

and to jail and hold hostage an American citizen, who today is being held hostage in Cuba, Alan Gross. By the way, after they took him hostage, we implemented this policy.

So this policy is a reward for what? Here is my challenge to the administration and the State Department. I know you are not going to change your mind. I know you people in this people-to-people stuff. I know someone has sold you a bill of goods that this people-to-people travel is a good idea, it will further democracy and freedom in Cuba. I get that. You are not going to change your mind. But at least examine how this is being implemented, because this is a charade. This is an embarrassment. These people are getting licenses to conduct this outrageous tourism, which, quite frankly, borders on indoctrination of Americans by Castro government officials.

I hope we will continue to look at this, and that this administration, as part of its Western Hemispheric approach, will look at these trips for what they are. They are an outrage. They are grotesque. They are providing hard currency to a regime that oppresses its people, that jails people because they disagree with the government. It is wrong. This is not what we are about as a country. This cannot be what we defend. Even if you agree with this people-to-people theory and concept, you cannot justify how this program is being implemented, or these people who are getting licenses to conduct these kinds of trips.

I hope in our conversations with the State Department about their appointments in the Western Hemisphere, and specifically the nomination of Roberta Jacobsen, we will use that as an opportunity to examine how these programs are being implemented. Because, quite frankly, they are an outrage.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT OF 2011—MOTION TO PROCEED

Mr. REID. Mr. President, I move to proceed to Calendar No. 257, H.R. 3630.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 257, H.R. 3630, an act to provide incentives for the creation of jobs, and for other purposes.

#### 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 legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to calendar No. 257, H.R. 3630, an Act to provide incentives for the creation of jobs, and for other purposes.

Harry Reid, Max Baucus, Kirsten E. Gillibrand, Jeff Bingaman, Richard J. Durbin, Patrick J. Leahy, Joseph I. Lieberman, Mark L. Pryor, Christopher A. Coons, Patty Murray, Tom Udall, Charles E. Schumer, Mark Begich, Robert P. Casey, Jr., Kent Conrad, Thomas R. Carper.

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

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

#### MORNING BUSINESS

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

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

#### UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM REFORM AND REAUTHORIZATION ACT OF 2011

Mr. DURBIN. Mr. President, I rise in support of H.R. 2867, the United States Commission on International Religious Freedom Reform and Reauthorization Act of 2011.

Many of our Nation's Founders fled religious persecution, and they placed great importance on religious freedom. George Washington summed up the prevailing view when he said, "In this land of equal liberty, it is our boast, that a man's religious tenets will not forfeit the protection of the laws."

In 1791, the first amendment of the Constitution was ratified, enshrining freedom of religion as the "First Freedom" of all Americans. The first amendment became an inspiration to people all over the world who struggle to throw off the yoke of religious persecution.

Throughout our history, the United States has sought to protect and promote the fundamental human right of religious freedom at home and around the world. Just last week, on December 10, we celebrated Human Rights Day, the 63rd anniversary of the Universal Declaration of Human Rights. After World War II, under Eleanor Roosevelt's leadership, the United States spearheaded the ratification of the Universal Declaration, which recognized freedom of religion as a fundamental right of all people.

As the founding chairman of the first-ever Senate subcommittee focused on human rights, I am deeply committed to protecting religious freedom, and I strongly support the mission of the U.S. Commission on International

Religious Freedom. However, as I will outline below, I am concerned that USCIRF has gone astray in recent years. Therefore, I offered an amendment to H.R. 2867, the USCIRF Reauthorization Act, including good-government reforms like term limits for Commissioners, a prohibition on employee discrimination, and a requirement that Commissioners follow Federal travel regulations. My amendment also included changes to H.R. 2867 that will make USCIRF stronger, extending its reauthorization from 2 to 3 years and increasing the number of Commissioners from five to nine. The Durbin amendment will allow the USCIRF to more effectively pursue its mission.

On Monday, the Senate adopted my amendment and passed the USCIRF reauthorization bill on a unanimous vote. The bill is now awaiting consideration in the House of Representatives. USCIRF's current authorization is scheduled to expire tomorrow, December 16, so I urge my colleagues in the House to quickly take up and pass H.R. 2867.

