

the Agency shall lead and manage the disaster reserve workforce and implement response and recovery operations and programs, including leading individual major projects under sections 404, 406, and 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c, 5172, and 5173).

“(B) DISASTER RESERVE WORKFORCE.—The disaster reserve workforce shall include—

- “(i) term employees;
- “(ii) permanent seasonal employees;
- “(iii) employees designated for short-term deployments;
- “(iv) employees of the Department who are not employees of the Agency; and
- “(v) employees of other Federal agencies.

“(C) RELIANCE ON CERTAIN EMPLOYEES.—In supporting the work of permanent full-time employees, the Administrator—

“(i) shall rely to the greatest extent possible on term employees and permanent seasonal employees deployed for long periods of time in order to help ensure greater efficiency, continuity, quality, and accuracy in services performed under recovery operations and programs; and

“(ii) may use discretion to deploy the reservists most able to ensure the greatest efficiency, continuity, quality, and accuracy in services performed under response and recovery operations and programs.

“(3) POLICIES AND PROCEDURES.—In order to ensure that efficient, continuous, and accurate services are provided under response and recovery operations and programs, not later than 180 days after the date of enactment of this section, the Administrator shall develop—

“(A) staffing policies and procedures that provide for the management of response and recovery operations and programs by sufficient numbers of permanent full-time senior-level officials;

“(B) plans to recruit individuals who reside in the area affected by a major disaster when long-term recovery efforts are needed; and

“(C) policies and procedures relating to sections 403, 404, 406, 407, and 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b, 5170c, 5172, 5173, and 5192).

“(4) MINIMUM STANDARDS AND GUIDELINES FOR THE DISASTER RESERVE WORKFORCE.—

“(A) STANDARDS AND GUIDELINES.—Not later than 180 days after the date of enactment of this section, the Administrator shall develop standards and guidelines for the disaster reserve workforce, including—

“(i) setting appropriate mandatory before and after disaster training requirements;

“(ii) establishing the minimum number of days annually an individual is required to deploy in a year during which there is sufficient work for members of the disaster reserve workforce;

“(iii) providing for a reasonably long time period for deployment to ensure continuity in operations; and

“(iv) establishing performance requirements, including for the timely and accurate resolution of issues and projects.

“(B) MAINTAINING MEMBERSHIP IN THE DISASTER RESERVE WORKFORCE.—In order to maintain membership in the disaster reserve workforce, a reservist shall—

“(i) be credentialed in accordance with section 510; and

“(ii) meet all minimum standards and guidelines established under subparagraph (A)—

“(I) for term employees, before being appointed to a term in the disaster reserve workforce; and

“(II) annually for all other reservists.

“(C) EVALUATION SYSTEM.—In consultation with the Director of the Office of Personnel Management, the Administrator shall de-

velop and implement a system to continuously evaluate reservists to ensure that all minimum standards and guidelines under this paragraph are satisfied annually by all reservists. Chapter 43 of title 5, United States Code, shall not apply to reservists covered under the system developed and implemented under this subparagraph.

“(5) CONTRACTORS.—Not later than 180 days after the date of enactment of this section, the Administrator, in conjunction with the Chief Human Capital Officer of the Agency, shall establish policies and procedures for contractors that support response and recovery operations and programs, which shall ensure that the contractors have appropriate skills, training, knowledge, and experience for assigned tasks, including by ensuring that the contractors meet training, credentialing, and performance requirements similar to the requirements for reservists.

“(6) REEMPLOYED ANNUITANTS.—

“(A) IN GENERAL.—In appointing reservists to the disaster reserve workforce, the application of sections 8344 and 8468 of title 5, United States Code, (relating to annuities and pay on reemployment) or any other similar provision of law under a Government retirement system may be waived by the Administrator for annuitants reemployed on deployments involving a direct threat to life or property or other unusual circumstances for the entirety of the deployment.

