obviously, those who are paying the high rate actually have more of a financial interest in the stock market, because the little bit of tax increase we're talking about, they will more than offset that by the stock market going up like it did under the Clinton administration. If you look at the taxes they saved under Bush, if they could have gotten the returns in the stock market like they did under Clinton, they would have gotten 10 to 20 times more returns in the stock market than they paid in little taxes.

Ms. MOORE. So we have heard some people panicking, saying, boy, between me and my husband, our household, we make $252,000 a year. What do we say to someone, a family earning $252,000 a year, that you're going to pay the higher tax rate on $2,000 of your income?

Mr. SCOTT of Virginia. You're exactly right. It probably would not result in any change in the withholding because of that little bit of money, and they would have all of the tax cuts up to the first $250,000, and they would pay a slightly additional tax on the additional $2,000.

One of the things that we need to point out is that with the stagnant economy, most workers haven't gotten a cost-of-living increase in a long time. If we can improve the economy, if we had a little more money and could create jobs and improve the economy such that employers think that people might actually walk off the job and go get another job, they are more likely to get a cost-of-living increase. That cost-of-living increase is more than the additional taxes that we're talking about in most cases.

Ms. MOORE. Thank you, Mr. SCOTT.

I have many, many more questions for you about what the options are, about what we can do. And I know that the Congressional Black Caucus doesn't agree on everything, but it seems to me that the Congressional Black Caucus is very concerned about the math adding up.

Mr. SCOTT of Virginia. That's exactly the problem. When you start talking about reducing the size of government with unspecified cuts or revenue increases, not rate increases but revenue increases, whatever that means, without specifying, we don't even know whether it is arithmetically possible. But if it is arithmetically possible, what we suspect is that it is going into things like the deduction you get on health care. You don't have to pay—if you get health care insurance, you don't have to pay income tax on that. The mortgage deduction, charitable deductions, the kinds of things that we probably wouldn't want to cut in order to fund some tax cuts, but the Congressional Black Caucus did talk about deferral of overseas corporate profits. If you eliminate that exemption, that's about half a trillion. A 5 percent surcharge on millionaires, that's about half a trillion. The financial speculation tax, when you buy stocks and trade stocks and bonds, you pay a little one-quarter of 1 percent charge on that. Now, before the discount brokers, people would be paying 1 or 2 percent, not just a little quarter of a percent. So that is certainly something that could be done. Limit the deductibility of corporate debt interest. That's about three-quarters of a trillion. Treating investment income like regular income, that's almost a trillion.

I mean, there are a lot of things that we can do to add up to get to the little bit of money we need left. Negotiating prices on pharmaceuticals under Medicare.

Ms. MOORE. That's exactly where I want to go. People are very nervous about this discussion, and the Republicans continue to say that we need to put Medicare on the table. And I know that during the campaign they talked about creating a voucher, premium support under Medicare, which would have cost seniors an average of $6,000 more.

□ 1250

Mr. SCOTT of Virginia. About $500 a month more for health care than they're paying now. That was the plan.

Ms. MOORE. And how does that differ from possibilities that are available under the Affordable Care Act?

Under the Affordable Care Act, which it's really ironic, because if you want to derive some savings under Medicare, and I have no reason to believe that Republicans don't want to do that, why would they continue to be talking about, Governors all over the country talking about, not putting the exchanges together in their States, still some sort of agenda to repeal Medicare?

What savings can be derived out of Medicare from full implementation of the Affordable Care Act, so-called ObamaCare?

Mr. SCOTT of Virginia. Well, one of the things that ObamaCare did was to provide, for those on Medicare, you get your annual checkups with no copay and cancer screening, no copays and deductibles. We're closing the doughnut hole.

Under the Romney plan, because they're paying providers more, your copay part of that provider fee is more, so your copays and deductible would be more. That's for people over 55. People already on Medicare would pay more under the alternative than they're paying today.

If you're under 55, you're at your $500 a month, every month, trying to make your health care, because the thing is

that if Medicare is saving money, and the health care costs do not go down, then somebody's got to pay the difference. Adding insult to injury to that, you have corporate profits, dividends and commissions and everything else being siphoned off. So you not only have to pay the health care costs; you have to pay enough to cover the corporate profits. And so that's where senior citizens would be paying $500 a month, $6,000 a year more.

Ms. MOORE. So, Mr. SCOTT, let me see if I've got this straight. Under the Affordable Care Act, we are asking that, instead of having seniors pay more, you know, find themselves in the doughnut hole, that we ask pharmaceutical companies to ask to negotiate drug prices. Over 10 years, that might be $156 billion, $157 billion.

Mr. SCOTT of Virginia. There's a provision in the prescriptive drug benefit that passed about a decade ago that prohibits HHS from negotiating drug prices with pharmaceuticals. Now, the VA can negotiate prices; Medicaid can negotiate prices. But somehow, somebody, I don't know who, nobody's taking credit for it, it just kind of ended up in there, prohibits HHS from negotiating drug prices. So when a company says this is what we want, it is illegal for HHS to point out that you're charging everybody less, you charge in Canada less—how about giving us a little savings—that's illegal. Whatever they want, that's what they get.

Ms. MOORE. That would be a great reform under entitlement. Another entitlement reform I would just like for you to address that's in the Affordable Care Act would be this so-called Medicare Advantage program. Medicare Advantage, I mean, who doesn't want an advantage?

But the actual delivery of the service, where, to whom does the advantage inure?

Mr. SCOTT of Virginia. Well, the Medicare Advantage gives you slightly enhanced benefits under Medicare, and it was provided by Medicare. And what the private sector says is: we could provide those same services for a lower cost; and if you let us get in at 95 percent of what you're paying, everybody wins, because we're saving money. That's a phantom saving, but that was the original deal.

By the time—in the prescriptive drug benefit, we're paying about 115 percent more than the average. And all we're doing is saying, well, let's just pay the average.

The insurance companies do have an advantage in their costs because there are ways of attracting a healthier clientele, so their costs would be lower, not because of efficiency, but because they skewed a better, healthier clientele and that's how they save money.

But what we did was reduced their profit margin to the point where they have to be at least as efficient as Medicare, not getting a bonus, which didn't help anybody.

Ms. MOORE. So I see, Mr. SCOTT, that Representative SHEILA JACKSON LEE has joined us, and so I just want to close out by asking this last question, just to wrap this up. So when the President talks about putting $480 billion of cuts on the table for Medicare, without knowing all of those details, a lot of that depends on not reducing benefits to the elderly, but to make sure that pharmaceutical companies and insurance companies and hospitals deliver services in a more efficient way, that people—that the delivery—that we change the way health care is delivered in a way that is efficient, more humane, cost effective and deliver the same level of quality and benefits to the elderly. Is that right?

Mr. SCOTT of Virginia. And that is exactly what we did. Much has been made of the $716 billion that was saved in Medicare. The corporate subsidies was part of it, efficiencies were part of it, but not a dime in benefits was adversely affected. In doing that, we also extended the solvency. Medicare goes broke, was going broke, in 4 years. Now it's 12 years.

Under the alternative plan, during the campaign, it would be back to 4 years. So seniors would be paying—seniors on Medicare now would be paying more. Seniors, younger people when they get to Medicare would pay a lot more, and it goes broke quicker. That was what we were fighting. And the President was reelected, and so Medicare will not be attacked.

But, again, when you talk about additional Medicare cuts, we're just not cutting in the abstract. Those cuts are necessary because people want to extend the Bush-era tax cuts. If you do not extend the tax cuts, you do not have to discuss any cuts in Medicare.

These savings are designed to help pay for tax cuts; and people need to make the choice, recognize the choice. Do you want to cut Medicare in order to preserve some tax cuts? I think a lot of people would say leave Medicare alone.

Ms. MOORE. Leave my Medicare alone.

Mr. SCOTT of Virginia. I yield such time as she may consume to the gentlelady from Texas, SHEILA JACKSON LEE.

Ms. JACKSON LEE of Texas. It's a delight just to be with you, not a delight on this discussion that we're having. I want to thank the gentlelady from Wisconsin for her leadership and membership on the Budget Committee, and certainly the gentleman for Virginia on his leadership on the Budget Committee, and delighted to be a member of the Congressional Black Caucus and have a reasoned discussion.

And just to pick up from where Mr. SCOTT was saying and just reinforce it, Medicare is solvent. Let me just turn. Medicare is solvent. Medicare is solvent. Medicare is solvent and it is strong. It is solvent to 2024.

Social Security, which is not even an issue, has nothing to do with this deficit. It is a trust fund, but more importantly, it is solvent until 2037. Let me repeat myself that Medicare is solvent. Social Security is solvent until 2037. That is really a lifetime.

The gentleman has made a very good point that I would like to pursue in discussing fiscal deadlines. I have washed my mouth out with soap and will no longer yield to terminology that has been used that is falsifying where we are.

Let me first go over, and I'm going to mix some apples and oranges a little bit of what the President has offered us. I know we've heard it, but let me reinforce the fact. And my numbers are going to be not precise, but I'm going to say that 1.2, 1.1, over 1 trillion in tax cuts. And then a war dividend, a peace dividend of about 1 trillion—I want to say war, but war savings.

I have signed on to expedite the return of our heroes from Afghanistan, move into the diplomatic process, bring our soldiers home. And $50 billion in infrastructure that creates jobs.

For those of you who find sinkholes for your cars, overcrowded on various freeways and highways, this is to aid in doing what we have not done over many decades, $50 billion.

□ 1300

And then, of course, the mentioned Medicare. And Mr. SCOTT has indicated that is the President's attempt to be the reasonable man, even though on November 6, 2012, America spoke soundly and loudly that the idea of protecting the safety net of Medicare, Medicaid, and Social Security is vital. I add to that unemployment insurance. In terms of those who have been looking for jobs, that is crucial. We have a lot of young people who have started out with a job but then may not have had it. Please know that unemployment insurance is that—it's insurance, not a handout. It's a hand up.

Do you realize that all of this would be wiped out with the proposal that our friends insist on keeping, when economists will tell you several things. First of all, there is no documentation that in fact if you keep the cuts, you'll create jobs. There just isn't any basis for that. First of all, we take care of 97 percent of small businesses with income under $250,000. Go up and down the streets of America on Small Business Day and ask these small businesses what their income is, not what they take in and pay employees, et cetera. They will not pay any taxes on income of $250,000. And then, if you are hardworking, an $80,000 salaried person, two workers in the family, $40,000 and $40,000; that's $80,000. If you make $250,000. If you make $15 billion in salary or in income, you will get a tax cut of $250,000. Is that not the reasonable man and woman standard? Is that not reasonable?

Let me tell you why that's reasonable. Because as I said, most economists will tell you that, first of all, cutting spending is not the answer in a

recession as relates to the deficit. And so we're not insensitive to the deficit. We want to have a reasoned response to the deficit. The crisis is to ensure that middle America and low-income Americans and young people with their start-off jobs making a certain amount of money do not have an enormous tax increase as they go into 2013.

Be very sure now, this whole thing about going downhill doesn't exist, because it's something of a slide. All of these things don't happen right at 2013. We have the time to be reasonable to deal with the tax cuts to save people from having increases, meaning those earning $250,000 and below. And for the blessed and well-to-do, let me just say this is not any punitive measure in suggesting that we don't have the respect for people's wealth and the well-to-do. What we're saying is where there's mutual benefit, there's a mutual burden. And I haven't heard a cry out from anybody to say that they would not welcome that balance.

So then we have the opportunity, even though the President's put on the table, as the gentleman from Virginia said, $480 billion. This whole boogie man about entitlement reform is such a straw man. It's just something to throw out to the American people. The people that are on Medicare and Medicaid and Social Security are entitled ne'er-do-wells. That is not true. The people who get Medicare and Medicaid, Social Security, even unemployment insurance, are people who have worked. They have worked. They have earned this.

Now, there are many ways that we can look at these elements going forward. But the idea that we would throw this on the altar as a sacrifice and cloud people's minds and tell them that they are in fact going to be the life or the answer of whether or not our good friends join us on the other side of the aisle and do this reasonable act of cutting the taxes of 100 percent of Americans and eliminating the Bush tax cuts for the 1 and 2 percent.

Let me just tell you, for those who think that they don't mind the cliff, I'm not sure who's been saying that. And I respect them for it. I said I wasn't going to say that. But you're talking about increasing taxes. You're talking about causing the loss of jobs, increasing taxes about $3,000 on the average family. You're talking about increasing unemployment from 7.9 percent to about 9.1 percent. This is what we're playing with. But let me just give you something else.

The tax cuts that we have been paying for already over a 10-year period, the extension would cost $2.4 trillion. And if anybody is serious about cutting the deficit, how nonsensical and what sense does that make to continue these cuts? If they could document for me how these create jobs, then maybe we would be able to respond to it.

Does anybody realize and recognize that Hurricane Sandy came through and that one of the mayors of one of the largest cities was just here this week asking for an enormous infusion of dollars, of which we are merciful and recognize the role of the Federal Government? Why are we stalling on the simple process of eliminating the Bush tax cuts of 2 percent of the individuals who have been particularly silent because they recognize benefit and burden? And for our corporations—and I have the greatest respect for capitalism—presently flush with cash, let me tell you what the instability is. The corporations, the businesses are saying, Tell us what the deal is, then we'll plan. We'll know what to do, and so we will be able to stabilize. I hope they'll invest the money they already have out into the market because there's still incentives for creating jobs. Maybe if we pass the American Jobs Act, we'd be able to do that.

Let me just finish on this point to my dear friend. I want to remind everybody that tomorrow is World AIDS Day; and I want to remind people that over its lifetime and up to the end of 2005, 38.6 million people worldwide were living with AIDS and more than 25 million people have died of AIDS since 1981. And so a lot of people say, Oh, that's behind us. What is she talking about, HIV/AIDS? Well, I know when I go into the Thomas Street Clinic in Houston, Texas, that is not the case. And I congratulate them for what they have done. But there are approximately 1 million, 1.2 million positive individuals that live in the United States and 56,000 new infections every year.

Why am I saying that? Because when we think of discretionary funding, it's a nebulous term. What does it mean? Mr. REID rightly asked my good friends on the other side of the aisle, What spending cuts are you talking about? It was the intervention of the Federal Government with the Ryan White Treatment Act and the research regarding HIV/AIDS that have helped people like those who are hemophiliacs and others in the large population. That means that everybody gets it. It's not a stigma. Everybody is possibly susceptible to it. Where would we be without that intervention of the Federal Government?

So in the shadow of honoring tomorrow and those who have lost their lives in this terrible epidemic, to be able to salute and thank those who've done the research and improved the quality of life of those who are now living with HIV and AIDS and saying to those millions who lost their lives that we will not forget, that's what this debate is about. It is about rental income for poor people. By the way, those poor people are working people. It is about supplemental nutrition dollars for women and children. I would not call them the deadbeats of life. Those who speak on the floor about national security and border security, do you realize that we'd be cutting $823 million from customs and border protection? These are the roles and responsibilities of the Federal Government.

And so rather than take a frivolous perspective on this, rather than tell people that you can't do anything before 2013, rather than suggest that entitlements are laid upon the table, on the altar as a sacrifice, just tell the American people the truth. Let's just tell them the truth. Entitlements are not the issue. And if so, cool heads can sit down and engage the American people and tell us how many seniors in nursing homes do we want to throw out in the street. What options do they have? Maybe we'll begin to talk about home care. That's okay. But you don't talk about home care overnight.

So you have to be deliberative. And then, who wants to make a fuss about Medicare when it's solvent until 2024? Again, abusing the information given to the American people. Who wants to make a fuss about Social Security when it's solvent and it's about you earned it?

So to Mr. SCOTT, my call today is to thank you for giving us this opportunity. As I speak to my constituents, I indicate that we're just immersed in these kinds of discussions and I'm hoping and, as I said, I'm optimistic and believe that cool heads will come together. We'll be back next week. We'll be talking to our constituents over the next couple of days.

□ 1310

I'm looking at a sheet that has a number of revenue options that I'm going to be studying. That means that I am not in any way taking the serious work of the deficit for granted. But I do want to put a firewall around hysteria and put the hysteria over here, and get to work with eliminating the tax cuts for the top 2 percent, give everybody a $250,000 income tax break, and then, in a thoughtful manner, look at a number of ways and join with the President on saying it's valuable to do something about infrastructure, it's valuable to count in the war savings and to bring our troops home—heroes—with honor. I passed an amendment to do that, to honor every returning soldier that comes home.

So I thank the gentleman from Virginia for his service, but also for the work that you've been doing on this issue. I hope I'm not too animated, but let me end on a very quiet note. I am calm, and I believe that we can be deliberative and responsible in our thinking, and I look forward to that occurring.

Mr. SCOTT of Virginia. Mr. Speaker, just in closing, the gentlelady pointed out that bad things happen if we go over the cliff. Bad things are going to happen if we get serious about deficit reduction. The only way you can deal with deficit reduction is to raise somebody's taxes or to cut somebody's spending. It's going to be unpleasant. Until you recognize that arithmetic reality, we're not going to make any progress.

You're not going to be popular doing deficit reductions, but we have choices

to make. We can do this without cutting Social Security, Medicare, or Medicaid, the social safety net, or investments in our future. We have a list of ways of doing it, with specifics. Now, we're willing to compromise, of course, but you can't compromise by reducing the size of government with unspecified cuts. Until you specify them, you can't have a discussion. You can't have unspecified revenues that don't involve rate increases when we don't know what you're talking about. We can't compromise on that because there is no proposal to compromise.

We need specifics. We cannot allow people to try to get past a scheme where you extend the tax cuts at a huge price and then come back next year and try to pay for them and notice that you're so broke you have to cut Social Security and Medicare. If that's your plan, let's get it all up front: we're going to cut Social Security and Medicare in order to provide for some tax cuts. I think most people would say, no, leave Social Security and Medicare and Medicaid alone. If you've got some money left over from tax cuts, fine, but we do not want Social Security, Medicare, and Medicaid to be cut in order to provide for tax cuts.

When you start talking about, well, increase the age or reduce the COLA, those are just ways of reducing benefits. So we need to make that threshold statement that we're not going to allow Social Security and Medicare and Medicaid to be used to pay for any of these tax cuts, and we will not allow a scheme to take place where we all agree on some tax cuts first, and then find out that because of the size of the tax cuts we have to cut Social Security and Medicare. Let's figure this all out at once. It can be done. There are some tough choices that have to be made, and the Congressional Black Caucus has shown how those choices can be made, with specifics, in their various documents.

