

care, resource support, health and medical services, and search and rescue.

“(2) The amount and type of personnel, equipment, materials, and supplies needed and a reasonable estimate of the length of time they will be needed.

“(3) The specific place and time for staging of the assisting participating jurisdictions's response and a point of contact at the location.

“(c) CONSULTATION AMONG PARTICIPATING JURISDICTION OFFICIALS.—There shall be periodic consultation among the authorized representatives who have assigned emergency management responsibilities.

“ARTICLE IV—LIMITATION

“It is recognized that any participating jurisdiction that agrees to render mutual aid or conduct exercises and training for mutual aid will respond as soon as possible. It is also recognized that the participating jurisdiction rendering aid may withhold or recall resources to provide reasonable protection for itself, at its discretion. To the extent authorized by law, each participating jurisdiction will afford to the personnel of the emergency contingent of any other participating jurisdiction while operating within its jurisdiction limits under the terms and conditions of this agreement and under the operational control of an officer of the requesting participating jurisdiction the same treatment as is afforded similar or like human resources of the participating jurisdiction in which they are performing emergency services. Staff comprising the emergency contingent continue under the command and control of their regular leaders but the organizational units come under the operational control of the emergency services authorities of the participating jurisdiction receiving assistance. These conditions may be activated, as needed, by the participating jurisdiction that is to receive assistance or upon commencement of exercises or training for mutual aid and continue as long as the exercises or training for mutual aid are in progress, the emergency or disaster remains in effect or loaned resources remain in the receiving participating jurisdictions, whichever is longer. The receiving participating jurisdiction is responsible for informing the assisting participating jurisdiction when services will no longer be required.

“ARTICLE V—LICENSES AND PERMITS

“Whenever a person holds a license, certificate, or other permit issued by any participating jurisdiction evidencing the meeting of qualifications for professional, mechanical, or other skills, and when such assistance is requested by the receiving participating jurisdiction, such person is deemed to be licensed, certified, or permitted by the jurisdiction requesting assistance to render aid involving such skill to meet an emergency or disaster, subject to such limitations and conditions as the requesting jurisdiction prescribes by Executive order or otherwise.

“ARTICLE VI—LIABILITY

“Any person or entity of a participating jurisdiction rendering aid in another jurisdiction pursuant to this compact is considered an agent of the requesting jurisdiction for tort liability and immunity purposes. Any person or entity rendering aid in another jurisdiction pursuant to this compact is not liable on account of any act or omission in good faith on the part of such forces while so engaged or on account of the maintenance or use of any equipment or supplies in connection therewith. Good faith in this article does not include willful misconduct, gross negligence, or recklessness.

“ARTICLE VII—SUPPLEMENTARY AGREEMENTS

“Because it is probable that the pattern and detail of the compact for mutual aid

among 2 or more participating jurisdictions may differ from that among the participating jurisdictions that are party to this compact, this compact contains elements of a broad base common to all participating jurisdictions, and nothing in this compact precludes any participating jurisdiction from entering into supplementary agreements with another jurisdiction or affects any other agreements already in force among participating jurisdictions.

“Supplementary agreements may include, but are not limited to, provisions for evacuation and reception of injured and other persons and the exchange of medical, fire, public utility, reconnaissance, welfare, transportation and communications personnel, equipment, and supplies.

“ARTICLE VIII—WORKERS' COMPENSATION AND DEATH BENEFITS

“Each participating jurisdiction shall provide, in accordance with its own laws, for the payment of workers' compensation and death benefits to injured members of the emergency contingent of that participating jurisdiction and to representatives of deceased members of those forces if the members sustain injuries or are killed while rendering aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within their own jurisdiction.

“ARTICLE IX—REIMBURSEMENT

“Any participating jurisdiction rendering aid in another jurisdiction pursuant to this compact shall, if requested, be reimbursed by the participating jurisdiction receiving such aid for any loss or damage to, or expense incurred in, the operation of any equipment and the provision of any service in answering a request for aid and for the costs incurred in connection with those requests. An aiding participating jurisdiction may assume in whole or in part any such loss, damage, expense, or other cost or may loan such equipment or donate such services to the receiving participating jurisdiction without charge or cost. Any 2 or more participating jurisdictions may enter into supplementary agreements establishing a different allocation of costs among those jurisdictions. Expenses under article VIII are not reimbursable under this section.

“ARTICLE X—IMPLEMENTATION

“(a) This compact is effective upon its execution or adoption by any 1 State and 1 province, and is effective as to any other jurisdiction upon its execution or adoption thereby: subject to approval or authorization by the United States Congress, if required, and subject to enactment of provincial or State legislation that may be required for the effectiveness of the Memorandum of Understanding.

“(b) Additional jurisdictions may participate in this compact upon execution or adoption thereof.