“(B) LIMITATIONS.—The authority under subparagraph (A)—

“(i) is granted to assist the Administrator in establishing and effectively operating the disaster reserve workforce if—

“(I) no other qualified applicant is available for a reservist position; or

“(II) if the employment of an annuitant would serve the mission of the Agency by gaining the benefit of the institutional knowledge and experience of the annuitant; and

“(ii) may be exercised only—

“(I) with respect to natural disasters, acts of terrorism, or other man-made disasters, including catastrophic incidents; and

“(II) if the applicant will not accept the position without a waiver.

“(C) GUIDELINES AND LIMITATIONS.—Before the Administrator may exercise the authority under subparagraph (A), the Administrator shall establish guidelines and limitations on the appointment of annuitants under that subparagraph in order to manage the need for annuitant experience with workforce growth, succession planning, and fiscal responsibilities.

“(D) NOT EMPLOYEE FOR RETIREMENT PURPOSES.—An annuitant to whom a waiver under subparagraph (A) is in effect shall not be considered an employee for purposes of any Government retirement system.

“(7) PERMANENT EMPLOYMENT POSITIONS.—

“(A) IN GENERAL.—An employee hired under section 306(b)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5149(b)(1)) and a member of the FEMA corps of the National Civilian Community Corps who completes the terms of service of the member pursuant to the interagency agreement between the Federal Emergency Management Agency and the Corporation for National and Community Service may compete for permanent positions in the Agency under merit promotion procedures. The actual time deployed as an employee or member shall be considered creditable service for purposes of such competition and shall be calculated, for purposes of section 8411 of title 5, United States Code, by dividing the total number of days of service as a reservist by 365 to obtain the number of years of service and dividing any remainder by 30 to obtain the number of additional months of service and excluding from the ag-

gregate the fractional part of a month, if any.

“(B) CONSIDERATION.—In evaluating a reservist hired under section 306(b)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5149(b)(1)) for a potential permanent employment position, the Administrator shall consider the qualifications of, and performance as a reservist by, the reservist, including the ability of the reservist to timely, accurately, and creatively resolve issues and projects when deployed.

“(C) EFFECTIVE DATE AND APPLICATION.—This paragraph shall—

“(i) take effect on the date on which the Administrator implements the evaluation system under paragraph (4)(C); and

“(ii) apply to periods of service performed after that date.

“(8) NO IMPACT ON AGENCY PERSONNEL CEILING.—Reservists shall not be counted against any personnel ceiling limitation applicable to the Agency.”

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 525 the following:

“Sec. 526. Administration of response and recovery operations and programs.”

(3) PERMANENT SEASONAL EMPLOYEES.—Section 306(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5149(b)) is amended—

(A) in paragraph (1), by inserting “or permanent seasonal employees (as that term is defined under section 526(a)(8) of the Homeland Security Act of 2002)” after “temporary personnel”; and

(B) in paragraph (3), by inserting “or the employment of permanent seasonal employees (as that term is defined under section 526(a)(8) of the Homeland Security Act of 2002)” after “additional personnel”.

SA 3381. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table.

On page 85, line 9, strike “That, of” and all that follows through “2012:” on line 15 and insert the following: “That, of the amount provided under this heading, \$500,000,000 shall be used to address the unmet needs of impacted areas resulting from a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) or for small, economically distressed areas with a disaster declared in 2011 or 2012: *Provided further*, That the amounts provided under the preceding proviso are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.”

NOTICE OF INTENT TO OBJECT TO PROCEEDING

I, Senator TOM COBURN, intend to object to proceeding to S. 2215, a bill to create jobs in the United States by increasing United States exports to Africa by at least 200 percent in real dollar value within 10 years, and for other purposes; dated December 18, 2012.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on December 18, 2012, at 9:30 a.m., to conduct a hearing entitled "Computerized Trading Venues: What Should the Rules of the Road Be?"

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on December 18, 2012.

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

COMMITTEE ON FINANCE

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on December 18, 2012.

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

SELECT COMMITTEE ON INTELLIGENCE

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on December 18, 2012, at 2:30 p.m.

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

Mr. MENENDEZ. Mr. President, I see the Senator from Alaska is ready to speak. I have been asked to do some wrapup items, if she would indulge us.