Mr. Speaker, I appreciate the opportunity to have this moment to discuss the Congressional Black Caucus position on the fiscal cliff, and I yield back the balance of my time.

CAN'T TAX OUR WAY OUT OF THIS

The SPEAKER pro tempore (Mr. AMASH). Under the Speaker's announced policy of January 5, 2011, the gentleman from Georgia (Mr. WOODALL) is recognized for 60 minutes as the designee of the majority leader.

Mr. WOODALL. Mr. Speaker, before my colleague from Virginia leaves the floor, I plan to spend most of my hour disagreeing with most of what he spent his last hour on, but what he said at the very end is just so accurate and so infrequently said here on Capitol Hill, and that is, there are no good options left.

If you have over a $1 trillion budget and you want to balance that budget, you're either raising somebody's taxes or you're cutting somebody's spending. There is no easy solution to that problem. It's not going to go away on its own. We're going to have to find a way to parse that—and by ''we,'' I don't just mean the 435 of us in this room, I mean the 315 million of us across the country.

What I have here, Mr. Speaker—you can't see it from where you are—but it's down to where we're in a spending-driven debt crisis. I think that's important because something has happened in the media. When I open up the newspaper, it's all about the tax component of this fiscal cliff, and there absolutely is a tax component. We talk about taxes as it relates to small businesses and creating jobs. We talk about taxes as they relate to individual families and being able to make ends meet.

But what this chart shows, Mr. Speaker, is spending and tax revenue of the Federal Government of the United States of America from 1947 out to 2077. You can't see the intricate detail on here, Mr. Speaker, but what you can see from far, far away is that this green line that represents tax revenue is a relatively flat and constant line. As a general rule, it does not matter whether tax rates were the 90 percent marginal rates, the 70 percent marginal rates that they were when John F. Kennedy was President and he cut taxes, or whether they were the 28 percent marginal rates during the Reagan years; the American people are willing to give you about 18 percent of the size of the economy in tax revenue.

Mr. Speaker, it turns out—and this is of no surprise to you—it turns out the American people are pretty smart. If you raise taxes on this behavior, they switch to this behavior. If you raise taxes on that behavior, they switch to this behavior. Because at the end of the day we're more concerned with providing for our family, raising our kids, and taking care of our parents than we are about funding the Federal Government, and so we make changes in our lives to respond to the Tax Code.

So whether taxes are at a top marginal rate of 28 percent, Mr. Speaker, as they were during the Reagan years, or whether they're at a top marginal rate of 90 percent as they were before the John F. Kennedy Presidency, America paid the same amount as a percent of GDP in taxes. This chart shows that. Taxes relatively constant going out over that horizon.

Mr. Speaker, spending, this red line here—now you can see this red line is higher than the green line for most of the past 50 years. This business of running deficits is not new. We've been running deficits my entire lifetime. With the exception of a couple of years in the Gingrich years here in the House and the Clinton years there in the White House, we've run budget deficits in this country, but they've been relatively small. I grew up in the Reagan years, and I remember lots of talk there about all the money we were spending on defense and those massive deficits that President Reagan was running in order to win the Cold War. Those deficits are minuscule compared to the deficits that we're running today.

Mr. Speaker, what you see on this chart, as we go out from here where we are today in 2012 and 2013, what you see is a chart that reflects what happens if you and I do nothing, Mr. Speaker. If you and I were to close down this House, if President Obama were to leave the White House tomorrow and bolt the door, if we passed absolutely no new laws, no new promises, made no new commitments, this red line represents the spending that would happen automatically. This red line represents the spending that happens if we don't change one thing.

What you see then, Mr. Speaker, is there is just no way—this green line represents taxes—there's no way that we can raise taxes high enough to cover this red line of spending. If we took everything from everybody, Mr. Speaker—hear that: if we had a 100 percent tax on every dollar you earned, if we took everything you had in your household and sold it all for its value, if we confiscated every asset of every business in America and we sold it at the auction block, and we put all of that money in a bank account to save for a rainy day, we still would not have enough money to pay for the spending that we've promised America in this red line. It's a spending problem we have. Our problem is not that we tax too little; our problem is that we spend too much.

□ 1320

That's important when we talk about this fiscal cliff, Mr. Speaker. This is not a tax issue. This is a spending issue. And this isn't an issue that folks don't have an answer to.

Mr. Speaker, you and I serve on the Budget Committee. And one of the things that I am most proud of in my 2 short years here in this body is that we looked at these tough challenges, the ones that my colleague from Virginia just described as being tough, tough choices. You are raising taxes. You are cutting spending. Someone is going to be unhappy. It is probably going to have to be a combination of both.

We looked at those things we did on the Budget Committee, and we came up with a solution. We didn't just tell America who to blame. We didn't just talk about how hard it was and how tough it was going to be and how lousy that is for America's children and America's grandchildren. We proposed solutions.

It's represented here on this chart, Mr. Speaker. What I have here is debt as a percent of GDP, the Federal debt. That's about $16.3 trillion today. I go all the way back to World War II here where debt was 100 percent of GDP. The historical debt is represented by this gray line, Mr. Speaker. This red line, just a different representation of the spending I showed down there.

On that chart, I was showing actual spending as a percent of GDP. This is a debt that we are going to run up as a percentage of GDP. And this green line, Mr. Speaker, represents the budget that you and I crafted in the Budget Committee under the leadership of Chairman PAUL RYAN. We called it ''The Path to Prosperity'' because for the first time in my lifetime, this Congress got serious about making the tough choices necessary to get us out of these record-setting deficits.

And that's so important because I get so tired, Mr. Speaker, as I know you do too, of everybody just pointing the finger to blame—Oh, it's his fault. It's her fault. It's their fault. It's their fault. This budget was not about blame. This budget was about solutions. And we laid it all out. That distinguishes us, particularly in this fiscal cliff debate, from the White House and from the Senate, which continue to talk in broad platitudes, but it failed to lay out the difficult, difficult line-by-line explanation of what their proposal would be to solve these problems. We did that in our budget, and it was hard.

There is a reason the United States Senate hasn't passed a budget in almost 4 years, and it's because it's hard. A budget is a statement of your values. It's a statement of your values. We confiscate all of this money in tax revenue from the American people, and then we redistribute it out to those priorities that we have—national security, kids, school lunches and education, our criminal justice system, to make sure families are safe in their homes. We distribute it to those things that are important to us.

So when you're running trillion-dollar deficits, as we're running today, and you have to put together a budget, you either have to tell the American people and their children and their grandchildren that you're going to continue running trillion-dollar deficits and bankrupt this Nation, or you have to tell the American people, you know what, we've got to prioritize, and these are my priorities.

I'll tell you something, Mr. Speaker. It just drives me to distraction when I read the media accounts. One of the things that gets lost is that when we passed that budget, that budget that passed this House not once but twice, that budget represents the only budget that has passed anywhere in this town—in fact, the only budget that has received a majority of votes anywhere in this town. When we passed that budget, we said revenue in this country has to rise. It has to.

Mr. Speaker, we go back to this historical chart that I showed you. We're down here in this green dip right here. Tax revenues are at their lowest level in modern times. Tax rates are plenty high, Mr. Speaker, plenty high. But guess what, if you don't have a job, you can't pay any income taxes. It doesn't matter—a 5 percent income rate on you, a 100 percent income tax rate on you—if you don't have a job, you can't pay taxes. That's why tax revenue is so low.

If companies aren't making profits, companies can't pay taxes. If you can't sell your home, you don't have capital gains to pay taxes on. If you can't start a business, you don't have income to pay taxes on. That's why tax revenue is so low.

Mr. Speaker, the tax rates are the same rates they've been over the last 10 years. We had a giant spike in tax revenue. The reason for the decline is because of this recession. When folks aren't making money, they can't pay taxes.

So what did we do in our budget? We crafted an economic growth plan that would bring in—hear this, Mr. Speaker—it would take us from what was about 14.5 percent of GDP. Today it's 16 percent of GDP. We passed a budget that would bring us up to over 18 percent of GDP and tax revenue. That's more than a 10 percent increase over what we're doing today.

Do we do it by punishing little groups of people like the President wants to do? No, of course not. We do it by growing the economy, unleashing the power of the American entrepreneur, and allowing folks to pursue their dreams. That's how we bring more revenue into the coffers of the Federal Government.

But hearing that said loudly and proudly, the only budget that has passed anywhere in this town was passed in a bipartisan way by this U.S. House of Representatives, dominantly passed by Republican votes; and it includes a revenue increase of over 10 percent. So just go ahead and dismiss that nonsense about Republicans ignoring the revenue side of this equation. Of course there's a revenue side of the equation. My colleague from Virginia was right when he mentioned it. It continues to be true, and we've dealt with it responsibly.

What about the spending side, Mr. Speaker? Before I take this chart down, I want folks to see that spending side back in their offices. This green line represents the budget that we passed. This red line is the path of debt if we do nothing. This green line is the path of debt if we pass the House-passed budget plan and make it the law of the land.

There are opportunities to make this difference. This House, in a bipartisan way, has stood up to those challenges. I encourage the President and the Senate to follow that strong lead.

But let's take on the thing that we hear the most often, Mr. Speaker, and that is that the President is committed to taxing, raising taxes, exacerbating the tax burden on all of these family-owned businesses that you and I know are the keys to job creation.

Now, I don't want folks to think that these businesses aren't already paying their fair share. We talk so much about ''fair share,'' Mr. Speaker. I think of fairness as being a society that rewards hard work and merit. I think that's what fairness is. It's that opportunity society that we all came to America for, that our parents or our grandparents or our great grandparents came to America for. We didn't come here for guaranteed success. We came here for the opportunity to work hard and to make our tomorrow better than our today. That's fairness: maintaining that opportunity, ensuring that other generations of Americans have that opportunity.

I am going to quote Milton Friedman, Mr. Speaker. The country is the poorer for not having Milton Friedman with us any longer. But he said, There's a distinct difference between raising taxes, where the 90 percent of America votes to raise taxes on themselves to help the bottom 10 percent because that's what we do as Americans. We're generous, generous people. We care deeply about our neighborhoods and our communities.

It's one thing for the 90 percent to raise taxes on themselves to help the 10 percent. But it's an entirely different thing when the 80 percent raise taxes on the top 10 percent to help the bottom 10 percent. Think about that, Mr. Speaker.

When we talk about the tough choices that my colleague from Virginia just brought up, how tough is it to decide you're going to raise taxes on them to solve the problem? Whoever the ''them'' is, raise taxes on them. ''They'' should pay more to solve the problem. That's pretty easy.

The power to tax is the power to destroy. And we, through this House and the power of taxation, can choose to destroy any element of American society that we choose.

I will tell you, it's our constitutional obligation to protect the minority, that an opportunity society means we do not let the majority run roughshod over the minority. Even in this House of Representatives, with our proud tradition, the minority has rights. The minority is protected from the will of the majority. That's always been true in our American tradition.

How tough is it to decide that ''they'' are going to foot the bill so that ''we'' don't have to? Those aren't tough choices. Those are easy choices. We call that class warfare, and it's going on entirely too much in this country. But even in class warfare, Mr. Speaker—and you see it here on this chart I have presented of who benefits from tax loopholes—you can make choices that either help the economy grow or bring the economy to its knees. This chart shows the bottom quintile of income earners, the second quintile, the middle quintile, the fourth quintile. Here is the top 20 percent. And there on the end is actually the top 1 percent, Mr. Speaker.

Who benefits from loopholes in the Tax Code? I'm a flat tax guy. And by flat tax, I mean the national retail sales tax. It's called the Fair Tax, the special retail sales tax that deals with the payroll tax inequities, and on and

on. It absolutely turns our Tax Code on its head and puts our economy on hyperdrive. It's an amazing plan. It's a popularly cosponsored tax reform plan in this United States House of Representatives. I hope we're going to get a vote on it next year. But what it does is it eliminates all the deductions and exemptions, all the loopholes, all the carve-outs, all the special lobbyist-included benefits, all those special benefits for whoever is favored by a particular administration.

□ 1330

It eliminates them all in order to create one flat and fair system for the country. Now, if you make more money, of course you're paying more in taxes; if you have less money, you're paying less in taxes. It's progressive in that way. That's always been true in America and always will be. But the President is committed—and we heard it again today—to raising tax rates on family-owned businesses. Not ensuring that they pay more taxes, mind you—this is an important distinction—but raising the tax rates.

Look here, Mr. Speaker, if we go through and we eliminate all of these tax loopholes—and the top 1 percent is the crowd that benefits disproportionately from all these tax loopholes—we can still ask the top 1 percent to contribute more to the funding of our economy, but we can do it in an economically responsible way. Flattening the Tax Code asks more of those who benefit from the special deductions, exemptions, exceptions, and credits.

This chart tells you who those folks are. Of course it's true that the top 1 percent benefit the most. They pay all the taxes. Oh, that's an exaggeration. Well, they make about 20 percent of the income, and they pay 40 percent of the taxes. That's right, Mr. Speaker. The top 1 percent—and I'm glad we have them because they're footing the bill for all the rest of us. The top 1 percent of income earners are paying 40 percent of the burden for our entire United States Federal Government. One percent is paying 40 percent of the burden.

If we eliminate the exceptions, the exemptions, the tax credits, and the loopholes, those folks will pay more. But the President is insisting not on cleaning up the Code and making it more economically viable; instead, he just wants to raise rates and punish folks more.

Let me go, Mr. Speaker, to President Barack Obama, August 2009. He says this in an interview:

> The last thing you want to do is to raise taxes in the middle of a recession because that would just take more demand out of the economy and put businesses in a further hole.

That was President Barack Obama, August 2009. He was absolutely right then. Those facts hold true today. And it's not just that those facts hold true over a small period of time, Mr. Speaker; those facts hold true over a decade.

I want to take you back to President John F. Kennedy, Mr. Speaker. It's not as if these are new ideas that we're talking about. This isn't some rocket science problem that has suddenly been thrust upon the United States of America in 2012. These are basic economics. Adam Smith talked about these economics hundreds of years ago. Let me tell you what John F. Kennedy said. This is in one of his news conferences, November 20, 1962, as he was providing the largest tax cut in modern American history. He said this:

> It's a paradoxical truth that tax rates are too high and tax revenues are too low.

That's where we are today, Mr. Speaker. Tax rates are too high and tax revenues are too low. It's a paradoxical truth that that can be true.

He goes on and talks about raising revenues, and that's exactly what we're trying to do when we talk about a balanced approach. We need to cut spending, and we need to increase revenue. President Kennedy says this:

> The soundest way to raise the revenues in the long run is to cut the rates now. Cutting taxes now is not to incur a budget deficit, but to achieve the more prosperous expanding economy which can bring us a budget surplus.

That was brought to you by a raging conservative economist, President John F. Kennedy. No, he's not a raging conservative economist, Mr. Speaker. He was a proud liberal of the Democratic party, but he knew economic truths, economic truths that were as sound then as they are today, and that apparently so many in this Chamber have forgotten.

Cutting taxes now is not to incur a budget deficit, but to achieve the more prosperous expanding economy which can bring a budget surplus.

I'll go on with what was in his annual budget message to Congress, Mr. Speaker. Again, 1963, John F. Kennedy, the annual budget message to the Congress. He says this:

> Lower rates of taxation will stimulate economic activity and so raise the levels of personal and corporate income as to yield, within a few years, an increased, not a reduced, flow of revenues to the Federal Government.

This is not a conservative idea, Mr. Speaker. This is not a liberal idea. This is not a Reagan idea. This is not a Clinton idea. This is an economic truth.

John F. Kennedy:

> Lower rates of taxation will stimulate economic activity and so raise the levels of personal and corporate income as to yield, within a few years, an increased, not a reduced, flow of revenues to the Federal Government.

President Barack Obama:

> The last thing you want to do is to raise taxes in the middle of a recession because that would just take more demand out of the economy and put businesses in a further hole.

These are truths that have gotten lost in this election season, Mr. Speaker.

I'll be honest with you. I'm not excited about the way the election turned out. It pleased the American people with a wide margin, returned a Republican majority to this U.S. House of Representatives, this the people's House, this the House that is the closest to the American voter. It was a huge Republican majority that was returned by the American people.

I thought when we got past that election, Mr. Speaker, that politics would be done. I thought when we got past that election, we would get on about the serious business of correcting this avalanche of debt that threatens to crush generations of hopes and dreams of Americans, extinguishes the freedoms that we hold so dear. We know what the right answers are. John F. Kennedy knew in 1962 and 1963; Barack Obama knew in 2009 and 2010, and we still know today, but politics still seems to control.

Mr. Speaker, to make my point about where we are in terms of spending being the problem, again, as you and I serve here on the floor of the House, we have so many folks pointing to different demons that are the problem, so I just went ahead and put all the demons that folks talk about up here on the board.

What I have here, Mr. Speaker, represented by this blue line—this is about 20 years of spending. I go from 2002 out to 2022, and I look at spending of the Federal Government. This giant blue line that consumes the entire chart is just base, normal, everyday Federal Government spending, which is increasing 33 percent if we don't change it over the next 10 years. Hear that: Normal spending, not bailouts, not special war taxes, not any of that, but basic Federal spending is set to increase 33 percent over the next 10 years if we don't move to change it.

This little yellow line, Mr. Speaker, that you can just barely see, this little yellow line is the cost of the global war on terror. Is that real money? You better believe it. When we choose to send American young men and women around the globe to protect our freedoms, you better believe we give them every single advantage that we can, and we take care of them when they return home. Absolutely, there is a cost to the global war on terror. There is a cost to protecting the homeland. But, Mr. Speaker, in comparison to all other spending that is going on, it's minuscule.

Here are the financial bailouts in green, Mr. Speaker. You probably can't see those. Was that a lot of money? You better believe it. Do I think a lot of it went down a rat hole? I absolutely do. Those bailouts are over now. That money is out the door now. But as a percent of what's going on here, it's not that.

Here's the 2009 stimulus bill. That's actually the highest order of magnitude here. That was a lot of money. There was over $800 billion that went out the door that I would again argue to questionable purposes that we cannot measure the success of here years later. But that's not the cause of the

problem. The problem is systemic. The problem is baked into the way that we operate our Federal Government today. It's baked into program after program that we continue to create even in deficit times. It's baked into new promise after new promise after new promise that we continue to make even though we don't know how to afford the ones that we've already made.