I would like to take a moment to outline the provisions of the amendment that I offered to H.R. 2867.

Although the plain language of USCIRF's authorizing statute limits Commissioners to two, 2-year terms, for a total of 4 years of service, this term limit has never been observed. In fact, several Commissioners have served more than 10 years. The members of many governmental boards and commissions are term limited, and USCIRF would be well served by the new ideas and fresh perspective that new Commissioners would bring.

The House-passed version of H.R. 2867 includes a provision that limits Commissioners to serving two consecutive terms. However, the bill creates two new exceptions to the term limit provision in USCIRF's existing authorization. First, the bill would allow a Commissioner to serve an unlimited number of nonconsecutive terms. Second, the bill would allow each current Commissioner to complete his or her current term and then serve one additional term, regardless of how long the Commissioner has served. As a result, Commissioners who have already served more than 10 years would be permitted to serve an additional full term and unlimited nonconsecutive terms.

These loopholes are a step backwards from existing law and undercut the purpose of a term limit, which is to make sure that new voices from a range of viewpoints and faiths are rotated into the Commission periodically to collaborate in strengthening and shaping the Commission's mandate. In keeping with this spirit, my amendment includes in H.R. 2867 a firm term limit of two, 2-year terms—4 years total—with no grandfathering of current Commissioners.

USCIRF has taken the position that its employees do not enjoy the same antidiscrimination protections as all

other Federal employees. It is simply unacceptable for a Federal agency charged with promoting human rights to argue that it has the legal right to discriminate against its employees. The Durbin amendment includes in H.R. 2867 a provision which allows pending civil rights claims against USCIRF to proceed under the Congressional Accountability Act.

The House-passed version of H.R. 2867 provided antidiscrimination protections to USCIRF employees for future incidents of discrimination through the Congressional Accountability Act. However, I was concerned that this provision did not apply to former employees or past discrimination. As a result, there would have been no legal remedy for any incidents of discrimination that may have taken place prior to enactment of H.R. 2867.

Specifically, last year a former USCIRF employee filed a discrimination claim based on her allegation that her permanent employment offer was rescinded after the Commissioners learned of her prior job with a Muslim civil rights organization. Though she subsequently received a temporary contract with USCIRF, she claims she was terminated when she filed her discrimination claim. The Commission argued that it is not subject to title VII of the Civil Rights Act of 1964. The case is now on appeal.

There must be some avenue for resolving—on the merits—past allegations that USCIRF discriminated against its employees. Accordingly, my amendment to H.R. 2867 provides that pending civil rights claims against USCIRF may proceed under the Congressional Accountability Act.

The House-passed version of H.R. 2867 reduced the number of Commissioners from nine to five, which would make it more difficult for USCIRF to carry out its mission. Moreover, the bill accomplished this reduction in a disproportionate fashion by reducing the number of Commissioners appointed by the President from three to one. The Durbin amendment strikes the provision from H.R. 2867 which reduces the number of Commissioners from nine to five.

Religious freedom advocates allege that some USCIRF Commissioners have traveled first class and stayed in five-star hotels, in violation of Federal travel regulations. This is deeply troubling, particularly during a time when all Federal agencies are being asked to do more with less. The Durbin amendment simply clarifies that USCIRF Commissioners are subject to Federal travel regulations, like other Federal employees.

H.R. 2867 reauthorizes USCIRF until September 30, 2013. With the good-government reforms in the Durbin amendment, it would be more appropriate to reauthorize USCIRF until September 30, 2014, so that USCIRF Commissioners and staff have more certainty about the future of the Commission.

I strongly support the mission of the U.S. Commission on International Reli-

gious Freedom, but I have been deeply troubled by allegations of misconduct, misuse of funds, and discrimination at the Commission. For example, according to the Washington Post:

Some past commissioners, staff and former staff of the U.S. Commission on International Religious Freedom say the agency charged with advising the president and Congress is rife, behind-the-scenes, with ideology and tribalism, with commissioners focusing on pet projects that are often based on their own religious background. In particular, they say an anti-Muslim bias runs through the commission's work. . . . Rumors about infighting and ineffectiveness have swirled for years around the commission.

