

the protection of rights of individuals with disabilities on an equal basis with others, including individuals in other protected groups, and does not require adoption of a comparable worth framework for persons with disabilities.

(4) Article 27 of the Convention provides that States Parties shall take appropriate steps to afford to individuals with disabilities the right to equal access to equal work, including nondiscrimination in hiring and promotion of employment of persons with disabilities in the public sector. Current interpretation of Section 501 of the Rehabilitation Act of 1973 exempts U.S. Military Departments charged with defense of the national security from liability with regard to members of the uniformed services. The United States of America understands the obligations of Article 27 to take appropriate steps as not affecting hiring, promotion, or other terms or conditions of employment of uniformed employees in the U.S. Military Departments, and that Article 27 does not recognize rights in this regard that exceed those rights available under U.S. Federal law.

(5) The United States of America understands that the terms "disability," "persons with disabilities," and "undue burden" (terms that are not defined in the Convention), "discrimination on the basis of disability," and "reasonable accommodation" are defined for the United States of America coextensively with the definitions of such terms pursuant to relevant United States law.

(6) The United States of America understands that the Committee on the Rights of Persons with Disabilities, established under Article 34 of the Convention, is authorized under Article 36 to "consider" State Party Reports and to "make such suggestions and general recommendations on the report as it may consider appropriate." Under Article 37, the committee "shall give due consideration to ways and means of enhancing national capacities for the implementation of the present Convention." The United States of America understands that the Committee on the Rights of Persons with Disabilities has no authority to compel actions by states parties, and the United States of America does not consider conclusions, recommendations, or general comments issued by the committee as constituting customary international law or to be legally binding on the United States in any manner.

(7) The United States of America understands that the Convention is a non-discrimination instrument. Therefore, nothing in the Convention, including Article 25, addresses the provision of any particular health program or procedure. Rather, the Convention requires that health programs and procedures are provided to individuals with disabilities on a non-discriminatory basis.

(8) The United States of America understands that, for the United States of America, the term or principle of the "best interests of the child" as used in Article 7(2), will be applied and interpreted to be coextensive with its application and interpretation under United States law. Consistent with this understanding, nothing in Article 7 requires a change to existing United States law.

c. Declarations.—The advice and consent of the Senate to the ratification of the Convention is subject to the following declarations: The United States of America declares that the provisions of the Convention are not self-executing.

The Senate declares that, in view of the reservations to be included in the instrument of ratification, current United States law fulfills or exceeds the obligations of the Convention for the United States of America.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BINGAMAN (for himself, Mr. ALEXANDER, and Mr. DURBIN):

S. 3459. A bill to amend the Department of Energy High-End Computing Revitalization Act of 2004 to improve the high-end computing research and development program of the Department of Energy, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. COONS (for himself, Mr. ENZI, Mr. SCHUMER, and Mr. RUBIO):

S. 3460. A bill to amend the Internal Revenue Code of 1986 to provide for startup businesses to use a portion of the research and development credit to offset payroll taxes; to the Committee on Finance.

By Mr. BROWN of Ohio (for himself, Mr. WICKER, Mr. KERRY, Mr. BLUMENTHAL, Mr. WHITEHOUSE, and Mr. BEGICH):

S. 3461. A bill to amend title IV of the Public Health Service Act to provide for a National Pediatric Research Network, including with respect to pediatric rare diseases or conditions; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEAHY (for himself, Mr. GRASSLEY, and Mr. KOHL):

S. 3462. A bill to provide anti-retaliation protections for antitrust whistleblowers; to the Committee on the Judiciary.

By Mr. FRANKEN (for himself, Mr. LUGAR, Mr. ROCKEFELLER, Ms. COLLINS, Mrs. SHAHEEN, Mr. WYDEN, Mr. BLUMENTHAL, and Mr. BROWN of Ohio):

S. 3463. A bill to amend title XVIII of the Social Security Act to reduce the incidence of diabetes among Medicare beneficiaries; to the Committee on Finance.

By Mr. JOHNSON of South Dakota:

S. 3464. A bill to amend the Mni Wiconi Project Act of 1988 to facilitate completion of the Mni Wiconi Rural Water Supply System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. JOHNSON of Wisconsin:

S.J. Res. 48. A joint resolution disapproving the rule submitted by the Internal Revenue Service relating to the health insurance premium tax credit; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. MANCHIN:

S. Res. 534. A resolution congratulating the Navy Dental Corps on its 100th anniversary; to the Committee on Armed Services.