□ 1340

Mr. Speaker, I just want to go through a few of those accounts that have been increasing. Folks won't be able to see this back in their offices, so I'll just read a couple of them to them. The chart is entitled, ''Where the Money Goes.'' It's inflation-adjusted dollars, so we can compare apples to apples. It compares 2002 to 2012. Let's just look at a few. I've put them in the order of how much money we're spending on them today:

Social Security spending, for example, from 2002 to 2012, has increased 35 percent over the last 10 years. It's the largest pot of money that we spend in the government, these Social Security checks. Folks have paid into it their entire lives. They've earned them and they deserve them. I'm glad they're getting them. It has gone up 35 percent in the last 10 years;

With national defense, of course, between 2002 and 2012, there has been a lot going on in the world. The world has become less safe. We've been involved in two wars, and that spending has been going up between 2002 and 2012. Again, in inflation-adjusted dollars, the spending on national defense has gone up 50 percent. Now, it's still dramatically below where it was in the eighties and nineties when we were trying to win the Cold War. We've been fighting two wars over this past decade. It's dramatically lower than it was when we were fighting the Cold War, but it's up 50 percent;

Medicare spending over last 10 years—2002 to 2012—is up 70 percent. You hear so much talk that the Medicare trust fund is going bankrupt. Over the last 10 years, Medicare spending is up 70 percent in inflation-adjusted dollars—constant dollars. It's up 70 percent, and that climb continues; but, in fact, Mr. Speaker, those numbers are low compared to some other categories:

Food stamps from 2002 to 2012 are up 136 percent. We're in some tough economic times. We all know that, in tough economic times, support program prices—costs—increase, but this is 136 percent over the last 10 years. K through 12 education is up 144 percent. Energy spending—sadly, this is going to include all of the Solyndras of the world, all of those stimulus dollars that went out to support dubious enterprises—is up 1,751 percent.

So, when we talk about budget cuts—and this is important—it's always described as we're going to gore someone's ox, as we're going to destroy someone's program. Energy spending is up 1,700 percent. What if we reduced it so it was just up 1,600 percent, Mr. Speaker? Would that destroy President Obama's green energy plans? I don't think so. What if food stamps, instead of going up 136 percent, just went up 130 percent? Can you really say that that is an attack on folks who are recipients of food stamps; or can you say that when the American people increase food nutrition spending by 130 percent that we're actually making a pretty good faith effort to make sure folks are taken care of?

We see it time and time again—30 percent, 40 percent, 50 percent, 59 percent, 46 percent, 62 percent. We're not talking about destroying Federal Government programs. We're talking about curbing double-digit increases that have gone on over the past 10 years—triple-digit increases in so many cases. That brings us to this balanced approach we keep hearing about, Mr. Speaker.

I hear the President say ''balanced approach'' over and over again. I just have not seen him yet do a balanced approach. I mean, we saw his proposal that came out yesterday where he wanted to raise taxes by $1.6 trillion and where he wanted to increase spending on a variety of programs, and he thought he could find $400 billion in reductions. Not today, of course. Somewhere down the road, he thought that we could get together and maybe find $400 billion. So bring taxes up $1.6 trillion and then find $400 billion in spending reductions.

It's not a tax revenue problem, Mr. Speaker. It's a spending problem. We've got to focus on this red line. We've got to focus on spending.

Look at where we are with the sequester, for example. We're talking about balanced approaches. I have defense spending cuts in the sequester, I have non-defense spending cuts in the sequester, and I have mandatory cuts in the sequester. As you know, Mr. Speaker, about a third of all of the dollars we spend in this country we call ''discretionary spending.'' Half of those are defense and half of those are non-defense. Everything else—two-thirds of the pie—is what we call ''mandatory spending.''

So the two-thirds of the pie over here represent 63.8 percent of all Federal spending. The sequestration is going to ask that big piece of the pie—63.8 percent—to bear 14 percent of the cuts. We're going to ask non-defense discretionary spending, which is about 13 percent of the pie, to bear 35 percent of the cuts. It doesn't quite seem balanced, does it, Mr. Speaker? Then we're going to ask the Defense Department, which represents 16.8 percent of all spending, to bear 49.5 percent of all the cuts.

Now, I'm not a math major. I didn't study statistics, but I'm pretty sure, if we were implementing a balanced approach, these lines would be roughly equal; they'd be balanced. What we have instead is a dramatic attack on our national security concerns while the driving piece of the pie, that piece of the pie that's growing larger and larger each year—it's already the largest, and it's growing at the fastest rate—which alone threatens to undermine the economic security of the Nation is asked to do next to nothing.

Now, as you know, Mr. Speaker, the only serious proposal in town—the only one that has received a majority of the votes to deal with that mandatory spending issue—came out of this U.S. House of Representatives. It came out of our Budget Committee. It passed the floor of the House in a bipartisan way to deal seriously with those; but as the President asks time and time again, ''Can we have a balanced approach?'' my answer is, ''Yes, we can. Let me see your balance.'' He hasn't been shy at all about talking about all the taxes he wants to increase. I just haven't seen any of the spending cuts he wants to implement. It's because we don't have a tax problem. We have a spending problem in this country.

If you haven't looked at what the spending problem is, Mr. Speaker—and I know you have because you serve on the Budget Committee, and you're one of the finest members we have on the Budget Committee. You've taken difficult and tough stands in order to support your constituency and to make sure the children of tomorrow have a better future than the children of today, and you continue to pass on that American Dream. Yet this chart represents the chronic deficits that we have at the Federal level. These are actual dollars, and these numbers come both from the Office of Management and Budget—that's the President's budget team—and from the Congressional Budget Office, which is the nonpartisan budget team here on Capitol Hill.

We go back to 1970—through the Carter years, through the Reagan years, the Bush years, the Clinton years. You'll see there were systemic deficits through all of those years. It was only under the partnership of Newt Gingrich and Bill Clinton and, I might also add, with some of the most aggressive spending reductions that we've seen in my lifetime that we were able to create budget surpluses if you include the Social Security trust fund; although, there is still a little sleight of hand going on there as we look at this chart because we're looking at cash flow, not at what's going into the trust fund baskets, but there was absolutely a cash flow surplus here for 4 years.

Then the tech bubble bursts and 9/11 happens, and we get into these Bush years where you see some of the largest deficits in American history. In response to 9/11, in response to the wars in Iraq and Afghanistan, there were some of the largest budget deficits in American history. This was on a Republican President's watch and on a Republican Congress' watch in response to some tremendous crises, but they were the largest deficits in history—frightening deficits.

Mr. Speaker, those deficits are barely noticeable compared to where we are today.

These were the largest budget deficits in American history during the Bush years, deficits so large they were threatening our economy. President Bush began to bring them down over the last 4 years of his tenure, and they're dwarfed by the size of the deficits created by this U.S. House of Representatives under Democratic control, by the United States Senate under Democratic control, and by President Barack Obama and the White House.

Mr. Speaker, those numbers have begun to come down. You can see here, over the past 4 years, we had a $1.5 trillion deficit in 2009, a 1.34 in 2010, a 1.32 in 2011, a 1.1 in 2012. They start to go down, but look out over this 10-year horizon. Again, these numbers come from the Congressional Budget Office, which is a nonpartisan group here on Capitol Hill. They come from the Office of Management and Budget, which is the President's budget team down at the White House.

If we do nothing to curtail spending, the largest deficits ever known to this land occur not once, occur not twice, occur not 3 years in a row, but occur forever in looking forward through the budget window. Now, the truth is they don't actually occur forever because America would collapse under the weight of that debt. Our economy would cease to function. Our Nation would cease to exist. It absolutely does not go on forever, but it never gets solved. Not 1 year, Mr. Speaker, not 1 year. We begin to bring deficits down, and we bring them down to almost $600 billion. Again, the best year in the next 10 is worse than the worst year in the last 50.

□ 1350

As you look at the proposal of what folks believe is going to happen in the economy over the next 10 years, the best year we have over the next 10 is worse than the worst year we've had over the last 50 when it comes to raising the debt and deficit here in the United States of America.

Continuing talking about the balance, Mr. Speaker, the President is a smart man and I have always respected him, Mr. Speaker, for the fact that he has released a budget to the American people, made a proposal, in every one of his 4 years in office. Every one. The law requires him to do it, but he has always done it. That distinguishes him from the United States Senate, which the law also requires them to do it, and they haven't done it.

So every year the President goes through the very difficult work of producing his own budget, sharing with the American people his vision for what the Federal budget should look like. I happen to have a graphical representation of that vision. This is the one he gave us last. It was February of 2012. There was an election coming up, and he wanted to do his very best. This was actually the most serious of all of the budgets that he's submitted.

And what I show here, Mr. Speaker, with this white dotted line is the debt that America would have to pay if we change not one law on the books. If we change not one law on the books, the debt of America would rise along this white dotted line.

This red line that runs right above the white dotted line is the debt that we would accumulate if we passed the President's budget. I'm not misspeaking, Mr. Speaker. I'm talking about that budget he introduced in February of 2012. I'm talking about that budget that raised taxes by almost $2 trillion on the American people; he raised taxes by $2 trillion on the American people and still ran up higher debt because he spent even more than that.

Now, to give the President his due, he actually only ran up higher debt in his budget for the 2013 year, the 2014 year, the 2015 year and '16 year and '17 year and '18 year and '19 year and '20 year and '21 year. It was really only the first 9 years of his 10-year budget that he continued to run up higher debt. By the 10th year of his 10-year budget, and I blew it up so folks could see it, there's a little bit of a betterment there. We did a little bit better in that final year in terms of trying to bring the debt below what it would have been if we'd done nothing. And all the while, the budget raised taxes by $2 trillion and raised spending even more.

Mr. Speaker, that's not balanced. I try to explain that to my constituents back home, the ones who come and say, Rob, why can't you all just come together and build consensus? Why can't you find that middle ground? It's because in my mind, Mr. Speaker, there's no question but that we have to raise revenue through smart tax policy and we have to cut spending, which is the driver of our debt.

But when my President looks at this very same set of numbers, looks at this very same rising debt across the country, looks at the very same economic destruction that this debt is causing across the Nation, he raises taxes by $2 trillion and raises spending by even more.

Mr. Speaker, he says balance, but the only proposal he's brought to Congress in the last 12 months is about as unbalanced as they come.

We can, Mr. Speaker, we can come together in the middle. We can find consensus. As I said earlier, my Democratic colleague from Virginia accurately identified the challenges. None of them are easy. None of the solutions are easy. But don't be fooled, Mr. Speaker, into believing that either, A, this House isn't serious about bringing revenues back to historical norms. We are, and we've passed language to do it. And don't think, too, that the President is serious about cutting spending because we've yet to see one single proposal to suggest that he is.

In fact, Mr. Speaker, in the proposal he rolled out yesterday, the one budget-cutting exercise that we've done, this across-the-board sequester that's coming, the sequester that's coming as a result of those 12 men and women—the 6 Republicans, 6 Democrats; 6 House Members, 6 Senate Members—who got together on the Joint Select Committee to try to craft a proposal, as a result of that failure, we now have these across-the-board cuts. The President's proposal supports kicking that can down the road for another year. Mr. Speaker, we can't kick the can down the road.

Is it going to be a challenge to get over this economic hump? You better believe it. It has been for the past 4 years. Americans have been challenged for the past 4 years. This recession has been debilitating across the board. There's still no easy solutions out on the horizon. But we know this: we know when we raise taxes, the economy suffers. We know when we lower taxes, the economy grows.

I'm looking at a National Bureau of Economic Research report, Mr. Speaker. They say this:

> Tax changes have very large effects. An exogenous tax increase of 1 percent of GDP lowers real GDP by roughly 2–3 percent.

We can raise taxes if we want to. It's going to lower economic output; it's going to harm American families. It's going to diminish job creation; but we can do it. That's the debate we're having here on Capitol Hill.

Mr. Speaker, this chart represents the plan that the President has proposed for cutting spending. It's not that the camera is not adjusting to it properly, Mr. Speaker. It's that this is a giant blank sheet of paper. It's absent of any information whatsoever because so, too, is the President's proposal for tackling the real economic challenge we have here, the real driver of budget deficits, the real threat to American economic superiority in this world, out-of-control Federal spending.

The President of the United States, he's been President for 4 years, no credible plan for tackling that spending.

I want to go back, Mr. Speaker. This United States House of Representatives, in a bipartisan way, passed a plan not just to change the trajectory of Federal spending, but to actually pay down the debt to zero over time. That shouldn't sound so crazy, Mr. Speaker. Folks have to pay their debts, but we haven't seen that out of this administration in even one of those budgets. Not one of those budgets put us on a path to being debt free.

In the time I have left, Mr. Speaker, I just want to do a little math here on the board. I brought my big marker with me. I want you to know I got this free with rebate. We squeeze every penny we can in the office. I think everybody ought to do that. I think you ought to lead by example. But I've been struggling with the idea of fairness, Mr. Speaker, and I brought with me the tax rate chart from the IRS. This is a 2012 tax rate chart.

If you earn between $35,000 and $85,000, you're in the 25 percent tax

bracket. If you earn between $35,000 and $85,000 in America in 2012, you're in the 25 percent tax bracket. I'm calling that middle class, Mr. Speaker. Depending on how large your family is, it's tough to make a go of it at $30,000. And depending on how large your family is, $85,000 puts you right there in the middle. But that ball park—30, 40, $50,000—I think we can call that secure middle class America. You pay a 25 percent income tax rate.

Payroll tax. Your payroll tax is 15.3 percent, Mr. Speaker. Every wage earner in this land, 15.3 percent they pay each and every month in payroll taxes. Those FICA taxes you see on your paycheck.

Let me do some quick math, Mr. Speaker. Bear with me.

□ 1400

40.3 percent in Federal taxes. That's the tax rate for every middle class American in the land.

I ask you, Mr. Speaker, are tax rates too low?

Do you think you ought to work for the first 5 months out of the year just to pay your Federal tax burden before you begin to pay your State tax burden, before you begin to pay your local tax burden, before you begin to actually earn money to pay for your food and shelter and clothing for your family?

Forty percent is the marginal tax rate for middle class America. Thirty-five percent, Mr. Speaker, is the rate that that 1 percent are paying today. Thirty-five cents out of every dollar earned by that top 1 percent today, that's the marginal tax rate for those folks.

Now, a lot of folks don't realize, taxes are already going up next year. You know, the President's health care bill, that bill that I was not here to oppose. Though I've tried it repeal it, I haven't been able to get that through the Senate. But the President's health care bill raises taxes come January 1.

So on this top income bracket that the President wants to raise taxes even further on, they have a tax rate increase coming, and it's coming on January 1; 3.8 percent, Mr. Speaker. Every dollar of unearned income these top 1 percent earn is going to have a new 3.8 percent Medicare tax added to it, 3.8 percent.

0.9 percent, Mr. Speaker. That's an increase in the Medicare tax on all the earned income of these folks, 3.8 percent increase on the unearned income. Another 0.9 percent increase on the earned income.

2.7 percent, Mr. Speaker. That's the Medicare tax that that top 1 percent is already paying on all of their earned income today. It's going to go up another 0.9 percent. They're already paying 2.7. The President says that's not enough.

Let me do some quick math here. Since they're only going to have to pay one, Mr. Speaker, either the unearned income tax or the earned income tax, it's going to be 3.8 percent either way. They're paying 39.8, plus this 15.3, of course, on all those dollars that are subject to Medicare and Social Security under the cap today, plus another 6 percent is the average rate for State income tax today.

So let me add those to both of these charts. Six percent is the rate in my home State of Georgia. So I'm just going to come back over here to these middle class taxpayers that appear to be paying 46.3 percent as a marginal rate on every dollar they earn.

Let me come back over here to the high-income folks. Before they pay their payroll taxes, we have 44.8. And of course, on that money that they earn up to $100,000, they're paying an additional, where are we, about 11.5 percent on that. 11.5 added to 44.8. That's an over 56 percent tax rate.

Mr. Speaker, how much is enough?

When does freedom in this country cease to have meaning?

At what level of confiscation of the work product of the American people does freedom cease to have meaning?

We've got to be getting close to it, Mr. Speaker. But more importantly, when we talk about paying their fair share, when is America as a whole paying its fair share, Mr. Speaker?

When is America paying its fair share, but the Federal Government is spending too much anyway? Middle class America, 46.3 percent. That's middle class America. That's $35,000 a year you're earning, and your Federal Government and your State government hit you for a combination of 46 percent of every dime.

What incentive is that to go out and work longer and harder?

Forty-six percent. Fifty-seven over here. Fifty-seven. We all know that small businesses create all the jobs in this country. That's why we're so worried about this tax proposal, because, while this is already 57 percent over here, Mr. Speaker, the President wants to raise it another three, to almost 60 percent. 60 percent of every dime earned by family-owned businesses the President wants to take back for Washington, D.C.

I'm in favor of a balanced approach. I'm committed to fairness in American society. But, Mr. Speaker, I ask you, is the problem that taxes are too low, or is the problem that spending is too high?

We're better than class warfare, Mr. Speaker. We're better than saying we're going to ask them to bear the burden while we benefit.

Three hundred twenty million of us have to come together, Mr. Speaker, on tough, tough challenges, challenges that this House has crafted solutions to. These solutions are not easy. These solutions are not pain-free.

These solutions involve shared commitment from every single American because as freedom is eroded in this country, ever single American suffers. And as economic opportunity and economic liberty is expanded in this country, absolutely every American benefits.

We can do better, Mr. Speaker, as a Nation. We have done better as the United States House of Representatives.

And I come here today just to remind my President and the White House that the election is over. The time for clever soundbites that register on the public opinion polls is far behind us. What's in front of us are hard, hard decisions that this House has led on, and that we are waiting patiently for partnership to work on and to pass.

I want to leave you with three numbers, Mr. Speaker: H.R. 5652, it was passed in May, called the Sequester Replacement Reconciliation Act. It was the House-passed idea to avoid the debilitating sequester cuts that we see coming, to deal with the mandatory spending side of the equation, passed in a bipartisan way here in the House. It is the only proposal in all of Washington, D.C., to have been passed by a body. H.R. 5652 passed in May.