“(c) Any participating jurisdiction may withdraw from this compact, but the withdrawal does not take effect until 30 days after the governor or premier of the withdrawing jurisdiction has given notice in writing of such withdrawal to the governors or premiers of all other participating jurisdictions. The action does not relieve the withdrawing jurisdiction from obligations assumed under this compact prior to the effective date of withdrawal.

“(d) Duly authenticated copies of this compact in the French and English languages and of such supplementary agreements as may be entered into shall, at the time of their approval, be deposited with each of the participating jurisdictions.

“ARTICLE XI—SEVERABILITY

“This compact is construed to effectuate the purposes stated in Article I. If any provi-

sion of this compact is declared unconstitutional or the applicability of the compact to any person or circumstances is held invalid, the validity of the remainder of this compact and the applicability of the compact to other persons and circumstances are not affected.

“ARTICLE XII—CONSISTENCY OF LANGUAGE

“The validity of the arrangements and agreements consented to in this compact shall not be affected by any insubstantial difference in form or language as may be adopted by the various states and provinces.”

SEC. 2. INCONSISTENCY OF LANGUAGE.

The validity of the arrangements consented to by this Act shall not be affected by any insubstantial difference in their form or language as adopted by the States and provinces.

SEC. 3. RIGHT TO ALTER, AMEND, OR REPEAL.

The right to alter, amend, or repeal this Act is hereby expressly reserved.

EXPRESSING APPRECIATION FOR UNITED STATES FOREIGN AND CIVIL SERVICE PROFESSIONALS AROUND THE GLOBE

Mr. DURBIN. Mr. President, I ask unanimous consent the Senate proceed to Calendar No. 386, S. Res. No. 401.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A resolution (S. Res. 401) expressing appreciation for Foreign Service and Civil Service professionals who represent the United States around the globe.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, 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 any statements related to the resolution be printed in the RECORD.

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

The resolution (S. Res. 401) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 401

Whereas the United States Foreign Service was established by Congress in 1924 to professionalize the country's diplomatic and consular services and advance freedom, democracy, and security for the benefit of the people of the United States and the international community;

Whereas the United States Agency for International Development was established in 1961 to support the foreign policy goals of the United States through economic, development, and humanitarian assistance;

Whereas the Department of State and the United States Agency for International Development together employ more than 27,000 United States nationals in the Foreign Service and Civil Service dedicated to promoting United States interests around the world;

Whereas Foreign Service personnel deploy to Asia, Africa, the Americas, Australia, Europe, the Middle East, and Southeast Asia on a permanent, rotating basis to defend and promote United States priorities abroad;

Whereas many Foreign Service employees spend months or years away from families and loved ones on assignment to dangerous

or inhospitable posts where family members are not permitted;

Whereas numerous Department of State and United States Agency for International Development employees have lost their lives while serving abroad;

Whereas strong and purposeful United States diplomacy and development, carried out by a diverse, professionally educated, and well-trained force of Foreign Service and Civil Service professionals, are the most cost-effective means to protect and advance United States interests abroad;

Whereas the promotion of commercial engagement by United States businesses in foreign markets and targeted international development projects support economic prosperity, job creation, and opportunities for United States business and industry;

Whereas United States diplomats are often the first line of defense against international conflict and transnational security threats;

Whereas Foreign Service and Civil Service professionals have worked to support the members of the United States Armed Forces involved in critical national security missions and military engagements in dangerous and unstable regions;

Whereas Foreign Service and Civil Service professionals administer emergency assistance in crisis situations; and

Whereas the contributions of Foreign Service and Civil Service professionals to the global advancement of international understanding, American ideals, and the promotion of freedom and democracy around the world should be commended: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and gives special appreciation to the Foreign Service and Civil Service personnel of the Department of State, the United States Agency for International Development, and other United States Government agencies that promote and protect United States priorities abroad; and

(2) owes a debt of gratitude to these individuals, and their families, who put public service and pride in their country ahead of comfort, convenience, and even safety in service to the United States and the global community.

MEASURE READ THE FIRST TIME—H.R. 5949

Mr. DURBIN. Mr. President, I understand there is a bill at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The bill clerk read as follows:

A bill (H.R. 5949) to extend the FISA Amendments Act of 2008 for five years.

Mr. DURBIN. I now ask for a second reading, and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read for the second time on the next legislative day.

ORDERS THROUGH WEDNESDAY, SEPTEMBER 19, 2012

Mr. DURBIN. I ask unanimous consent when the Senate completes its business today, it adjourn until 2 p.m.

on Monday, September 17, 2012, for a pro forma session only, with no business conducted; that following the pro forma session, the Senate adjourn until 10 a.m. on Wednesday, September 19, 2012; that following the prayer and 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 the majority leader be recognized and that following the remarks of the two leaders, the Senate resume consideration of S. 3457, the Veterans Jobs Corps Act, under the previous order; that following the vote on the motion to waive the Budget Act with respect to the substitute amendment, No. 2789, the majority leader be recognized, and that following his remarks the Senate recess until 2:15 p.m. to allow for the weekly caucus meetings.