ADDITIONAL COSPONSORS

S. 19

At the request of Mr. HATCH, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 19, a bill to restore American's individual liberty by striking the Federal mandate to purchase insurance.

S. 202

At the request of Mr. PAUL, the name of the Senator from Illinois (Mr. KIRK)

was added as a cosponsor of S. 202, a bill to require a full audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks by the Comptroller General of the United States before the end of 2012, and for other purposes.

S. 225

At the request of Ms. KLOBUCHAR, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from New York (Mr. SCHUMER) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 225, a bill to permit the disclosure of certain information for the purpose of missing child investigations.

S. 339

At the request of Mr. BAUCUS, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 339, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 362

At the request of Mr. WHITEHOUSE, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 362, a bill to amend the Public Health Service Act to provide for a Pancreatic Cancer Initiative, and for other purposes.

S. 678

At the request of Mr. KOHL, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 678, a bill to increase the penalties for economic espionage.

S. 818

At the request of Mr. KERRY, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 818, a bill to amend title XVIII of the Social Security Act to count a period of receipt of outpatient observation services in a hospital toward satisfying the 3-day inpatient hospital requirement for coverage of skilled nursing facility services under Medicare.

S. 845

At the request of Mr. ENZI, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 845, a bill to amend the Internal Revenue Code of 1986 to provide for the logical flow of return information between partnerships, corporations, trusts, estates, and individuals to better enable each party to submit timely, accurate returns and reduce the need for extended and amended returns, to provide for modified due dates by regulation, and to conform the automatic corporate extension period to long-standing regulatory rule.

S. 847

At the request of Mr. LAUTENBERG, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 847, a bill to amend the Toxic Substances Control Act to ensure that risks from chemicals are adequately understood and managed, and for other purposes.

S. 1269

At the request of Ms. SNOWE, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 1269, a bill to amend the Elementary and Secondary Education Act of 1965 to require the Secretary of Education to collect information from coeducational secondary schools on such schools' athletic programs, and for other purposes.

S. 1366

At the request of Ms. CANTWELL, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1366, a bill to amend the Internal Revenue Code of 1986 to broaden the special rules for certain governmental plans under section 105(j) to include plans established by political subdivisions.

S. 1878

At the request of Mr. MENENDEZ, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1878, a bill to assist low-income individuals in obtaining recommended dental care.

S. 1935

At the request of Ms. COLLINS, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 1935, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the 75th anniversary of the establishment of the March of Dimes Foundation.

S. 1990

At the request of Mr. LIEBERMAN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1990, a bill to require the Transportation Security Administration to comply with the Uniformed Services Employment and Reemployment Rights Act.

S. 2074

At the request of Mr. CARDIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2074, a bill to amend the Internal Revenue Code of 1986 to expand the rehabilitation credit, and for other purposes.

S. 2078

At the request of Mr. MENENDEZ, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 2078, a bill to enable Federal and State chartered banks and thrifts to meet the credit needs of the Nation's home builders, and to provide liquidity and ensure stable credit for meeting the Nation's need for new homes.

S. 2148

At the request of Mr. INHOFE, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 2148, a bill to amend the Toxic Substance Control Act relating to lead-based paint renovation and remodeling activities.

S. 2189

At the request of Mr. HARKIN, the name of the Senator from Alaska (Mr.

BEGICH) was added as a cosponsor of S. 2189, a bill to amend the Age Discrimination in Employment Act of 1967 and other laws to clarify appropriate standards for Federal antidiscrimination and antiretaliation claims, and for other purposes.

S. 2245

At the request of Mr. BARRASSO, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 2245, a bill to preserve existing rights and responsibilities with respect to waters of the United States.

S. 2268

At the request of Mrs. GILLIBRAND, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 2268, a bill to ensure that all items offered for sale in any gift shop of the National Park Service or of the National Archives and Records Administration are produced in the United States, and for other purposes.

S. 2320

At the request of Ms. AYOTTE, the name of the Senator from Indiana (Mr. COATS) was added as a cosponsor of S. 2320, a bill to direct the American Battle Monuments Commission to provide for the ongoing maintenance of Clark Veterans Cemetery in the Republic of the Philippines, and for other purposes.

S. 2620

At the request of Mr. SCHUMER, the names of the Senator from Wisconsin (Mr. KOHL) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 2620, a bill to amend title XVIII of the Social Security Act to provide for an extension of the Medicare-dependent hospital (MDH) program and the increased payments under the Medicare low-volume hospital program.