I'll leave you with H.R. 8, Mr. Speaker, the Job Protection and Recession Prevention Act. That's our plan, House-passed plan for how to deal with these tax increases that threaten America's family-owned businesses, threaten our economy, how to deal with them in a responsible way to get us past this fiscal cliff, passed in August, only plan in Washington, D.C., to prevent these debilitating tax increases from hitting across all of our family-owned small businesses.

And finally, Mr. Speaker, H.R. 6365. It's the National Security and Job Protection Act. We passed that in September. That's the bill that looks specifically at these coming defense cuts, these cuts that Secretary of Defense Leon Panetta has called devastating in their impact.

□ 1410

If you don't know—and I know you do, Mr. Speaker—Leon Panetta, the former chief of staff to President Bill Clinton, former chairman of the Democratic-led Budget Committee here in the U.S. House of Representatives, current Secretary of Defense, calls these defense cuts devastating. This U.S. House has passed a proposal to prevent that second round of cuts from taking place. It's the only proposal anywhere in this town to have passed. We did it in August. We took care of our business. And we have yet to have partnership from either the White House or the Senate on that proposal.

We took care of the Sequester Replacement Reconciliation Act in May, Mr. Speaker. We took care of the Job Protection Recession Prevention Act in August, Mr. Speaker. We took care of the National Security and Job Protection Act in September, Mr. Speaker. The work of this House has been done month after month after month. We've passed two budgets in a row, Mr. Speaker, that take on the tough challenges of entitlement reform, that take

on the tough challenges of increasing revenue, that take on the challenges that no Congress in my lifetime has ever taken on, Mr. Speaker. We did it not once but we did it twice. And the silence from the Senate and the White House has been deafening.

We can do it, Mr. Speaker. We must do it. This House has done it. And as we did in May, as we did in August, and as we did in September, I reach out my hand again, Mr. Speaker, to the Senate and to the White House to join us in tackling these tough solutions, tackling these challenges, providing these solutions not for Republicans, not for Democrats, not for politics whatsoever, but for America. Because it's the right thing to do. And without it we all know where this country is headed.

Mr. Speaker, with that, I yield back the balance of my time.

RELIEF FOR THE MISSISSIPPI RIVER

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the Chair recognizes the gentleman from Kentucky (Mr. WHITFIELD) for 30 minutes.

Mr. WHITFIELD. We all recognize that in this country we recently had a national election. We have a lot of new Members of the House of Representatives. We have new United States Senators. President Obama and Vice President BIDEN are back in their offices. We've had new officeholders elected in many State and local communities as well. And while we have a lot of change in the elected offices, we all know that a big part of government relates to what we would refer to as the executive branch. And that means various departments of government and agencies within those departments of government. And those people work very hard. They're committed to the American people. They're not elected. And many times we do not even know who they are.

Now today, I want to raise an issue that is vitally important to all of the American people because on or about December 10 the levels of water on the Mississippi River are going to be so shallow between St. Louis, Missouri, and Cairo, Illinois, and then, on top of that, because of rock pinnacles near Grand Tower and Thebes, Illinois, that river traffic may come to a halt on the Mississippi River. And that means there's going to be millions of tons of commodities that are not going to be able to be transported north and south on that river. Of course, that affects not only the recipients of those commodities and the shippers of those commodities but indirectly people who mine, make, manufacture, supply those commodities. And so this potentially can have a dramatic impact in a negative way on the economy of our country at a time when we are trying to stimulate the economy, create more jobs, and make sure that we do not throw ourselves back into a recession.

In early November, and even toward the end of October, over 15 United States Senators, around 65 Members of the House of Representatives, and 5 or 6 Governors of various States wrote letters to President Barack Obama; Major Phillip May, Regional Administrator for Region IV of the Federal Emergency Management Agency; Mr. George ''Tony'' Robinson, Region VI, Federal Emergency Management Agency; the Honorable Jo-Ellen Darcy, Assistant Secretary of the Army for the Corps of Engineers; Mr. William Craig Fugate, Administrator of the Federal Emergency Management Agency; Mr. Andrew Velasquez, Regional Administrator, Region V of the Federal Emergency Management Agency; and Ms. Beth Freeman, Regional Administrator, Region VII of the Federal Emergency Management Agency, in which we point out this impending problem.

Now I'm not the only one talking about this. Every Member of Congress along that corridor is receiving phone calls, letters, and emails. We have all sorts of groups out there very much worried about this problem needing to be solved. And it can be solved. But it appears that the Corps of Engineers has an annual operating plan. This annual operating plan determines how much water they're able to release from the Missouri River into the Mississippi River in the wintertime. And I understand that they have to have a plan. But most people in America know that when you have exceptional circumstances, you have some emergency, you have some unintended consequence, that you have to make alternative plans.

And so those Senators that I talked about, those Members of the House that I have talked about, the Governors that I have talked about, the 15 or 20 associations that I have talked about all have gone to the Corps of Engineers and asked them to change their annual plan and release some water from the upper Missouri to the Mississippi River so that we do not have to stop barge traffic on the Mississippi River. And so far, we've heard no response.

I know that there are groups that are opposed to this. There are some environmental groups that are opposed to this—and for valid reasons. And we're not asking this to be done permanently. But this is an emergency that will have dire consequences on the economy of this country, and we cannot stand for even a brief period of time to stop commerce on the Mississippi River.

Of course, there's another issue that I mentioned earlier, and that is that we have these rock pinnacles that are contributing to the problem of this shallow waterbed between Grand Tower and Thebes, Illinois. And the Corps has indicated that they're going to take some action to remove those pinnacles. And that's vitally necessary as well.

So I'm here today partly out of pure frustration. Although some people think that individual Members of Congress have a lot of power and authority—and sometimes we think that—but the truth of the matter is these decisions are being made by people at the Corps of Engineers, maybe the Secretary of the Department of Transportation, and some of these other agencies. They have the legal authority to take action here. But so far, they're unwilling to do so.

I'm here today simply to raise this issue because I don't know what else to do. We've written letters. We've called. These associations and agencies of other governments, State and local, have written letters, have called. We've done everything we can do. We've asked the President to take action. We've asked the Corps of Engineers to take action. And we understand that it's not anyone's personal fault.

□ 1420

This is caused by a drought of unusual proportion. When you think about traffic—all traffic on the Mississippi River in that region between St. Louis and Cairo—coming to a halt, it's going to have a dramatic, negative impact on everyone in our country.

So I simply am here today to focus attention on the issue and to once again ask the President, the Assistant Secretary of Defense, and the Corps of Engineers to take some action to work with us to resolve this problem.

With that, I yield back the balance of my time.

CONGRESS OF THE UNITED STATES,
Washington, DC, November 19, 2012.

Hon. JO-ELLEN DARCY,
Assistant Secretary of the Army, Civil Works, Washington, DC.

DEAR ASSISTANT SECRETARY DARCY, It has come to our attention that commerce along the Mississippi River may soon be in jeopardy. According to industry groups, barge traffic could be severely impaired or altogether grind to a halt along the middle Mississippi River between St. Louis, MO and Cairo, IL. This has the potential to occur as soon as December 10th of this year.

The problem has arisen because of the drought and the U.S. Army Corps of Engineers' current plan to halt releases of water from the Upper Missouri River reservoirs on approximately November 22nd. We understand that the Army Corps typically reduces and eventually shuts off water flows during this time of the year in accordance with its Annual Operating Plan (AOP) for the Missouri River, but doing so now could result in such low water levels on the Mississippi River that normal barge transportation would be impossible. On November 13, flows from the Missouri river made up 61.1 percent of the Mississippi River, according to the U.S. Geological Service gage.

Ensuring that the Mississippi River is open to traffic is vital to the manufacturing and agriculture communities, and ultimately American jobs. The river system is the global gateway for American products and commodities, and its continued traffic flow is of the utmost importance.

We ask that the Corps speed up the process of removal of rock pinnacles at Grand Tower, IL and Thebes, IL. Removal of rock in this area is essential for normal barge traffic to continue within low water levels. We also ask that water flows be maintained from the Missouri River until the rock removal is finished.

An industry review of the statute, regulations and legislative and operating history demonstrates that Congress specifically intended the Missouri River reservoir system be operated to benefit downstream areas on the Mississippi River as well as the Missouri. Corps management of the Missouri reservoirs has deviated from the AOP during exceptional circumstances. The navigation community recognizes the legitimate needs of the other users of Missouri River waters, and believes this problem can be solved without significant impact on other water claimants.

We trust that you recognize the importance of this issue to U.S. jobs and industries, and are hopeful that you will work with all parties involved in these impacted areas. Thank you for your consideration of our request.

Respectfully,

Rep. Aaron Schock (IL–18); Rep. Ed Whitfield (KY–1), Rep. Jeff Landry (LA–3); Rep. Spencer Bachus (AL–6); Rep. Erik Paulsen (MN–3); Rep. Dave Loebsack (IA–2); Rep. Elijah Cummings (MD–7); Rep. Wm Lacy Clay (MO–1); Rep. Gene Green (TX–29); Rep. Steve Cohen (TN–9); Rep. Adam Kinzinger (IL–11); Rep. Sam Graves (MO–6); Rep. Peter Roskam (IL–6); Rep. Glenn 'GT' Thompson (PA–5); Rep. Gregg Harper (MS–3); Rep. Bobby Schilling (IL–17); Rep. Leonard Boswell (IA–3); Rep. Cedric Richmond (LA–2); Rep. Bennie G. Thompson (MS–2); Rep. Emanuel Cleaver, IL (MO–5); Rep. Terri A. Sewell (AL–7); Rep. Jerry Costello (IL–12); Rep. Mo Brooks (AL–5); Rep. John Shimkus (IL–19); Rep. Tim Murphy (PA–18); Rep. Timothy V. Johnson (IL–15); Rep. Steve Scalise (LA–1); Rep. Tim Griffin (AR–2); Rep. Danny K. Davis (IL–7); Rep. Bruce Braley (IA–1); Rep. Dan Lipinski (IL–3); Rep. Jim Cooper (TN–5); Rep. Mark Critz (PA–12); Rep. Bobby L. Rush (IL–1); Rep. Tim Walberg (MI–7); Rep. Robert J. Dold (IL–10); Rep. Rodney Alexander (LA–5); Rep. Rick Crawford (AR–1); Rep. Steven M. Palazzo (MS–4); Rep. Billy Long (MO–7); Rep. Blaine Luetkemeyer (MO–9); Rep. Jo Ann Emerson (MO–8); Rep. Randy Hultgren (IL–14); Rep. Tom Latham (IA–4); Rep. Alan Nunnelee (MS–1); Rep. Todd Akin (MO–2); Rep. Mike Ross (AR–4); Rep. Charles W. Boustany, Jr., MD (LA–7); Rep. Vicky Hartzler (MO–4); Rep. Brett Guthrie (KY–2); Rep. Steve Stivers (OH–15); Rep. Marsha Blackburn (TN–7); Rep. Bill Cassidy, MD (LA–6); Rep. Stephen Fincher (TN–8); Rep. Collin Peterson (MN–7); Rep. Dan Burton (IN–5); Rep. John Kline (MN–2); Rep. Don Manzullo (IL–16); Rep. Judy Biggert (IL–13); Rep. Diane Black (TN–6); Rep. Jason Altmire (PA–4); Rep. Russ Carnahan (MO–3).

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CULBERSON (at the request of Mr. CANTOR) for today on account of illness.

Ms. EDWARDS (at the request of Ms. PELOSI) for today on account of a family funeral.

Mr. FATTAH (at the request of Ms. PELOSI) for today on account of attending an event with the President in Pennsylvania.

Mr. HASTINGS of Florida (at the request of Ms. PELOSI) for today on account of a funeral in the district.

ENROLLED BILL SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

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.

ADJOURNMENT

Mr. WHITFIELD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 21 minutes p.m.), under its previous order, the House adjourned until Monday, December 3, 2012, at noon for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

8514. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Australia pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

8515. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revised Policy on Managing the Duration of Remedial Design/Remedial Action Negotiations received November 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8516. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Inservice Inspection of Prestressed Concrete Containment Structures with Grouted Tendons; Regulatory Guide 1.90, Revision 2 received November 19, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8517. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the 2012 Annual Report on the Benjamin A. Gilman International Scholarship Program; to the Committee on Foreign Affairs.

8518. A letter from the President, African Development Foundation, transmitting a letter fulfilling the annual requirements contained in the Inspector General Act of 1978, as amended, covering the period October 1, 2011 to September 30, 2012, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

8519. A letter from the Director of Congressional Affairs, Central Intelligence Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

8520. A letter from the Chairman, Consumer Product Safety Commission, transmitting Fiscal Year 2012 Annual Performance and Accountability Report; to the Committee on Oversight and Government Reform.

8521. A letter from the President, Federal Financing Bank, transmitting the Annual Report of the Federal Financing Bank for Fiscal Year 2012, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

8522. A letter from the Acting Assistant Attorney General, Department of Justice, transmitting the Department's fourth annual report on activities regarding civil rights era homicides, as required by the Emmett Till Unsolved Civil Rights Crimes Act of 2007; to the Committee on the Judiciary.

8523. A letter from the Acting Assistant Attorney General, Department of Justice, transmitting the Department's quarterly report from the Office of Privacy and Civil Liberties for the third quarter of fiscal year 2012 April 1, 2012 — June 30, 2012; to the Committee on the Judiciary.

8524. A letter from the Acting Assistant Attorney General, Department of Justice, transmitting the Department's quarterly report from the Office of Privacy and Civil Liberties for the third quarter of fiscal year 2012 April 1, 2012 — June 30, 2012; to the Committee on the Judiciary.

8525. A letter from the Chairman, Surface Transportation Board, Department of Transportation, transmitting the Department's final rule — Civil Monetary Penalty Inflation Adjustment Rule [Docket No.: EP 716] received November 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

8526. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Bostock 50th Anniversary Fireworks, Long Island Sound; Manursing Island, NY [Docket Number: USCG-2012-0385] (RIN: 1625-AA00) received November 16, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8527. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — IFR Altitudes; Miscellaneous Amendments [Docket No.: 30859; Amdt. No. 502] received November 16, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8528. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Part A Premiums for CY 2013 for the Uninsured Aged and for Certain Disabled Individuals Who Have Exhausted Other Entitlement [CMS-8047-N] (RIN: 0938-AR15) received November 19, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8529. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Medicare Program; Inpatient Hospital Deductible and Hospital and Extended Care Services Coinsurance Amounts for CY 2013 [CMS-8064-N] (RIN: 0938-AR14) received November 19, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8530. A letter from the Branch Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Treatment of Certain Amounts Paid to Section 170(c) Organizations under Certain Employer Leave-Based Donation Programs to Aid Victims of Hurricane Sandy [Notice 2012-69] received November 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8531. A letter from the Chief, Publications and Regulations Branch, Internal Revenue

Service, transmitting the Service's final rule — 2013 Limitations Adjusted As Provided in Section 415(d), etc. [Notice 2012-67] received November 20, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8532. A letter from the Acting Assistant Attorney General, Department of Justice, transmitting fourth quarterly report of FY 2012 on the Uniformed Services Employment and Reemployment Rights Act; jointly to the Committees on the Judiciary and Veterans' Affairs.

8533. A letter from the Program Manager, Internal Revenue Service, transmitting the Service's ''Major'' final rule — Medicare Program; Medicare Part B Monthly Actuarial Rates, Premium Rate, and Annual Deductible Beginning January 1, 2013 [CMS-8048-N] (RIN: 0938-AR16) received November 19, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ISSA: Committee on Oversight and Government Reform. H.R. 4053. A bill to intensify efforts to identify, prevent, and recover payment error, waste, fraud, and abuse within Federal spending; with an amendment (Rept. 112–698). Referred to the Committee of the Whole House on the state of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII the Committees on Energy and Commerce, Transportation and Infrastructure, Foreign Affairs, Intelligence (Permanent Select), and Science, Space, and Technology discharged from further consideration. H.R. 2356 referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

TIME LIMITATION OF REFERRED BILLS

Pursuant to clause 2 of rule XII, the following actions were taken by the Speaker:

H.R. 940. Referral to the Committee on Ways and Means extended for a period ending not later than December 14, 2012.

H.R. 3283. Referral to the Committee on Agriculture extended for a period ending not later than December 14, 2012.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. GOWDY (for himself, Mr. SCOTT of Virginia, Mr. SMITH of Texas, and Mr. CONYERS):

H.R. 6620. A bill to amend title 18, United States Code, to eliminate certain limitations on the length of Secret Service Protection for former Presidents and for the children of former Presidents; to the Committee on the Judiciary.

By Mr. SMITH of Texas:

H.R. 6621. A bill to correct and improve certain provisions of the Leahy-Smith America Invents Act and title 35, United States Code; to the Committee on the Judiciary.

By Mr. DANIEL E. LUNGREN of California:

H.R. 6622. A bill to permit Federal officers to remove cases involving crimes of violence to Federal court; to the Committee on the Judiciary.

By Mr. HARRIS:

H.R. 6623. A bill to amend title 18, United States Code, to prohibit human cloning; to the Committee on the Judiciary.

By Mr. RUSH:

H.R. 6624. A bill to amend the Communications Act of 1934 to require the Federal Communications Commission to prescribe rules regulating inmate telephone service rates; to the Committee on Energy and Commerce.

By Mr. MCKINLEY (for himself, Mr. RAHALL, Mr. UPTON, Mr. PETERSON, Mr. WHITFIELD, Mr. HOLDEN, Mr. BARTON of Texas, Mr. SHIMKUS, and Mr. JOHNSON of Ohio):

H. Con. Res. 142. Concurrent resolution expressing the opposition of Congress to Federal efforts to establish a carbon tax on fuels for electricity and transportation; to the Committee on Ways and Means.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. GOWDY:

H.R. 6620.

Congress has the power to enact this legislation pursuant to the following:

The authority to enact this bill is derived from, but may not be limited to, Article I, Section 8, Clause 1 of the United States Constitution.

By Mr. SMITH of Texas:

H.R. 6621.

Congress has the power to enact this legislation pursuant to the following:

clause 8 of section 8 of Article I of the Constitution.

By Mr. DANIEL E. LUNGREN of California:

H.R. 6622.

Congress has the power to enact this legislation pursuant to the following:

The Officer Safety Act of 2012 is based upon the Commerce Clause of Article 1 Section 8 of the United States Constitution.

By Mr. HARRIS:

H.R. 6623.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of Section 8 of Article 1 of the Constitution of the United States.