My amendment will make good-government reforms to USCIRF that should help to address the concerns that have been raised about USCIRF. Moreover, my amendment will make USCIRF stronger by increasing the number of Commissioners in the reauthorization bill from five to nine and by extending the reauthorization from 2 to 3 years. As chairman of the Judiciary Committee's Constitution, Civil Rights, and Human Rights Subcommittee and a member of the Appropriations Subcommittee on the Department of State, Foreign Operations, and Related Programs, I will closely monitor the work of the USCIRF in the coming months and years to ensure that it is functioning in a transparent fashion and effectively performing its mission of promoting and protecting international religious freedom.

I urge my colleagues in the House of Representatives to quickly take up and pass H.R. 2867 so that the U.S. Commission on International Religious Freedom can be reauthorized.

#### TRIBUTE TO SPECIALIST JOHN O. BERRY, JR.

Mr. McCONNELL. Mr. President, I stand today to honor an outstanding Kentucky hero and patriot, SPC John O. Berry, Jr. SPC Berry is a veteran of the Vietnam war who has received numerous awards and commendations for his heroism and bravery in serving his country.

John O. Berry, Jr., of Wayne County, KY, grew up a typical kid—he spent his time hanging out with friends, listening to music, and enjoying time spent with his brothers and sisters. On September 18, 1968, however, John answered a call to duty, and his life was forever changed when he joined the U.S. Army.

John received his introduction to the Army and basic training at Fort Knox, KY, before being sent to Fort Leonard Wood, MO, to complete his advanced training. Four short months later, John had achieved the honor of combat demolition specialist with Company A, 299th Engineer Battalion, and was sent to a fire base in North Vietnam.

John's job was especially dangerous. He was responsible for ensuring the roads were free of the many deadly land mines that were strategically placed by the Viet Cong. Although

scores of Americans were killed by these mines, John and other courageous demolition engineers were responsible for saving thousands of additional lives by dismantling the mines throughout the war.

Over the years John has received many distinguished awards and honors for his bravery and service to our country. Included in these honors are two Purple Hearts, two Army Commendation Medals for heroism and exceptionally meritorious achievement in the Republic of Vietnam, two National Defense medals, and the Republic of Vietnam Gallantry Cross with Palm, which was awarded by the Republic of Vietnam to those who display valor and heroic conduct in combat.

These awards only represent a small portion of the gratitude we owe John for his selflessness and courage. According to the Department of the Army's account of a rescue mission in which John's unit was sent to aid an ambushed team, "John distinguished himself by exceptionally valorous action. . . . He demonstrated admirable courage and devotion to duty as he unflinchingly performed his task without regard to personal safety. His actions were in keeping with the highest traditions of the military service and reflect great credit upon himself, his unit and the United States Army."

Mr. President, I would ask that my Senate colleagues join me in thanking SPC John O. Berry, Jr. for his sacrifice and service. John's heroism is truly inspiring, and the people of our great Commonwealth are grateful for his selflessness and service. The Wayne County Outlook recently published an article thanking Specialist Berry and highlighting his accomplishments. I ask unanimous consent that the full article be printed in the RECORD.

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

[From the Wayne County Outlook, Nov. 9, 2011]

BERRY RECEIVED MEDALS FOR SERVICE TO HIS COUNTRY

(By Harlan Ogle)

Here's the way the Department of the Army tells the story: He "distinguished himself by exceptionally valorous action . . . while serving as a member of a reactionary force sent to aid the mine sweep team which had been ambushed. . . . When he and other members of the reaction force dismounted their vehicle they immediately came under heavy enemy fire. With complete disregard for his own safety, [he] formed one line with the other members of the force and moved towards the front. He and the others laid down a base of fire which enabled the trapped mine sweep to break contact. The reaction force then advanced still further into the kill zone to continue firing while Delta Company's casualties were carried out. [He] demonstrated admirable courage and devotion to duty as he unflinchingly performed his tasks without regard to his personal safety. His cool-headedness in the face of conditions which would unnerve a weaker man served to inspire his comrades to follow suit. [His] actions were in keeping with the highest traditions of the military service and reflect great credit upon himself, his unit and the United States Army."