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

PROGRAM

Mr. DURBIN. The Senate will be in pro forma session on Monday and out of session on Tuesday in order to accommodate Rosh Hashanah. The next rollcall vote will be at noon on Wednesday. There will also be a cloture vote on the motion to proceed to the continuing resolution at 2:15 p.m. next Wednesday.

ADJOURNMENT UNTIL MONDAY, SEPTEMBER 17, 2012, at 2 P.M.

Mr. DURBIN. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 8:03 p.m., adjourned until Monday, September 17, 2012, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF COMMERCE

MARK DOMS, OF MARYLAND, TO BE UNDER SECRETARY OF COMMERCE FOR ECONOMIC AFFAIRS, VICE REBECCA M. BLANK, RESIGNED.

AMTRAK BOARD OF DIRECTORS

CHRISTOPHER R. BEALL, OF OKLAHOMA, TO BE A DIRECTOR OF THE AMTRAK BOARD OF DIRECTORS FOR A TERM OF FIVE YEARS, VICE DONNA R. MCLEAN, TERM EXPIRED.

METROPOLITAN WASHINGTON AIRPORTS AUTHORITY

WILLIAM SHAW MCDERMOTT, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE METROPOLITAN WASHINGTON AIRPORTS AUTHORITY FOR A TERM EXPIRING NOVEMBER 22, 2017, VICE ROBERT CLARKE BROWN, TERM EXPIRED.

NINA MITCHELL WELLS, OF NEW JERSEY, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE METROPOLITAN WASHINGTON AIRPORTS AUTHORITY FOR A TERM EXPIRING MAY 30, 2018, VICE CHARLES DARWIN SNELLING, TERM EXPIRED.

DEPARTMENT OF STATE

DEBORAH ANN MCCARTHY, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAOR-

DINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF LITHUANIA.

UNITED NATIONS

JOAN M. PRINCE, OF WISCONSIN, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-SEVENTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

TED R. DINTERSMITH, OF VIRGINIA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-SEVENTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

MILLENNIUM CHALLENGE CORPORATION

LORNE W. CRANER, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE MILLENNIUM CHALLENGE CORPORATION FOR A TERM OF TWO YEARS. (REAPPOINTMENT)

BROADCASTING BOARD OF GOVERNORS

JEFFREY SHELL, OF CALIFORNIA, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2015, VICE WALTER ISAACSON, TERM EXPIRED.

JEFFREY SHELL, OF CALIFORNIA, TO BE CHAIRMAN OF THE BROADCASTING BOARD OF GOVERNORS, VICE WALTER ISAACSON, RESIGNED.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

BRUCE CARTER, OF FLORIDA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2018, VICE ROBERT BRETHER LOTT, TERM EXPIRED.

JOHN UNSWORTH, OF MASSACHUSETTS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2016, VICE JEAN B. ELSHTAIN, TERM EXPIRED.

JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION

MARTIN O'MALLEY, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION FOR A TERM EXPIRING NOVEMBER 5, 2013. (REAPPOINTMENT)

MARTIN O'MALLEY, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION FOR THE REMAINDER OF THE TERM EXPIRING NOVEMBER 5, 2012, VICE JOE MANCHIN III.

BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION

WALTER G. SECADA, OF FLORIDA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM EXPIRING MARCH 3, 2016, VICE LAURIE STENBERG NICHOLS, TERM EXPIRED.

STEWART M. DE SOTO, OF ILLINOIS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM EXPIRING AUGUST 11, 2016, VICE CHARLES P. RUCH, TERM EXPIRED.

MORRIS K. UDALL AND STEWART L. UDALL FOUNDATION

ANNE J. UDALL, OF OREGON, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE MORRIS K. UDALL AND STEWART L. UDALL FOUNDATION FOR A TERM EXPIRING OCTOBER 6, 2016. (REAPPOINTMENT)

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be brigadier general

COL. ROBERT J. BECKLUND

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be major general

BRIG. GEN. MARK E. BARTMAN
BRIG. GEN. STANLEY J. OSSERMAN, JR.
BRIG. GEN. THOMAS A. THOMAS, JR.
BRIG. GEN. ERIC G. WELLER
BRIG. GEN. JAMES C. WITHAM

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be brigadier general

COLONEL GLEN M. BAKER
COLONEL JEFFREY D. BUCKLEY
COLONEL ANTHONY J. CARRELLI
COLONEL TIMOTHY J. CATHCART
COLONEL ANDREW J. DONNELLY
COLONEL HAROLD S. EGGENSERPERGER
COLONEL JAMES O. EIFERT
COLONEL BRYAN P. FOX
COLONEL RICKY D. GIBNEY
COLONEL CHRISTOPHER A. HEGARTY