By Mr. RUSH:

H.R. 6624.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 ''The Congress shall have Power ''to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.''

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 273: Mr. DUFFY.
H.R. 1030: Mr. PERLMUTTER.
H.R. 1265: Ms. GRANGER.
H.R. 1418: Mr. PAYNE.
H.R. 1523: Ms. DEGETTE.
H.R. 1546: Mr. LONG and Mr. ENGEL.
H.R. 1623: Mr. HINOJOSA.
H.R. 1968: Mr. RAHALL.
H.R. 2052: Mr. CARTER.
H.R. 2082: Mr. MCGOVERN.
H.R. 2505: Mr. GENE GREEN of Texas.
H.R. 2697: Mrs. BLACK.
H.R. 3125: Ms. HAHN.
H.R. 3359: Ms. WOOLSEY, Mrs. NAPOLITANO, and Ms. NORTON.
H.R. 4100: Mr. WAXMAN.
H.R. 4122: Mr. MICHAUD.
H.R. 4209: Mr. MCDERMOTT.
H.R. 4373: Mr. POE of Texas and Mr. ENGEL.
H.R. 5817: Mr. NUGENT.
H.R. 5822: Mr. WILSON of South Carolina and Mr. CHAFFETZ.
H.R. 5871: Mr. ELLISON.
H.R. 6021: Mr. ELLISON.
H.R. 6038: Mr. RANGEL.
H.R. 6107: Mr. KISSELL, Mrs. NAPOLITANO, and Mr. WALZ of Minnesota.
H.R. 6263: Ms. HIRONO.
H.R. 6416: Mr. CICILLINE.
H.R. 6421: Mr. PETERS.
H.R. 6443: Mr. MILLER of Florida.
H.R. 6490: Mr. HALL, Mr. SENSENBRENNER, Mr. MCKEON, Mr. HANNA, and Mr. LANGEVIN.
H.R. 6494: Mr. FITZPATRICK.
H.R. 6527: Mrs. NAPOLITANO.
H.R. 6528: Mr. ELLISON.
H.R. 6575: Mr. BRALEY of Iowa, Mr. HUELSKAMP, Mrs. BLACKBURN, and Mr. ADERHOLT.
H.R. 6582: Mr. GRAVES of Missouri, Mr. RUPPERSBERGER, Mr. KIND, and Mr. BRALEY of Iowa.
H.R. 6612: Mr. HALL.
H.R. 6613: Mr. ACKERMAN.
H. Res. 312: Ms. LEE of California.
H. Res. 736: Mr. OLVER, Mr. STARK, and Mr. NEAL.
H. Res. 760: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CROWLEY, Ms. MOORE, Mr. LARSON of Connecticut, and Mr. BISHOP of New York.
H. Res. 776: Mr. CARSON of Indiana.
H. Res. 820: Mr. ALEXANDER.

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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. INOUYE).

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. INOUYE,
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.

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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 commends 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 enactment 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 Senator 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 unusual. 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),''; and

(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 servicewomen.

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 longtime 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 servicemembers 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)''; and

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

(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''; and

(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''; and

(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 current 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 appreciate—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 Information 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 Nevada 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 transfered 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 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, 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 captured 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. INOUYE).

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. INOUYE, Mr. ISAKSON, Mr. JOHANNS, 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. VITTER, 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. INOUYE, Mr. ISAKSON, Mr. JOHANNS, 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. JOHANNS, 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. JOHANNS, 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 of subtitle H of title X, add the following:

SEC. 1084. STATE CONSIDERATION OF MILITARY TRAINING IN GRANTING CERTAIN STATE CERTIFICATIONS AND LICENSES AS A CONDITION ON THE RECEIPT OF FUNDS FOR VETERANS EMPLOYMENT AND TRAINING.

(a) IN GENERAL.—Section 4102A(c) of title 38, United States Code, is amended by adding at the end the following:

''(9)(A) As a condition of a grant or contract under which funds are made available to a State in order to carry out section 4103A or 4104 of this title for any program year, the Secretary 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 settlement 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 Luter, Jr., as the president of the Southern Baptist Convention, acknowledging Reverend Luter's unique role as the first African-American leader of the Southern Baptist Convention, and honoring the commitment of the Southern Baptist Convention to an inclusive faith-based community and society.

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 Luter, Jr., was born on November 11, 1956, in New Orleans, Louisiana;

Whereas Reverend Luter preached his first church sermon in 1983 at the Law Street Baptist Church in New Orleans, Louisiana;

Whereas Reverend Luter became the pastor of Franklin Avenue Baptist Church in 1986;

Whereas, under the leadership of Reverend Luter, 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 Luter, 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 Luter to become president of the Southern Baptist Convention;

Whereas Reverend Luter was elected to be the first African-American president of the Southern Baptist Convention on June 19, 2012; and

Whereas the election of Reverend Luter 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 Luter, Jr., as the president of the Southern Baptist Convention;

(2) acknowledges Reverend Luter'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.

EXTENSIONS OF REMARKS

GUY REYNOLDS' 100TH BIRTHDAY

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 2012

Mrs. CAPITO. Mr. Speaker, I would like to take this opportunity to recognize Mr. Guy Reynolds in celebration of his one hundredth birthday. Thomas Guy Reynolds Jr. was born on November, 30, 1912 in Martinsburg, West Virginia and is the son of the late Thomas Guy Reynolds Sr. and Lora Lenora Stotler.

Mr. Reynolds graduated from Shepherd College in 1933 with a degree in education. He served in the Berkley County school system for a total of 18 years in addition to running his own television and radio repair business; serving as an electro-mechanical designer for Thieblot Aircraft; and working for 17 years at Corning Glass Works where he was appointed to the position of Senior Associate. He was the first person from the Martinsburg plant to receive this honorable position.

Mr. Reynolds has received numerous awards for his outstanding volunteer efforts and community involvement, including Berkeley County's Citizen of the Year, Outstanding Alumni by Shepherd University, and was inducted into the West Virginia Voter Hall of Fame, for having voted in every general election since at least 1942, when records were first kept.

Believed to be the oldest aviator in West Virginia, Mr. Reynolds flies his light-sport airplane as often as he can and frequently attends airport functions. He took his first flight out of Shepherd Field in 1929 in a Ford Trimoter and has been actively involved with the Eastern West Virginia Regional Airport and served as chairman of the West Virginia State Aeronautics Commission for two terms.

Guy Reynolds' wonderful legacy lives on through his children, stepson, grandchildren, and great grandchildren.

HONORING U.S. NAVY COMMANDER ANDREW LOUIS FRAHLER

HON. TOM PRICE

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 2012

Mr. PRICE of Georgia. Mr. Speaker, today I rise to honor a former constituent of the Sixth District of Georgia, Commander Andrew Louis Frahler of the U.S. Navy. Andrew was born December 4, 1923 in Oregon. He served one year in the Army during World War II. He entered the U.S. Naval Academy in August 1944. While attending the Academy, Andrew earned a varsity letter every year and was the only person to be captain of the USNA baseball team two years in a row. In his final at bat, he hit a grand slam homerun against West Point. After graduating from the Academy in 1948, Andrew eventually rose to the rank of Commander in the Navy. During his time in the Navy, he served on six ships, including as Supply Officer on the USS *Oklahoma City*, and was at sea during the Korean War and Cuban Missile Crisis.

After leaving the Navy, Andrew worked at Beatrice Foods in Chicago, ultimately rising to Vice-President. In 1977, he moved to the Atlanta area to teach Management at Baptist University of America. In 1980 he began to teach secondary math and science at Heiskell School and then Providence Academy. He also coached the baseball teams at both schools. Andrew was a deacon in the local Baptist Church, taught Sunday school for many years, helped widows from the church with their taxes, worked at a crisis pregnancy center providing financial assistance, and assisted with an ESL program for Hispanic children.

Mr. Frahler passed away on Wednesday, November 28, a few days before his 89th birthday. He is survived by his beloved wife Mary Claire Jennings Frahler, his four children and their spouses, ten grandchildren, and four great-grandchildren. Andrew was preceded in death by his parents Andrew William Frahler and Sophia Kish Frahler, and by his brother, William Michael Frahler. Mr. Speaker, we are forever indebted to those great Americans like Andrew Louis Frahler who worked so hard and sacrificed so much for his nation. We will never forget his invaluable contributions to the well-being of his community and fellow citizens.

PAYING TRIBUTE TO SEAN PATRICK SMITH, A VICTIM OF THE SEPTEMBER 11, 2012 TERRORIST ATTACK IN BENGHAZI

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 2012

Mr. YOUNG of Florida. Mr. Speaker, I rise to pay tribute to Sean Patrick Smith, an Information Management Officer in the State Department and United States Air Force Veteran, who was slain in the September 11, 2012 terrorist attack on the U.S. Government Mission to Libya in Benghazi along with Ambassador J. Christopher Stevens and former United States Navy Sea, Air and Land (SEAL) Operators, Glen Doherty and Tyrone Woods.

Sean Smith was a native of the Clairemont neighborhood of San Diego, California and seemed destined to serve his nation. His father, Rene ''Ray'' Smith, my constituent from Gulfport, Florida, was a Corporal in the United States Marine Corps during the Vietnam War. The elder Smith often served as a ''tunnel rat,'' crawling deep into Vietcong underground facilities in search of the enemy. In 1970, during a firefight, he was burned over 60 percent of his body after the brush he was in caught fire. He raised Sean to appreciate the freedoms our nation provides and to be willing to fight for them.

Sean enlisted in the United States Air Force in 1995 at the age of 17, so young that he needed a parental release. He served six years as a Ground Radio Maintenance Specialist, which included a deployment to Oman. Sean left the Air Force in 2002 as a Staff Sergeant. At the time of his death, Sean was on temporary assignment to assist in the establishment of the Information Technology infrastructure in support of the Mission to Libya. Before his assignment to Benghazi, Sean had given 10 years of dedicated service to the State Department around the globe in Brussels, Baghdad, Pretoria, Montreal, and The Hague.

A technological guru, Sean's computer savvy was not limited to his United States Air Force and State Department duties. Sean was an avid gamer and well known in the online gaming community of the space fantasy game EVE Online. A leader of the ''Goonswarm'' guild, his gaming persona ''Vile Rat'' made use of Sean's skills as a diplomat and he was respected as a skilled competitor. Additionally, Sean was a moderator of the internet forum, ''Something Awful,'' where he posted about football, politics and working with the Foreign Service.

In the lobby of the State Department, the names of those who have fallen in the line of duty are inscribed in marble. Sean's name has been added along with his compatriots, Ambassador Stevens, Glen Doherty, and Tyrone Woods. In the same tradition, a plaque will be placed in the lobby of the Bay Pines VA Medical Center, where Sean's father receives his primary care, to commemorate his life and the daily sacrifices made by our veterans.

Sean is survived by his father Ray, mother Pat, wife Heather, and two young children, Samantha and Nathan. Beyond his family, Sean will be forever mourned by friends, colleagues, and countless online competitors, collaborators and gamers, who shared his passion in the virtual world Sean helped create. They are the true victims of this act of terror. While Sean's pain has ended, they will have to continue life without a beloved son, caring husband, nurturing father, and extraordinary friend.

Mr. Speaker, on behalf of a grateful Nation, I join my colleagues today in recognizing Sean Patrick Smith for his dedicated service to his country. He has made the ultimate sacrifice to defend freedom and his fellow Americans and we are forever in his debt. We wish his family all the best as they continue in their life's journey, and hope they find solace in knowing that their beloved Sean shall forever be remembered as a true patriot and hero.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 2012

Mr. COFFMAN of Colorado. Mr. Speaker, on January 20, 2009, the day President

Obama took office, the national debt was $10,626,877,048,913.08.

Today, it is $16,306,713,138,468.87. We've added $5,679,836,089,555.79 to our debt in 4 years. This is $5 trillion in debt our Nation, our economy, and our children could have avoided with a balanced budget amendment.

RECOGNIZING THE HONORABLE ELMA TERESA SALINAS ENDER

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 2012

Mr. CUELLAR. Mr. Speaker, I rise today to recognize The Honorable Elma Teresa Salinas Ender, an award recipient of the Lifetime Achievement Award by the Laredo-Webb County Bar Association for her accomplishments and services in Webb County of South Texas. Judge Ender is currently completing her term in the 341st Judicial District Court in Laredo, Texas.

Judge Ender, a native Laredoan, is a remarkable and highly respected member of the community who has dedicated her life to promoting fairness and justice. She serves the community as Texas Supreme Court Permanent Judicial Commission for Children, Youth and Families. Judge Ender became the youngest woman and first Hispanic female to serve as a district court judge in Texas. She is also the longest serving district court judge in Webb County in recent history, serving one appointed term and seven elected terms consecutively.

Currently, Judge Ender serves as chair for the Board of Judges overseeing the Auditor and on the Indigent Defense Services Oversight Committee for the Webb County Judiciary. She holds a Juris Doctor degree from St. Mary's University School of Law and a B.B.A. from University of Texas in Austin, with a major in accounting. She holds a Certificate in Commercial and International Arbitration from the University of Houston Law School, A. A. White Dispute Resolution Center and certificates in dispute resolution from the National College for the Judiciary, the Center for Public Policy Dispute Resolution at the University Of Texas School Of Law, and the DRC in Austin, Texas. Appointed in 1995 by then Governor George Bush, as an ad hoc committee member, Judge Ender worked to rewrite the Texas Code of Criminal Procedure. Appointed by Governor Mark White in 1986, she served on a Task Force charged with drafting professional standards to be used to certify juvenile detention centers. She has served as President, Vice President and 4th Administrative District Representative for the Texas District Judges' Association.

Not only has Judge Ender enjoyed an esteemed and honorable career, she also devotes much of her time to community organizations. She was one of the five Leadership Texas Alumnae who initiated, planned and funded the Leadership Laredo program sponsored by the Laredo Chamber of Commerce. Judge Ender is involved in numerous civic and community activities. Her leadership in organizations includes Leadership Texas, the Laredo Business and Professional Women's Association, and participation in the National Hispana Leadership Institute, which included study at Harvard University's JFK School of Public Affairs. She has received numerous awards throughout her career, including ''Laredoan of the Year'' in 2012, Laredo UT Exes Longhorn Legacy Award in 2008, and the 2003 Tejano Achievement Award, to name a few. Additionally, she has been featured in numerous publications due to her influence in Texas. She is married to David Ender and they are the proud parents of two daughters.

Mr. Speaker, I am honored and pleased to have had this time to recognize The Honorable Elma Teresa Salinas Ender on her career and community involvement. She has contributed her time, knowledge, and efforts to the judiciary and to community outreach.

CONGRATULATING MR. EDWARD SPAR ON HIS RETIREMENT FROM THE COUNCIL OF PROFESSIONAL ASSOCIATIONS ON FEDERAL STATISTICS

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 2012

Mrs. MALONEY. Mr. Speaker, I rise today to congratulate Mr. Edward Spar on his retirement as Executive Director of the Council of Professional Associations on Federal Statistics, COPAFS. Since December 1992, Mr. Spar has led COPAFS, a consortium of over 50 organizations and individuals dedicated to increasing knowledge about issues affecting Federal statistical agencies and to encouraging dialogue between its member organizations, federal agencies, Congress, and the public about these issues.

As you may know Mr. Speaker, I am a strong supporter of our nation's federal statistical agencies and the data that they collect, disseminate, and protect. These agencies, which include, for example, the Census Bureau, Bureau of Labor Statistics, National Center for Education Statistics, National Center for Health Statistics, and Bureau of Justice

Statistics, are national treasures. Simply put, federal, state, and local governments and American businesses could not function effectively without these agencies which produce high quality, reliable, and accessible data.

As the COPAFS Executive Director, Mr. Spar has shared my passion for these agencies and successfully raised awareness about their often-overlooked needs. He achieved this goal by conducting quarterly meetings and other colloquia for users and producers of federal statistics where they could share information about current federal statistical policy developments and discuss issues important to governmental and non-governmental data user communities. Mr. Spar was also a constant presence at meetings with federal statistical agencies, Members of Congress, and congressional staff, offering his expertise on federal statistical policy issues and suggesting improvements.

Mr. Spar's achievements include an initiative he led for the Bureau of Labor Statistics to update the Consumer Expenditure Survey, which resulted in crucial changes to the survey's interviewing structure, questionnaire design, and proxy reporting. In addition, he served on the National Academy of Sciences' panel on transportation statistics whose recommendations guide the current collection of key infrastructure data. Mr. Spar has also worked closely with the Office of Statistical Policy of the United States Office of Management and Budget (OMB), particularly to review and improve geographic classifications, as well as to bring statistical policy and research developments to broader audiences.

His efforts have not been limited, however, to domestic statistical issues. Mr. Spar has also been recognized as a leader regarding international surveys and agencies. Major international agencies, including the United Nations, the U.S. Agency for International Development, the U.S. Information Agency, and the Organization for Economic Cooperation and Development, have consulted with Mr. Spar. In this capacity, Mr. Spar advised these agencies and their international counterparts on a range of issues, including data collection and confidentiality standards, the establishment of statistical policy offices, and the development of strategies for outreach to users of federal statistics.

In addition to all of his achievements, Mr. Spar has been a mentor, teaching courses at Georgetown University and the U.S. Census Bureau, leading workshops at national and international scientific and data user conferences, and encouraging the next generation of statisticians and data users. And, as President of Market Statistics from 1972 to 1992, Mr. Spar was one of the pioneers of private sector applied demography.

I am proud to rise in recognition of Mr. Spar, a native New Yorker and a national leader on federal statistical issues. Although he is leaving COPAFS to enjoy a well-deserved retirement, he leaves behind a legacy of stronger statistical agencies and policies and an appreciative cadre of colleagues who have benefited from his dedicated years of service.

Congratulations and best wishes to Mr. Spar and his family.

A TRIBUTE TO THE UNION LEAGUE OF PHILADELPHIA

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 2012

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise today to honor the Union League of Philadelphia which will commemorate its Sesquicentennial Celebration on December 27, 2012. This occasion will reflect on the great history and traditions that have helped sustain the League, and have made it one of the great civic institutions in Philadelphia.

In late 1862, during some of the darkest and most turbulent days of America's Civil War, a group of patriotic Philadelphians resolved to create an organization to assist President Abraham Lincoln and the North to save the American Union. By early 1863 The Union League of Philadelphia was diligently printing and distributing anti-secession literature, financing military regiments, and devoting its talent and resources to the protection of southern Pennsylvania and the City of Philadelphia from the menace of invasion. Following the northern victory in April of 1865, the Union League found a new and continuing purpose as it demonstrated its support for Reconstruction legislation and new amendments

to the U.S. Constitution, positive political action, and election reform.