S. 3204

At the request of Mr. JOHANNES, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. 3204, a bill to address fee disclosure requirements under the Electronic Fund Transfer Act, and for other purposes.

S. 3236

At the request of Mr. PRYOR, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 3236, a bill to amend title 38, United States Code, to improve the protection and enforcement of employment and reemployment rights of members of the uniformed services, and for other purposes.

S. 3405

At the request of Mr. HELLER, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 3405, a bill to amend title 38, United States Code, to treat small businesses bequeathed to spouses and dependents by members of the Armed Forces killed in line of duty as small business concerns owned and controlled by veterans for purposes of Department of Veterans Affairs contracting goals and preferences, and for other purposes.

S. 3430

At the request of Mrs. SHAHEEN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 3430, a bill to amend the Public Health Service Act to foster more effective implementation and coordination of clinical care for people with pre-diabetes and diabetes.

S. 3450

At the request of Mr. COATS, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 3450, a bill to limit the authority of the Secretary of the Interior to issue regulations before December 31, 2013, under the Surface Mining Control and Reclamation Act of 1977.

S. 3458

At the request of Mr. LAUTENBERG, the names of the Senator from California (Mrs. BOXER) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 3458, a bill to require face to face purchases of ammunition, to require licensing of ammunition dealers, and to require reporting regarding bulk purchases of ammunition.

S.J. RES. 29

At the request of Mr. UDALL of New Mexico, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S.J. Res. 29, a joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections.

S.J. RES. 43

At the request of Mrs. FEINSTEIN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S.J. Res. 43, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

S. CON. RES. 50

At the request of Mr. RUBIO, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. Con. Res. 50, a concurrent resolution expressing the sense of Congress regarding actions to preserve and advance the multistakeholder governance model under which the Internet has thrived.

S. RES. 490

At the request of Mrs. BOXER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. Res. 490, a resolution designating the week of September 16, 2012, as "Mitochondrial Disease Awareness Week", reaffirming the importance of an enhanced and coordinated research effort on mitochondrial diseases, and commending the National Institutes of Health for its efforts to improve the understanding of mitochondrial diseases.

S. RES. 524

At the request of Mr. KERRY, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. Res. 524, a resolution reaffirming the strong support of the

United States for the 2002 declaration of conduct of parties in the South China Sea among the member states of ASEAN and the People's Republic of China, and for other purposes.

AMENDMENT NO. 2574

At the request of Mrs. HUTCHISON, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of amendment No. 2574 intended to be proposed to S. 3414, a bill to enhance the security and resiliency of the cyber and communications infrastructure of the United States.

AMENDMENT NO. 2617

At the request of Mr. COONS, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 2617 intended to be proposed to S. 3414, a bill to enhance the security and resiliency of the cyber and communications infrastructure of the United States.

AMENDMENT NO. 2618

At the request of Mr. AKAKA, the names of the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of amendment No. 2618 intended to be proposed to S. 3414, a bill to enhance the security and resiliency of the cyber and communications infrastructure of the United States.

AMENDMENT NO. 2636

At the request of Ms. SNOWE, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of amendment No. 2636 intended to be proposed to S. 3414, a bill to enhance the security and resiliency of the cyber and communications infrastructure of the United States.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN (for himself, Mr. ALEXANDER, and Mr. DURBIN):

S. 3459. A bill to amend the Department of Energy High-End Computing Revitalization Act of 2004 to improve the high-end computing research and development program of the Department of Energy, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I am pleased to introduce the Department of Energy High-End Computing Improvement Act of 2012, along with my cosponsors, Senators ALEXANDER and DURBIN. This bipartisan bill addresses the need for ongoing high performance computing and the establishment of an exascale program within the Department of Energy, DOE.

America's leadership in high performance computing, HPC, is essential to a vast range of national priorities in science, energy, environment, health, and national security. For decades the U.S. was the leader in HPC through collaborative efforts led by the DOE between national laboratories, academia, and industry. Investments in HPC have facilitated extraordinary sci-

entific and technological advances that have enabled a wide range of simulation and analysis saving time, money, energy and fuel, which has strengthened the U.S. economy and contributed to national security.