Into the twentieth century and the present day, the legacy of the Union League includes an outstanding record of 150 years of civic, philanthropic, and cultural activities. Today, its 3,300 members continue to sustain the Union League and its ethos of patriotism and service.

Mr. Speaker, I encourage my colleagues to join me in honoring the Union League of Philadelphia for its 150 years of service to the city of Philadelphia and the Union.

TRIBUTE TO LIEUTENANT COLONEL MAREN CALVERT

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 2012

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to Lieutenant Colonel Maren Calvert, who has worked in my office for the past year as a Defense Fellow. Lt. Col. Calvert started in my office last January and she has truly been a pleasure to have on the staff. Her law background coupled with her military experience has benefited the office tremendously. She offers a unique perspective, is always prepared, takes on any task and does it with a smile.

Lt. Col. Calvert is a Category A reservist and came to my office from the 701st Combat Operations Squadron (COS) detachment 1 at Hickam Air Force Base in Hawai'i where she served as the Deputy Commander. The 701 COS operates out of March Air Reserve Base, California which is located in my congressional district. The 701 COS provides trained, experienced Air Operations Center (AOC) warfighters primarily in support of 7th Air Force, the Combined AOC, and Commander of Air Force Forces at Osan Air Base, Republic of Korea. In her capacity as Deputy Commander, Lt. Col. Calvert provided expertise within the Operations, Plans and Strategy Divisions on the Law of Armed Conflict and Rules of Engagement. She advised the Commander on all legal issues, including military justice and civil law.

Lt. Col. Calvert was commissioned in 1993 from the Air Force Academy where she graduated with a Bachelors of Science degree in Humanities. She served on active duty through August 1998 and then obtained her law degree from the University of California, Los Angeles before joining the Air Force Reserve. In addition to her 701 COS assignment, Lt. Col. Calvert has served as the Chief of Health Services, 701 COS; Commander, Business Operations & Beneficiary Services, TRICARE, and Resource Management Flights; and as Squadron Section Commander. Lt. Col. Calvert has furthered her Air Force education, having completed the Squadron Officer School, Air Command and Staff College, and the Judge Advocate General Staff Office Course at Maxwell Air Force Base, Alabama.

As a civilian, Lt. Col. Calvert is a commercial litigation attorney at Alston Hunt Floyd & Ing in Honolulu, HI. Her practice is diversified, with experience in condominium law, real estate development, foreclosures, adversary proceedings in bankruptcy, and an emphasis in health law and health care compliance. She is admitted to both the California and Hawai'i Bar.

During her time in the office she has focused her efforts on defense acquisition, TRICARE, basing issues, wildfire resource issues, Medicaid portability for military members with autistic children, and many other policy areas. She has been an invaluable resource to all my staff and I would also like to take this opportunity to thank her and her family—I know it was not easy to move across an ocean and a country to start a new life. To Jason, Braedon, and Teryn, thank you for supporting your wife and mom, she is an impressive lady. On behalf of everyone in the office, I would like to extend a heartfelt "Mahalo" to Lt. Col. Calvert for all her hard work and let her know that my office door is always open for Pau Hana!

COLONEL PETER J. BROOKS

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 2012

Mr. WILSON of South Carolina. Mr. Speaker, on Tuesday, November 20, 2012, Colonel Peter J. Brooks wore the United States Army uniform for the very last time. After over 32 years of dedicated service to our nation, Pete has retired from our Armed Forces and will serve his last day with the South Carolina National Guard on December 31, 2012.

Colonel Brooks began his military service in September 1979, when he entered the Army ROTC/SMP at Valley Forge Military College in Wayne, Pennsylvania. Following graduation, he was commissioned as a second lieutenant in the Armor branch in June 1981. Pete studied at the University of South Carolina for several years before attending officer basic course. In 1986, Colonel Brooks graduated from the University of New York where he studied political science and received a Bachelor's Degree in Liberal Arts.

Since 1995, Colonel Brooks has worked in the public affairs department of the South Carolina National Guard and the Military Department of South Carolina. Due to his superb knowledge, he has more recently served as a senior advisor to the director of public affairs and strategic communications. Pete always worked extremely hard on behalf of the SCNG and has developed great working relationships with Congressional leaders and staffers, resulting in tremendous legislative support for the Soldiers and Airmen serving in the South Carolina National Guard. He also has served as a former president to the National Guard Association of South Carolina. Additionally, under Colonel Brooks' mentorship, the SCNG public affairs professionals earned awards from many different organizations including the National Guard Bureau, Air Force, Army, and Department of Defense. In 2009, due to Colonel Brooks' expertise, NORTHCOM/ARNOTH requested him by-name to support their communications programs.

Colonel Brooks also has worked with the University of South Carolina to develop a Media & the Military course in the university's School of Journalism and Mass Communications. This graduate-level course has helped approximately 100 recent graduates enter the public relations and journalism career fields with a level of understanding of military operations that very few students ever achieve. Additionally, Colonel Brooks and his team of public affairs professionals, all of who have been deployed to Iraq or Afghanistan in recent years, served as guest lecturers and mentors for the students.

As a 31 year veteran of the South Carolina Army National Guard and with three sons currently serving in the Army National Guard, I am truly grateful of Colonel Pete Brooks and his selfless service to the United States Army. I wish him and his wife Laurie the best in the future and look forward to working with him throughout the Midlands community.

IMPORTANCE OF FEDERAL INVESTMENT IN RESEARCH

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 2012

Ms. SCHAKOWSKY. Mr. Speaker, the importance of federal investment in research cannot be overemphasized. Our investment in research, including through the National Institutes of Health, the Centers for Disease Control and Prevention, and the National Science Foundation, saves lives, improves health, and increases our understanding of the world that we live in. Grants to research institutions, including Northwestern University, University of Illinois at Chicago, and Loyola University in the Chicago metropolitan area, not only help to make medical progress but train our next generation of scientists.

Biomedical research funded by the National Institutes of Health has made a real difference in the health and lives of millions of Americans. The outcomes of those research efforts speak volumes. Anti-viral therapies for HIV have been developed that make it possible for HIV-infected individuals to live into their 70s and beyond as compared to a life expectancy of just months when the disease first appeared in the 1980s. New treatments and procedures have been developed for Age-Related Macular Degeneration that will allow hundreds of thousands of Americans to continue to have useful vision over the next five years. Researchers have identified a treatment that could reduce premature birth by 45 percent among at-risk women.

Public health research sponsored by the Centers for Disease Control and Prevention helps us prevent and contain disease outbreaks. As we transition from a health care system focused on the treatment of disease to a system based on disease prevention, we will increasingly rely on public health research to identify new prevention techniques and interventions that help keep people healthy. For example, the CDC has established a research grant program to help develop and test new ways to combat healthcare-associated infections—infections that harm patients and increase health care costs. Through this initiative, the CDC awarded a grant to the Chicago Antimicrobial Resistance and Infection Prevention Epicenter, a collaboration between the Cook County Health and Hospitals System and Rush University Medical Center, to research strategies for antimicrobial resistance and infection prevention.

The funding of basic research in fields such as chemistry, engineering, physics, and computers by the National Science Foundation

has led to discoveries and technological advances that have been truly revolutionary. NSF-funded researchers have decoded the genetics of viruses and created an entirely new state of matter. NSF-funded research is also enhancing our understanding of the link between brain health and overall human health.

These examples merely scratch the surface of federally-funded research discoveries and only hint at the promise of our continued investment in research. We can imagine the possibilities—a cure for HIV/AIDS, the elimination of health disparities, or the end of Alzheimer's disease. If we don't stop the sequester cuts, which include budget cuts of $2.5 billion to NIH, $586 million to NSF, and $490 million to CDC, or any other cuts, these discoveries could be severely delayed or even worse never become reality. We can't allow that. We must avert these cuts and replace them with a balanced approach that continues our investment in research.

IN RECOGNITION OF MRS. EVELYN TURNER PUGH

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 2012

Mr. BISHOP of Georgia. Mr. Speaker, I rise today to extend my sincerest appreciation to not only an outstanding public servant but an extraordinary banker and fiscal professional, Mrs. Evelyn Turner Pugh, Vice President of SunTrust Bank and Mayor Pro Tem of Columbus, Georgia, upon her retirement this year from SunTrust Bank. Retirement celebrations will be held on Friday, November 30, 2012 at 4:00 p.m. at SunTrust Bank in Columbus and at 7:00 p.m. at The Benning Club at Fort Benning, Georgia.

A Columbus, Georgia native, Mrs. Pugh received an Associate's degree in Secretarial Science, a Bachelor's in Management/Accounting and an MBA in Business Administration from Columbus College before it was known as Columbus State University.

Beginning her career as a secretary at Columbus College and Progressive Funeral Home, Mrs. Pugh rose quickly through the ranks, holding a number of positions ranging from entry-level to managerial at Blue Cross Blue Shield of Georgia across the span of thirty years.

In 1999, Mrs. Pugh was appointed Vice President of SunTrust Bank, West Georgia, the position she still holds today. In addition, Mrs. Pugh also serves as City Councilor—Post 4 and in 2007, was elected Mayor Pro Tem of Columbus Consolidated Government.

Due to her strong leadership and dedication to public service, Mrs. Pugh was appointed by former Governor Zell Miller to the Georgia Policy Council on Children and Families in 1995; the University of Georgia Carl Vinson Institute of Government Advisory Committee in 1995; and the Mental Health, Mental Retardation and Substance Abuse (MHMRSA) Funding Study Committee in 1998.

Mrs. Pugh was also appointed Chair of the National League of Cities' Public Safety & Crime Prevention Steering Committee in 1996, where she worked with former U.S. Attorney General Janet Reno and the U.S. Department of Justice to increase the flexibility in the use of grants from Community Oriented Policing Services, COPS.

Moreover, Mrs. Pugh was elected as Georgia Chair of Women in Municipal Government in 1995 and President of the Georgia Municipal Association in 1999. She was appointed to the Georgia Public Defenders Council by former Lieutenant Governor Mark Taylor. She has also served on the Board of Directors and Advisory Council of the National League of Cities.

In conjunction with her professional accomplishments, Mrs. Pugh has served on a number of boards including the Board of Directors for Girls, Inc., St. Francis Hospital, Columbus Technical College, Columbus Housing Initiative, Liberty Theatre, and Muscogee Educational Excellence Foundation. She is also a member of the Columbus Chapter of The Links, Inc. and the Columbus Alumnae Chapter of Delta Sigma Theta Sorority and has served as President, Treasurer, and Financial Secretary, among other roles, continuing the sorority's tradition of far-reaching service to the community. In addition, she has been awarded the Martin Luther King. Jr. Unity Award, among other distinguished honors. Former Congresswoman Shirley Chisholm once said that, "Service is the rent that we pay for the space that we occupy here on this earth." Mrs. Pugh has paid her rent and she has paid it well.

Mrs. Pugh has accomplished many things in her life but none of this would have been possible without the enduring love and support of her husband Reginald; children Marcus, Maurice, Tajuana, Talender and Reggie; daughters-in-law Tasha and April; and grandchildren Lincoln, Lyric, Makaylah, Imani, Caleb, Taylor, McKenzie, Jaylon, Kennedy and Regan.

The great agricultural chemist George Washington Carver once said, "It is not the style of clothes one wears, neither the kind of automobile one drives, nor the amount of money one has in the bank, that counts. These mean nothing. It is simply service that measures success." By any measure, Evelyn Turner Pugh has been successful because of her service to humankind.

Mr. Speaker, I ask my colleagues to join my wife, Vivian, and me, along with the almost 700,000 people in the 2nd Congressional District of Georgia, in paying tribute to Mrs. Evelyn Turner Pugh upon her retirement from SunTrust Bank, while she continues her exemplary service to the Columbus, Georgia community.

RECOGNIZING MALAWI PRESIDENT JOYCE BANDA ON BEING NAMED A "TOP 100 GLOBAL THINKER" BY FOREIGN POLICY

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 2012

Mr. COHEN. Mr. Speaker, earlier this year I congratulated Joyce Banda on becoming the first female President of the Republic of Malawi. In her first 100 days, President Banda amassed an impressive list of accomplishments including securing Millennium Challenge Corporation investments, pledges for more support from USAID and strengthening Malawi's commitment to democracy. President Banda has now been named by Foreign Policy magazine a 2012 "Top 100 Global Thinker," being accredited for "stepping in—and up—to fix a broken country." I congratulate President Joyce Banda on this most recent acknowledgement of her success. Submitted here is the text of her prestigious recognition:

When Malawian President Bingu wa Mutharika died of a heart attack in April, it wasn't immediately clear what would become of his vice president, Joyce Banda. The two had fallen out in recent years, with the increasingly autocratic president booting Banda from his political party in 2010. Even Mutharika's wife publicly derided the smalltown veep—a longtime grassroots advocate for women, children, and the poor—scoffing, "She will never be president. How can a mandazi [fritter] seller be president?" After a tense two days in the wake of Mutharika's death, however, Banda proved the first lady wrong, becoming Africa's second-ever female president.

Governing Malawi—where an estimated 75 percent of its more than 15 million residents live on $1 or less a day—presents enormous challenges, to be sure. But in just seven months Banda has largely thrown out her predecessor's playbook, showing the world how to take charge and work to turn around a troubled country. Within days of taking office, she dismissed key members of Mutharika's administration, including the police chief in power when 19 Malawian demonstrators were killed at a 2011 opposition rally, and in May, amid rising persecution of gays in Africa, she vowed to repeal Malawi's laws against homosexuality. By devaluing the Malawian currency by more than a third, a move Mutharika had long refused despite the IMF's urging, Banda also secured a much-needed $157 million IMF loan in June—a first step toward rebuilding Malawi's debilitated economy.

Her work is cut out for her. So far, however, all signs suggest Banda could become a new model for African leadership—shedding the strongman syndrome and getting down to business to help the poor. To prove it, she has cut her own salary by 30 percent and put her predecessor's $12 million presidential jet and most of his fleet of 60 luxury cars up for sale. "I can as well use private airlines," she said. "I am already used to hitchhiking." But it's more than that: "I must demonstrate to Malawians that we are in this together," she explained to Al Jazeera. "I must be the first person to set an example." For Malawi, and the world over.

IN RECOGNITION OF JIMMY AND CHRIS PURSELL WINNERS OF AUBURN UNIVERSITY'S LIFETIME ACHIEVEMENT AWARD

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 2012

Mr. ROGERS of Alabama. Mr. Speaker, I rise today to commend members of an outstanding family who have spent their lives building successful businesses and giving back to their community. Jimmy and Chris Pursell started Pursell Technologies, Pursell Farms and FarmLinks all located in or around Talladega County in Alabama.

Jimmy Pursell grew up in Talladega, Alabama and graduated from Auburn University in 1952. In 1953, Jimmy married Chris Parker of Sylacauga, Alabama. Jimmy spent four

years in the Air Force after college and then moved with his wife to Sylacauga to join his father-in-law in the fertilizer business at Parker Fertilizer.

In 1964, Jimmy and Chris took over the business and focused mainly on fertilizer. In 1997, the consumer division of the company was sold and the remaining portion became Pursell Technologies.

In 2001, the family established Pursell Farms, a 3,500 acre site in Fayetteville, Alabama and FarmLinks, an 18-hole golf course and nursery. FarmLinks has been the number one public course in Alabama and attracts visitors from all over.

The Pursells have three children—Taylor, Chris and David—who have all worked for their company at some point. The Pursells have created over 250 local jobs and run their company with Christian values. The Pursells also have supported local schools and their community and created three student programs at Auburn University.

On December 3rd, the Pursell family will travel to a special event held at the United Nations in New York City to be awarded this prestigious honor by Sylacauga native Jim Nabors.

Mr. Speaker, I offer my congratulations to the Pursell family and thank Auburn University for educating outstanding students and citizens such as the Pursells.

RECOGNIZING WINSTON ''STRICK'' STRICKLAND

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 2012

Mr. GINGREY of Georgia. Mr. Speaker, I rise to recognize a man whose commitment and contributions to our community were second to none, and whose legacy will long be remembered.

Winston ''Strick'' Strickland devoted his life to mentoring children and caring for senior citizens in Marietta, Cartersville, and surrounding communities. His service was, and remains, inspiration to us all. He was deeply loved and will be forever missed.

Mr. Strickland was the embodiment of the American Dream and served as an inspiration to many. The son of sharecroppers, his family instilled the value of hard work and integrity at a young age. These principles guided him throughout his successful business career. Strickland became the owner of S&M Enterprises, the umbrella company of three local ''staples'': Strick's Barber Shop, Strick's Grill and S&M Laundromat.

In a 2009 interview with the Marietta Daily Journal Mr. Strickland said, ''My mother taught me that you work hard, treat people right and when you find something's wrong, you straighten it out. Do good in anything that you put your hand into, and in the meantime you've got to give back to the community.''

Inspired by politics and social work, Mr. Strickland wanted to make a difference in peoples' lives and in 1990, he founded the Blacks United for Youth-Cobb. BUY-Cobb, a foundation created to mentor our community's youth, has assisted more than 2,000 students through its mentor programs and scholarship fund. To date, the foundation has contributed more than $300,000 dollars in scholarships to youths in our community.

Mr. Strickland was the consummate family man and is survived by a loving family: his wife of 47 years, Rosetta Strickland; two children Monique Strickland Hall and Michele Strickland, and his two grandchildren of whom he was extremely proud: Jaden MacArthur Hall and Janai Hall.

Mr. Speaker, we mourn the loss of a community leader and role model. His unwavering service and memory will forever live on in Bartow and Cobb County and the great state of Georgia.

PERSONAL EXPLANATION

HON. MICHAEL R. TURNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 2012

Mr. TURNER of Ohio. Mr. Speaker, on November 29, 2012, I was unable to vote on rollcall vote 611. Had I been present I would have voted ''yea'' on H. Res. 821, providing for consideration of H.R. 6429.

HONORING J. MATTHEW MULLAN

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 2012

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize J. Matthew Mullan who is retiring after 23 years of public service with the Town of Windsor, California.

Mr. Mullan began his career in Windsor in 1989 as Assistant General Manager of the Windsor Water District. He was named Assistant Town Manager upon the town's incorporation in 1992.

As Assistant Town Manager, he served as a supervisor of community development activities, including planning and building inspection, engineering, street maintenance, and water reclamation. Mr. Mullan was also responsible for the franchise of solid waste and cable television. As head of Windsor's 5-year Capital Improvement Program, he various managed special projects including the design and construction of the corporation yard.

Mr. Mullan was appointed Town Manager in 2005. In this position, he oversaw development of the new LEED certified fire station, construction of the SMART train station, and preparation of the Town's Economic Development Strategic Plan. He also managed the connection of the Town's recycled water system to the Geysers Recharge Project, facilitating the transport of treated waste water from Sonoma County to the Geysers steamfields in the Mayacmas Mountains that straddle Lake and Sonoma Counties. All of these projects have been tremendously beneficial to the Town of Windsor.

As Town Manager, Mr. Mullan serves as Chair of the Sonoma Mendocino Area City Managers/County Administrators Association and is a member of the International City Management Association.

Mr. Mullan plans to spend his retirement with his wife Rosanne and their three children, and is looking forward to expanding his role as doting grandfather and avid San Francisco Giants fan.

Mr. Speaker, Matt Mullan has a long and distinguished record of public service. It is therefore fitting and proper that we honor him today and wish him well in his retirement.

A TRIBUTE TO ALTADENA'S 125TH ANNIVERSARY

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 2012

Mr. SCHIFF. Mr. Speaker, I, along with my colleague Representative JUDY CHU, rise today to honor the community of Altadena, California upon its 125th anniversary.

For over a century, this extraordinary community has grown and thrived while maintaining a fierce and admirable independence.

In 1881, the land that would become Altadena was sold to John and Fred Woodbury. The two brothers would later open Altadena as a subdivision of the Pasadena Improvement Company in 1887 with the hopes of developing a residential neighborhood and attracting wealthy millionaires. They were initially successful, bringing in wealthy names such as Col. Charles Greene and Andrew McNally, but soon found the region was thrown into an economic depression as part of a larger national depression that lasted through much of the 1890's. Despite the national depression, ranchers and farmers continued to buy land in Altadena and expanded the crops that were farmed from grapes and oranges to include foods such as olives, walnuts, dates, and avocados. Many business magnates also came from the mid-west and built grand winter and retirement homes in Altadena.

By the 1940's and 1950's, Altadena was a well-established community that continued to develop and flourish through housing development, modernization, and business growth. In the 1960's and 1970's, Altadena became more ethnically diverse, eventually making it one of the most integrated communities in Southern California. Today, Altadena has a diverse population of 43,000 nestled in the beautiful San Gabriel mountains.

Altadena is a wonderful community that has fostered a number of remarkable, world-famous individuals. Notable Altadenans include Thaddeus S.C. Lowe, scientist and inventor, Richard Feynman, physicist, Zane Grey, western novelist and Marni Nixon, renowned soprano and actress.

We are honored to recognize Altadena, with its rich cultural heritage and ask all Members to join us in congratulating Altadena upon its 125th anniversary.

PERSONAL EXPLANATION

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 2012

Mr. PENCE. Mr. Speaker, I was unavoidably absent during the week of November 26th and missed Rollcall Votes 611, 612 and 613. Had I been present, I would have voted ''aye'' on Rollcall Votes 611 and 613, and ''no'' on Rollcall Vote 612.

WORLD AIDS DAY—DECEMBER 1ST, 2012

HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 2012

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today to recognize the importance and significance of World AIDS Day.

Established by the World Health Organization in 1988, December 1st is universally known as World AIDS Day. World AIDS Day serves to focus global attention on the devastating impact of the HIV/AIDS epidemic. All governments, national AIDS programs, churches, community organizations and individuals are given the opportunity to display their commitment to fight this deadly disease.

It has been more than 30 years since the first AIDS case was reported in the United States. It does not seem like it was too long ago, but HIV/AIDS had affected many around the world before the disease even made its way to America's shores. Since then, countless researchers, healthcare providers, politicians, and educators have contributed to the global initiative to contain and eventually eliminate its presence in all corners of the world.

Although HIV/AIDS is no longer a mysterious and mischaracterized entity, it is the most relentless and indiscriminate killer of our time. And though a diagnosis is no longer the sealing of an immediate fate, it is the beginning of an indefinite battle for life, adequate health care, and for social belonging.

With an estimated 38.6 million people worldwide living with HIV at the end of 2005, and more than 25 million people having died of AIDS since 1981, December 1st is a date which serves to remind everyone that action makes a difference in the fight against HIV/AIDS. Let there be no mistake, we are here to acknowledge that AIDS is a deadly enemy against which we must join all our forces to fight and eliminate.

Americans should be reminded that HIV/AIDS does not discriminate. With an estimated 1,039,000 to 1,185,000 HIV-positive individuals living in the U.S. and approximately 56,000 new infections occurring every year, the U.S., like other nations around the world is deeply affected by HIV/AIDS.

The detrimental effects of HIV/AIDS have also hit home. More than 65,000 people in Texas are living with HIV. Thirty-Six percent more Texans are living with HIV today than just seven years ago. In 2010, studies showed that 1 in every 3 diagnosed persons in Texas were not getting proper medical treatment. We must make certain that every affected individual receive efficient medical treatment that will afford them long life.

Not only is the state of Texas suffering from HIV and AIDS, but my district, the 18th Congressional District of Texas, has seen an increasing number of people living with the disease. In 2010, there were over 22,000 reported persons living with HIV (non-AIDS) in the greater Houston area, and more than 9,000 reported persons living with AIDS.

This problem continues to escalate as there have been 1,700 new infections each year among individuals in Harris County, particularly among racial and ethnic minorities. We must continue to fight a tough fight to reverse all of these costly and tragic trends.

I will continue to sponsor and co-sponsor legislation that addresses the HIV/AIDS epidemic. The fight is not over. We must continue to stand strong in our struggle to conquer some old and new challenges that we as Americans and members of the global community encounter.

This Saturday, December 1st is World AIDS Day. And, we will focus on HIV/AIDS, prevention and awareness, and continue to fight for life. Together, we will help all of our friends, relatives, and children live healthy and full lives.

MARKING WORLD AIDS DAY

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 2012

Mrs. LOWEY. Mr. Speaker, December 1, World AIDS Day, is an opportunity for people in the United States and around the world to unite in the fight against HIV and AIDS, to show their support for those living with the virus, and to commemorate the many who have died from this terrible disease.

The first World AIDS Day was held in 1988, just weeks after my first election to Congress. I am proud of the work the Congress has done since that time to combat the scourge of HIV and AIDS throughout the world. Through the President's Emergency Plan for AIDS Relief (PEPFAR), the work of the U.S. Agency for International Development, and our support to multilateral organizations, such as UNAIDS and the Global Fund to Fight AIDS, Tuberculosis and Malaria, the United States has led the way in modernizing the global response to HIV and AIDS. Our efforts not only save lives, but also promote economic growth and increased stability throughout the world. Recognizing that we cannot beat this epidemic with treatment alone, I am pleased that recent global efforts are increasingly focused on prevention as well as sustainability, efficiency, and program effectiveness.

Today, there is more hope than ever that we can achieve an AIDS-free generation. A new UNAIDS report demonstrates the clear progress we have made in our fight. Access to antiretroviral therapy has increased by an incredible 63 percent in the last 24 months alone, and AIDS-related deaths fell by more than 25 percent globally between 2005 and 2011. The rate of new HIV infections has been reduced by more than 50 percent in the last decade across 25 low- and middle-income countries—more than half of which are in Africa. This could not have happened without U.S. leadership. PEPFAR has directly supported HIV testing and counseling for more than 49 million people in fiscal year 2012, providing a critical entry point to prevention, treatment, and care.

However, despite the encouraging progress, estimates are that 6.8 million infected people still need access to treatment, and the total number of new HIV infections remains high, at 2.5 million persons worldwide in 2011. This is simply unacceptable. So while our efforts are impressive, they are clearly not enough. The spread of HIV and AIDS continues to disproportionately affect many of the most vulnerable populations, especially women and girls, and I will not rest until we bring an end to AIDS here at home and around the world. Our commitment to ending this pandemic must be smart, strategic, and unwavering. AIDS knows no boundaries, and neither must our generosity and determination to overcome it. And so, on this 25th World AIDS Day, I urge my colleagues to continue our commitment to fighting this disease.

IN RECOGNITION OF TAIWAN'S GENEROSITY TOWARD HURRICANE SANDY RELIEF EFFORTS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 2012

Mr. RANGEL. Mr. Speaker, my Colleagues and I were pleased to learn that the government of Taiwan (Republic of China) has pledged to donate $1.3 million to the United Way International, Habitat for Humanity International, the states of New Jersey and New York, and New York City for post-Sandy relief.

During October of this year, Hurricane Sandy devastated much of New York, New Jersey and other parts of the Northeastern United States. Many lives were lost from these storms as were houses and many personal belongings. Having my congressional district in New York City, I witnessed a lot of this destruction firsthand.

These two charities mentioned above, among many other relief agencies, have done an excellent job in collecting funds for the victims. They were at the frontlines in the aftermath of Hurricane Sandy and need our help to rebuild themselves. The contributions from Taiwan will continue to provide these organizations the financial support that they need to continue to be effective.

A ceremony marking the transfer of funds to the charities will be held in Washington, D.C. on December 6, 2012. Taiwan's donation is a most generous act by the people and Taiwanese government. Taiwan gave generously to the victims of Hurricane Katrina in 2005 and was a major donor to the Twin Towers Fund as well as the Pentagon Memorial Fund. Taiwanese friendship for us is everlasting and commendable.

This is another example of the continuing warm relations between the people of Taiwan and the people of America. We are grateful of their compassion in these difficult times.

IN HONOR OF EDYTHE Y. BRADLEY

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 2012

Mr. BISHOP of Georgia. Mr. Speaker, it is with a heavy heart that I rise today to pay tribute to an outstanding and truly one of a kind woman, Ms. Edythe Y. Bradley. Sadly, Ms. Bradley passed away on Saturday, November 24, 2012. A funeral service will be held on Saturday, December 1, 2012 at 2 p.m. at Saint Mary Missionary Baptist Church in Baconton, Georgia.

Ms. Bradley was widely known as the Sports Information Director at Albany State

University. She became the school's first female SID in 1997 and served as the main media contact for Albany State's eleven NCAA Division II sports programs. But anyone who worked with her knew she went above and beyond the typical duties of a Sports Information Director. A one-woman show, she often worked more than eighty hours a week. Despite her busy workload, Ms. Bradley always made time to help someone or to brighten their day with her infectious smile. She was beloved by students, faculty, and the community at large.

A Camilla, Georgia native, Ms. Bradley graduated from Mitchell-Baker High School in 1983. She attended Florida A&M University, where she worked with The Famuan student newspaper and was a member of the Society of Professional Journalists/Sigma Delta Chi and the Public Relations Student Society of America. She received her Bachelor's degree in Journalism/Public Relations in 1988. Prior to joining the ASU staff in 1993, Ms. Bradley worked at her hometown newspaper, the Camilla Enterprise.

Ms. Bradley loved her job and all things Albany State. She was a member of the College Sports Information Directors of America, the Black College Sports Information Directors Association, and the Sports Information Directors Association. She also served as the SID chairman for Albany State's conference. In addition, Ms. Bradley was a member of St. Peter A.M.E. Church in Camilla.

George Washington Carver once said, "No individual has any right to come into the world and go out of it without leaving behind distinct and legitimate reasons for having passed through it." We are so blessed that Edythe Bradley passed this way and shared with us her bright smile and beaming personality. She touched the lives of so many and her warm, shining presence will certainly be missed.

Mr. Speaker, my wife Vivian and I would like to extend our deepest sympathies to Ms. Bradley's daughter, Morgan Chelsea Dunlap, and her family members, friends, and the Albany State University community during this difficult time. May they be consoled and comforted by their abiding faith and the Holy Spirit in the days, weeks and months ahead.

HONORING THE LIFE OF BERNARD LANSKY

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 2012

Mr. COHEN. Mr. Speaker, I rise today to honor the life of Mr. Bernard Joseph Lansky, a famed Memphis clothier. He was born in Memphis, Tennessee to Samuel Lansky on March 10, 1927. Bernard Lansky, and his brother, Guy, shared a passion for clothing. As business partners, their expressive clothing can be seen in some of Elvis' most famous suits, including the suit he wore during his first appearance on the Ed Sullivan Show and his sparkling gold-lamé jacket. Mr. Lansky also suited Elvis for his high school prom and for his funeral, saying that "I put him in his first suit, and I put him in his last suit." This gained him the reputation in Memphis as the "Clothier to the King."

Bernard Lansky was one of nine children, who were all raised by their father alone. Mr. Lansky served the U.S. Army at Fort Knox during the Second World War. In 1946, Bernard Lansky's father gave him and his brother $125 to buy a consignment shop on Beale Street. The shop went through a few changes, first being a dry goods store and an army surplus store.

Realizing that he was a natural salesman with a talent for retail, Lansky and his brother opened a shop on Beale Street called Lansky Bros., which has since moved into the Memphis Peabody Hotel and expanded into four similarly named shops. In addition to dressing Elvis, Bernard clothed music royalty such as B.B. King, Johnny Cash and Jerry Lee Lewis. After admiring a new suit on a customer, Mr. Lansky often smiled at them saying, "Clean as Ajax. That's as clean as Ajax."

Bernard's passion and love for clothing extends to each generation of the Lansky family, as his son, Hal, and granddaughter, Julie, continue the unique designs so true to the original store. On November 15, 2012, Mr. Lansky passed away at 85 years of age. He was preceded in death by his brother and business partner, Guy, who died in 2005. Bernard is survived by his wife of 64 years, Joyce; two sisters, Mildred Krasner and Bernice Banes; two brothers, Frank and Alvin; a son, Hal; a daughter, Anise; and four granddaughters along with two great-grandsons. Mr. Lansky will be remembered as a life-long Memphian and pioneer in the clothing industry.

HONORING THE SERVICE OF BALDWIN COUNTY DEPUTY SHERIFF SCOTT WARD

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 2012

Mr. BONNER. Mr. Speaker, it is with sadness that I rise to pay tribute to Baldwin County, Alabama Deputy Sheriff Scott Jeffrey Ward, who gave his life in the line of duty on November 23, 2012. Deputy Ward was laid to rest on November 27, 2012, in Fairhope, Alabama.

Just as our nation's liberty isn't free, we also cannot take for granted the peace and security of our streets and neighborhoods. In America, sadly, a law enforcement officer is lost every 53 hours protecting our families and communities. Last week, for the first time in 25 years, the Baldwin County Sheriffs Department suffered the loss of one of its own. Deputy Scott Ward, age 47, succumbed to gunshot wounds while in the performance of his duties the day after Thanksgiving.

A native of Biloxi, Mississippi and resident of Silverhill, Alabama, Deputy Ward was a 15-year veteran of the Baldwin County Sheriffs Department, having served as an investigator, field training officer, defensive tactics instructor and a SWAT member.

His service to community was built on a solid foundation of service to country. A veteran of the United States Air Force and more recently the United States Coast Guard Reserve, Deputy Ward was deployed to Afghanistan in 2011. He was a decorated and respected member of the Baldwin County Sheriffs Department.

Sheriff Huey "Hoss" Mack observed that Deputy Ward "put himself in harm's way over and over again," and he character was one of "wanting to serve and wanting to help the people."

On behalf of the people of Alabama, I offer my condolences to Deputy Ward's wife, Andrea Elizabeth Fisher Ward; his mother, Cheryl Ward; his brother, Howard Ward, and their many family members and friends. You are all in our thoughts and our prayers at this difficult time.

THE THIRD ANNIVERSARY OF THE INCARCERATION OF ALAN P. GROSS

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 2012

Mr. VAN HOLLEN. Mr. Speaker, Sunday marks the third anniversary of the incarceration of Alan P. Gross. Each day that he sits in a Cuban jail is further evidence that the Cuban government has total disregard for his human rights.

Three years ago Alan Gross was imprisoned for sharing communications equipment with Cuba's Jewish community. During and after his trial, the Cuban government ignored concerns that have been repeatedly raised about his health. Since his incarceration began, he has lost 110 pounds. The Cuban government has also refused to allow an independent physician to examine a growth that has developed on his shoulder. A campaign has begun in the United Nations to hold Cuba accountable for willfully disregarding his declining health.

I call on the Cuban government to recognize Alan Gross's human rights and provide him immediate access to an independent physician so that any questions about his health can be answered.

As the three year anniversary of the imprisonment of Alan Gross approaches, my sympathies and prayers are with his friends and family. I join them, my colleagues and the rest of the international community in calling for Alan's immediate release. We will not rest until justice is done and Alan Gross is free.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 2012

Mr. COFFMAN of Colorado. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was $10,626,877,048,913.08.

Today, it is $16,323,083,449,604.98. We've added $5,696,206,400,691.90 to our debt in nearly 4 years. This is $5 trillion in debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

NATIONAL FAMILY CAREGIVERS MONTH

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 2012

Ms. SCHAKOWSKY. Mr. Speaker, I rise today in support of family caregivers and in recognition of November as National Family Caregivers Month. This month honors those caregivers who serve on the front lines of patient care. Every day, over 65 million family caregivers in this country play a vital role in helping their loved ones with daily activities such as bathing and eating. They help them follow their medical and treatment regimens as well as assist with their daily activities. Family caregivers help seniors to age in their own homes and delay or avoid the need for nursing home placement. Family caregivers also provide care for children and adults who suffer from serious illnesses or disabilities.

Family caregivers often make enormous personal and financial sacrifices to be there for their loved ones. Caregivers juggle the care of their loved ones with caring for their children, taking care of their own health, and managing their responsibilities at work. Some even leave the workforce to provide the level of care needed by their loved ones.

As we recognize and honor the contribution of family caregivers to their loved ones and to our health care delivery system, we also must recognize the need to provide these caregivers with all the supports that they need. Supports including information and training on how to care for their loved ones, respite care that allows family caregivers to take needed breaks from their caregiving responsibilities, adequate workforce protections for those with work and caregiving responsibilities, and adequate financial and retirement security.

I want to applaud all of our family caregivers and urge my colleagues to commit to working to provide needed supports to family caregivers.