U.S. leadership in HPC has recently been challenged through significant governmental investment in HPC programs in Japan, China, South Korea, Russia, and the European Union, and the race to exascale computing is on. Exascale computers will be able to perform 10 to the 18th power floating point operations per second making them 1000 times more powerful than the most advanced computers today. These new computers will require the development of new software and computer architectures with improved power consumption, memory, and reliability.

This bipartisan bill updates the Department of Energy High-End Computing Revitalization Act of 2004 to preserve DOE HPC and to distinguish the exascale initiative from other high-end computing efforts. Based on input from the DOE, appropriate funding levels are established through this bill to support the exascale initiative through fiscal year 2015. This bill will ensure that the U.S. remains competitive in the race to exascale and as with previous generations of HPC systems, the resulting technological advances will further support Federal priorities like research and national security and will be integrated into electronics industries strengthening high-tech competitiveness and driving economic growth.

I would like to conclude by taking a moment to acknowledge the exceptional efforts of a few staff members who have worked diligently to help craft this important piece of legislation. Jonathan Epstein, a former staff member on my Energy and Natural Resources Committee and current staff member on the Armed Services Committee and Jennifer Nekuda Malik, a AAAS Science Policy Fellow on my Energy and Natural Resources Committee worked with Neena Imam, a Legislative Fellow on Senator ALEXANDER's staff and Tom Craig, a staff member on the Appropriations Committee, to update the DOE's high-end computing program to account for changes since the Department of Energy High-End Computing Revitalization Act of 2004 and establish the exascale computing program. I appreciate the efforts of these staff members and I thank them for their work.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3459

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 "Department of Energy High-End Computing Improvement Act of 2012".

SEC. 2. RENAMING OF ACT.

(a) IN GENERAL.—Section 1 of the Department of Energy High-End Computing Revitalization Act of 2004 (15 U.S.C. 5501 note; Public Law 108-423) is amended by striking "Department of Energy High-End Computing Revitalization Act of 2004" and inserting "Department of Energy High-End Computing Act of 2012".

(b) CONFORMING AMENDMENT.—Section 976(a)(1) of the Energy Policy Act of 2005 (42 U.S.C. 16316(1)) is amended by striking "Department of Energy High-End Computing Revitalization Act of 2004" and inserting "Department of Energy High-End Computing Act of 2012".

SEC. 3. DEFINITIONS.

Section 2 of the Department of Energy High-End Computing Act of 2012 (15 U.S.C. 5541) is amended—

(1) by redesignating paragraphs (2) through (5) as paragraphs (3) through (6), respectively;

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

"(1) DEPARTMENT.—The term 'Department' means the Department of Energy."

"(2) EXASCALE COMPUTING.—The term 'exascale computing' means computing through the use of a computing machine that performs near or above 10 to the 18th power floating point operations per second."; and

(3) in paragraph (6) (as redesignated by paragraph (1)), by striking ", acting through the Director of the Office of Science of the Department of Energy".

SEC. 4. DEPARTMENT OF ENERGY HIGH-END COMPUTING RESEARCH AND DEVELOPMENT PROGRAM.

Section 3 of the Department of Energy High-End Computing Act of 2012 (15 U.S.C. 5542) is amended—

(1) in subsection (a)(1), by striking "program" and inserting "coordinated program across the Department";

(2) in subsection (b)(2), by striking ", which may" and all that follows through "architectures"; and

(3) by striking subsection (d) and inserting the following:

"(d) EXASCALE COMPUTING PROGRAM.—

"(1) IN GENERAL.—The Secretary shall conduct a research program (referred to in this subsection as the 'program') to develop 1 or more exascale computing machines to promote the missions of the Department."

"(2) COORDINATION.—In carrying out the program, the Secretary shall coordinate the development of 1 or more exascale computing machines across all applicable agencies of the Department."

"(3) CODESIGN.—The Secretary shall carry out the program through an integration of application, computer science, and computer hardware architecture using public-private partnerships to ensure that, to the maximum extent practicable, 1 or more exascale computing machines are capable of solving Department target applications and scientific problems."

"(4) MERIT REVIEW.—The development of 1 or more exascale computing machines shall be conducted through a merit review process."

"(5) ANNUAL REPORTS.—At the time of the budget submission of the Department for each fiscal year, the Secretary shall submit to Congress a report that describes funding for the exascale computing program as a whole by functional element of the Department and critical milestones."

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

Section 4 of the Department of Energy High-End Computing Act of 2012 (15 U.S.C. 5543) is amended—

(1) by striking "this Act" and inserting "section 3(d)"; and