CONGRATULATIONS FERKO FAMILY

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 2012

Mr. WILSON of South Carolina. Mr. Speaker, I am happy to congratulate Jacqueline and Jon Ferko on the birth of their daughter, Grace Sophia Ferko. Grace arrived yesterday, November 29, 2012, at Sibley Memorial Hospital in Washington, DC, at 3:16 pm.

Grace Sophia Ferko is 8 pounds and 8.3 ounces of pride and joy to her loving family. I am so excited for this new blessing to the Ferko family and wish them all the best.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S7279–S7310

Measures Introduced: Three resolutions were introduced, as follows: S. Res. 605–607. **Page S7303**

Measures Reported:

S. 810, to prohibit the conducting of invasive research on great apes, with an amendment in the nature of a substitute. (S. Rept. No. 112–242)

S. 1735, to approve the transfer of Yellow Creek Port properties in Iuka, Mississippi. (S. Rept. No. 112–243) **Page S7302**

Measures Passed:

Hatch Act Modernization Act: Senate passed S. 2170, 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, after agreeing to the committee amendment in the nature of a substitute and the committee amendment to the title. **Pages S7307–08**

Congratulating the Southern Baptist Convention: Committee on the Judiciary was discharged from further consideration of S. Res. 518, congratulating the Southern Baptist Convention for electing Reverend Fred Luter, Jr., as the president of the Southern Baptist Convention, acknowledging Reverend Luter's unique role as the first African-American leader of the Southern Baptist Convention, and honoring the commitment of the Southern Baptist Convention to an inclusive faith-based community and society, and the resolution was then agreed to. **Page S7308**

National Tribal Colleges and Universities Week: Senate agreed to S. Res. 605, designating the week beginning November 26, 2012, as ''National Tribal Colleges and Universities Week''. **Pages S7308–09**

Sisters of Charity of Nazareth 200th Anniversary: Senate agreed to S. Res. 606, commemorating the 200th anniversary of the founding of the Sisters of Charity of Nazareth, on December 1, 1812. **Page S7309**

Death of Former Senator and Congressman George McGovern: Senate agreed to S. Res. 607, relative to the death of the Honorable George McGovern, former United States Senator and Congressman from the State of South Dakota. **Page S7310**

Measures Considered:

National Defense Authorization Act—Agreement: Senate continued consideration of 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, taking action on the following amendments proposed thereto: **Pages S7280–93, S7293–S7300**

Adopted:

Sessions Amendment No. 3009, to provide for congressional review of any bilateral security agreement with Afghanistan. **Pages S7280–81**

By a unanimous vote of 94 yeas (Vote No. 215), Menendez Amendment No. 3232, to enhance sanctions imposed with respect to Iran. **Pages S7282–83**

Levin (for McCain) Amendment No. 3052, to provide a military resource plan to meet the United States Force Posture Strategy in the Asia Pacific Region. **Page S7288**

Levin (for Whitehouse) Amendment No. 3075, to express the sense of the Senate on the continuing progress of the Department of Defense in implementing its Item Unique Identification Initiative. **Page S7288**

Levin (for Snowe) Amendment No. 3133, to terminate the Federal authorization of the National Veterans Business Development Corporation. **Pages S7288–89**

Levin (for Sanders) Amendment No. 3182, to require an annual report on Federal contracting fraud. **Pages S7288–89**

Levin (for Sanders) Amendment No. 3183, to require public availability of the database of senior Department officials seeking employment with defense contractors. **Pages S7288–89**

Levin (for Warner/Cornyn) Amendment No. 3233, to promote a more efficient, responsive, and effective bilateral defense trade relationship between the United States and India. **Pages S7288–89**

Levin (for Coburn) Amendment No. 3236, 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. **Pages S7288–89**

Levin (for Sanders/Inhofe) Amendment No. 3248, to amend the Federal renewable energy purchase requirement to include geothermal heat pumps. **Pages S7288–89**

Levin (for Rubio/Wyden) Amendment No. 3283, 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. **Pages S7288–90**

Levin (for Wyden) Amendment No. 2959, to require reports on the use of indemnification agreements in Department of Defense contracts. **Page S7294**

Levin (for Bingaman/Udall (NM)) Amendment No. 2984, to provide for national security benefits for White Sands Missile Range and Fort Bliss. **Page S7294**

Levin (for Grassley) Amendment No. 3079, to permit Federal officers to remove cases involving crimes of violence to Federal court. **Page S7294**

Levin (for Barrasso) Amendment No. 3082, 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. **Pages S7294–95**

Levin (for Vitter) Modified Amendment No. 3087, to require a report on Department of the Navy plans to implement efficiency initiatives to reduce overhead costs at the Space and Naval Warfare Systems Command (SPAWAR). **Pages S7294–95**

Levin (for Klobuchar/Snowe) Amendment No. 3102, to provide for the retention of certain forms in connection with Restricted Reports on sexual assault involving members of the Armed Forces. **Pages S7294–95**

Levin (for Klobuchar/Snowe) Amendment No. 3105, relating to the prevention and response to sexual harassment in the Armed Forces. **Pages S7294–95**

Levin (for Murkowski) Amendment No. 3135, 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. **Pages S7294–95**

Levin (for Warner) Amendment No. 3145, 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. **Pages S7294–96**

Levin (for Collins) Modified Amendment No. 3196, to require a research study on resilience in members of the Army. **Pages S7294–96**

Levin (for Barrasso/Enzi) Amendment No. 3198, to renew expired prohibition on return of veterans memorial objects without specific authorization in law. **Pages S7294–96**

Levin (for Klobuchar/Snowe) Amendment No. 3234, to enhance the annual reports regarding sexual assaults involving members of the Armed Forces. **Pages S7294–96**

Levin (for Reid) Amendment No. 3244, to amend title 18, United States Code, to provide penalties for transporting minors in foreign commerce for the purposes of female genital mutilation. **Pages S7294–97**

Levin (for McCain) Modified Amendment No. 3247, relating to the transfer of excess aircraft. **Pages S7294–97**

Levin (for Alexander/Corker) Amendment No. 3258, to modify the authority to carry out a fiscal year 2011 military construction project at Nashville International Airport. **Pages S7294–97**

Levin Amendment No. 3280, to require reports to the Department of Defense on penetrations of networks and information systems of certain contractors. **Pages S7294–97**

Levin (for Begich) Amendment No. 3290, to modify notice requirements in advance of permanent reductions of sizeable numbers of members of the Armed Forces at military installations. **Pages S7294–98**

Rejected:

By 41 yeas to 53 nays (Vote No. 214), Cardin Amendment No. 3025, to ensure sufficient sizing of the civilian and contract services workforces of the Department of Defense. **Pages S7281–82**

Pending:

Kyl Modified Amendment No. 3123, to require briefings on dialogue between the United States and the Russian Federation on nuclear arms, missile defense, and long-range conventional strike systems. **Pages S7280, S7285–88**

During consideration of this measure today, Senate also took the following action:

By 58 yeas to 34 nays (Vote No. 216), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive pursuant to the Congressional Budget Act

of 1974, with respect to Nelson (FL) Amendment No. 3073, to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation. Subsequently, the point of order that the amendment was in violation of section 302(f) of the Congressional Budget Act of 1974, was sustained, and the amendment thus fell. **Pages S7284–85**

A motion was entered to close further debate on the bill, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, and pursuant to the unanimous-consent agreement of Friday, November 30, 2012, a vote on cloture will occur upon disposition of the nomination of Paul William Grimm, of Maryland, to be United States District Judge for the District of Maryland. **Page S7293**

A unanimous-consent agreement was reached providing that Senate resume consideration of the bill at approximately 2 p.m., on Monday, December 3, 2012; that following the disposition of the order with respect to the nomination of Paul William Grimm, of Maryland, to be United States District Judge for the District of Maryland, Senate resume consideration of the bill, and vote on the motion to invoke cloture; and that the second-degree filing deadline for amendments to the bill be at 4 p.m., on Monday, December 3, 2012. **Page S7310**

Convention on the Rights of Persons With Disabilities Treaty—Agreement: A unanimous-consent agreement was reached providing that there be no amendments in order to the treaty or the resolution of the ratification; that following Leader remarks on Tuesday, December 4, 2012, the time until 12 noon be divided in the usual form; that at 12 noon, Senate vote on the Resolution of Advice and Consent to Ratification of the Convention on the Rights of Persons with Disabilities; provided further, that if the resolution is not adopted, the treaty be returned to the calendar, and there be no motions or points of order in order other than a motion to reconsider. **Page S7293**

Grimm Nomination—Agreement: A unanimous-consent-time agreement was reached providing that at 5 p.m., on Monday, December 3, 2012, Senate begin consideration of the nomination of Paul William Grimm, of Maryland, to be United States District Judge for the District of Maryland; that there be 30 minutes for debate equally provided in the usual form; that upon the use yielding back of time, Senate vote without intervening action or debate on confirmation of the nomination; and that no further motions be in order to the nomination. **Page S7310**

Shea Nomination—Agreement: A unanimous-consent-time agreement was reached providing that at a time to be determined by the Majority Leader, in consultation with the Republican Leader, Senate begin consideration of the nomination of Michael P. Shea, of Connecticut, to be United States District Judge for the District of Connecticut; that there be 30 minutes for debate equally divided in the usual form; that upon the use or yielding back of time, Senate vote without intervening action or debate on confirmation of the nomination; and that no further motions be in order to the nomination. **Page S7307**

Messages from the House: **Page S7302**

Additional Cosponsors: **Pages S7303–05**

Statements on Introduced Bills/Resolutions: **Pages S7305–06**

Amendments Submitted: **Pages S7306–07**

Record Votes: Three record votes were taken today. (Total—216) **Pages S7282–85**

Adjournment: Senate convened at 9:15 a.m. and adjourned, as a further mark of respect to the memory of the late former Senator George McGovern, in accordance with S. Res. 607, at 4:38 p.m., until 2 p.m. on Monday, December 3, 2012. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S7310.)

Committee Meetings

(Committees not listed did not meet)

No committee meetings were held.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 5 public bills, H.R. 6620–6624; and 1 resolution, H. Con. Res. 142 were introduced. **Page H6578**

Additional Cosponsors: **Page H6578**

Report Filed: A report was filed today as follows:

H.R. 4053, to intensify efforts to identify, prevent, and recover payment error, waste, fraud, and

abuse within Federal spending, with an amendment (H. Rept. 112–698). **Page H6578**

Journal: The House agreed to the Speaker's approval of the Journal by voice vote. **Page H6561**

STEM Jobs Act of 2012: The House passed H.R. 6429, to amend the Immigration and Nationality Act to promote innovation, investment, and research in the United States and to eliminate the diversity immigrant program, by a yea-and-nay vote of 245 yeas to 139 nays, Roll No. 613. **Pages H6539–61**

Rejected the Zoe Lofgren motion to recommit the bill to the Committee on the Judiciary with instructions to report the same back to the House forthwith with an amendment, by a yea-and-nay vote of 157 yeas to 231 nays, Roll No. 612. **Pages H6556–60**

Pursuant to the rule, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 112–34, modified by the amendment printed in H. Rept. 112–697, shall be considered as adopted. **Page H6539**

H. Res. 821, the rule that is providing for consideration of the bill, was agreed to yesterday, November 29th.

Meeting Hour: Agreed that when the House adjourns today, it adjourn to meet at 12 noon on Monday, December 3rd for morning hour debate and 2 p.m. for legislative business. **Page H6564**

Senate Message: Message received from the Senate today appears on pages H6561–62.

Senate Referral: S. 3542 was held at the desk.

Quorum Calls—Votes: Two yea-and-nay votes developed during the proceedings of today and appear on pages H6560, H6560–61. There were no quorum calls.

Adjournment: The House met at 9 a.m. and adjourned at 2:21 p.m.

Committee Meeting

Committee on Science, Space, and Technology: Subcommittee on Energy and Environment held a hearing entitled "Tapping America's Energy Potential Through Research and Development". Testimony was heard from Anthony Cugini, Director, National Energy Technology Laboratory, Department of Energy; Michael C. Hagood, Director, Program Development; Energy and Environment Science and Technology, Idaho National Laboratory, Idaho Falls, Idaho; and public witnesses.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR MONDAY, DECEMBER 3, 2012

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

No hearings are scheduled.

Joint Meetings

Joint Economic Committee: December 6, to hold hearings to examine the fiscal cliff, focusing on how to protect the middle class, sustain long-term economic growth, and reduce the Federal deficit, 9:30 a.m., SH–216.

CONGRESSIONAL PROGRAM AHEAD

Week of December 3 through December 7, 2012

Senate Chamber

On *Monday*, at approximately 2 p.m., Senate will resume consideration of S. 3254, National Defense Authorization Act. At 5 p.m., Senate will begin consideration of the nomination of Paul William Grimm, of Maryland, to be United States District Judge for the District of Maryland. At approximately 5:30 p.m., Senate will vote on confirmation of the nomination of Paul William Grimm, of Maryland, to be United States District Judge for the District of Maryland, to be followed by a vote on the motion to invoke cloture on S. 3254, National Defense Authorization Act.

On *Tuesday,* at 12 noon, Senate will vote on the Resolution of Advice and Consent to Ratification of the Convention on the Rights of Persons with Disabilities.

During the balance of the week, Senate may consider any cleared legislative and executive business.

Senate Committees

(Committee meetings are open unless otherwise indicated)

Committee on Appropriations: December 5, Subcommittee on Department of Homeland Security, to hold hearings to examine Hurricane Sandy, focusing on response and recovery and progress and challenges, 10 a.m., SD–192.

Committee on Banking, Housing, and Urban Affairs: December 6, to hold an oversight hearing to examine the Federal Housing Administration, focusing on Housing and Urban Development's response to fiscal challenges, 10 a.m., SD–538.

Committee on Commerce, Science, and Transportation: December 4, to hold hearings to examine the nominations of Mark Doms, of Maryland, to be Under Secretary of Commerce for Economic Affairs, Polly Ellen Trottenberg, of Maryland, to be Under Secretary of Transportation for Policy, Mignon L. Clyburn, of South Carolina, to be a Member of the Federal Communications Commission,

Joshua D. Wright, of Virginia, to be a Federal Trade Commissioner, and Christopher R. Beall, of Oklahoma, and Yvonne Brathwaite Burke, of California, both to be a Director of the Amtrak Board of Directors, 2:30 p.m., SR–253.

December 6, Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety, and Security, to hold hearings to examine superstorm Sandy, focusing on the devastating impact on the nation's largest transportation systems, 10:30 a.m., SR–253.

Committee on Finance: December 6, to hold hearings to examine the nomination of Ronald Lee Buch, of Virginia, to be a Judge of the United States Tax Court, 10 a.m., SD–215.

Committee on Foreign Relations: December 5, Subcommittee on African Affairs, to hold hearings to examine assessing developments in Mali, focusing on restoring democracy and reclaiming the north, 9 a.m., SD–419.

Committee on Health, Education, Labor, and Pensions: December 5, business meeting to consider S. 3472, to amend the Family Educational Rights and Privacy Act of 1974 to provide improvements to such Act, the nomination of Erica Lynn Groshen, of New York, to be Commissioner of Labor Statistics, Department of Labor, and any pending nominations, 10 a.m., SD–430.

Committee on the Judiciary: December 6, business meeting to consider S. 1223, to address voluntary location tracking of electronic communications devices, and the nominations of Katherine Polk Failla, to be United States District Judge for the Southern District of New York, Troy L. Nunley, to be United States District Judge for the Eastern District of California, Sheri Polster Chappell, to be United States District Judge for the Middle District of Florida, Pamela Ki Mai Chen, to be United States District Judge for the Eastern District of New York, and Mark A. Barnett, to be a Judge of the United States Court of International Trade, 10 a.m., SD–226.

Select Committee on Intelligence: December 4, to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH–219.

December 6, Full Committee, to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH–219.

House Committees

Committee on Financial Services, December 5, Subcommittee on Capital Markets and Government Sponsored Enterprises, hearing entitled ''Assessing the Economic and Market Implications of the Dodd-Frank Derivatives Title'', 10 a.m., 2128 Rayburn.

Committee on Foreign Affairs, December 5, Subcommittee on Europe and Eurasia, hearing entitled ''Iranian Influence in the South Caucasus and the Surrounding Region'', 2 p.m., 2172 Rayburn.

Committee on Homeland Security, December 4, Subcommittee on Counterterrorism and Intelligence, hearing entitled ''Terrorist Exploitation of Refugee Programs'', 10 a.m., 311 Cannon.

Committee on Natural Resources, December 4, Subcommittee on Indian and Alaska Native Affairs, hearing on S.3193, the ''Barona Band of Mission Indians Land Transfer Clarification Act of 2012'', 11 a.m., 1334 Longworth.

Committee on Science, Space, and Technology, December 5, Subcommittee on Investigations and Oversight, hearing entitled ''The Impact of International Technology Transfer on American Research and Development'', 10 a.m., 2318 Rayburn.

December 6, Full Committee, hearing entitled ''The Future of NASA: Perspectives on Strategic Vision for America's Space Program'', 9:30 a.m., 2318 Rayburn.

Committee on Transportation and Infrastructure, December 4, Full Committee, hearing entitled ''A Review of the Preparedness, Response To and Recovery From Hurricane Sandy'', 10 a.m., 2167 Rayburn.

December 6, Full Committee, hearing entitled ''An Update on the High Speed and Intercity Passenger Rail Program: Mistakes Made and Lessons Learned'', 9:30 a.m., 2167 Rayburn.

House Permanent Select Committee on Intelligence, December 6, Full Committee, hearing on ongoing intelligence activities, 9 a.m., HVC–304. This is a closed hearing.

Next Meeting of the SENATE

2 p.m., Monday, December 3

Senate Chamber

Program for Monday: Senate will resume consideration of S. 3254, National Defense Authorization Act. At 5 p.m., Senate will begin consideration of the nomination of Paul William Grimm, of Maryland, to be United States District Judge for the District of Maryland. At approximately 5:30 p.m., Senate will vote on confirmation of the nomination of Paul William Grimm, of Maryland, to be United States District Judge for the District of Maryland, to be followed by a vote on the motion to invoke cloture on S. 3254, National Defense Authorization Act.

Next Meeting of the HOUSE OF REPRESENTATIVES

12 p.m., Monday, December 3

House Chamber

Program for Monday: To be announced.

Extensions of Remarks, as inserted in this issue

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