CORRECTING THE ENROLLMENT OF S. 2367

Mr. MENENDEZ. I ask unanimous consent that the Senate proceed to the consideration of S. Con. Res. 63 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 63) correcting the enrollment of S. 2367.

The PRESIDING OFFICER. There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. MENENDEZ. I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the measure be printed in the RECORD.

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

The concurrent resolution (S. Con. Res. 63) was agreed to, as follows:

S. CON. RES. 63

Resolved by the Senate (the House of Representatives concurring), That the Secretary

of the Senate is requested to return to the House of Representatives the enrolled bill (S. 2367, an Act to strike the word "lunatic" from Federal law, and for other purposes). Upon the return of such bill, the action of the Speaker of the House of Representatives in signing it shall be rescinded. The Secretary of the Senate shall reenroll the bill with the following correction: In section 2(b)(1)(B), strike "in subsection (b)" and insert "in subsection (j)".

AUTHORIZING THE USE OF THE ROTUNDA

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Con. Res. 64 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 64) authorizing the use of the rotunda of the Capitol for the lying in state of the remains of the late Honorable DANIEL K. INOUE.

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

Mr. MENENDEZ. I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table, with no intervening action or debate.

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

The concurrent resolution (S. Con. Res. 64) was agreed to, as follows:

S. CON. RES. 64

Resolved by the Senate (the House of Representatives concurring), That in recognition of the long and distinguished service rendered to the Nation by Daniel K. Inouye, a Senator from the State of Hawaii and formerly a Representative from that State, his remains be permitted to lie in state in the rotunda of the Capitol on December 20, 2012, and the Architect of the Capitol, under the direction of the Speaker of the House of Representatives and the President pro tempore of the Senate, shall take all necessary steps for the accomplishment of that purpose.

RELATIVE TO THE DEATH OF THE HONORABLE DANIEL KEN INOUE, SENATOR FROM THE STATE OF HAWAII

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 624 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. 624) relative to the death of the Honorable DANIEL KEN INOUE, Senator from the State of Hawaii.

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

Mr. MENENDEZ. 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 de-

bate, and any statements relating to the measure be printed in the RECORD.

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

The resolution (S. Res. 624) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 624

Whereas Senator Daniel K. Inouye served the people of the State of Hawaii for over 58 years in the Territorial House of Representatives, the Territorial Senate, the United States House of Representatives, and the United States Senate;

Whereas Senator Daniel K. Inouye became the first Japanese American to serve in both the United States House of Representatives and the United States Senate;

Whereas Senator Daniel K. Inouye represented the State of Hawaii in Congress from before the time that Hawaii became a State in 1959 until 2012;

Whereas Senator Daniel K. Inouye served as the President Pro Tempore of the United States Senate, Chairman of the Committee on Appropriations, Chairman of the Subcommittee on Defense, the first Chairman of the Senate Select Committee on Intelligence, Chairman of the Committee on Indian Affairs, Chairman of the Democratic Steering Committee, Chairman of the Committee on Commerce, Science, and Transportation, Chairman of the Rules Committee, Chairman of the Senate Select Committee on Secret Military Assistance to Iran and the Nicaraguan Opposition, and Secretary of the Democratic Conference;

Whereas Senator Daniel K. Inouye delivered the keynote address at the 1968 Democratic National Convention in Chicago, Illinois, in which he expressed a vision for a more inclusive Nation and famously declared "this is our country";

Whereas Senator Daniel K. Inouye served as a medical volunteer at the Pearl Harbor attack on December 7, 1941, and volunteered to be part of the all Nisei 442nd Central Postal Directory during World War II at a time when Japanese Americans were being systematically discriminated against by the Nation he volunteered to defend;

Whereas Senator Daniel K. Inouye was wounded in battle and honorably discharged as a Captain with a Distinguished Service Cross, Bronze Star, Purple Heart with cluster, and 12 other medals and citations; and

Whereas Senator Daniel K. Inouye was awarded the Medal of Honor by President William J. Clinton in June 2000, along with 21 other Asian-American veterans of World War II for their actions during the war: Now, therefore, be it

Resolved, That—

(1) the Senate has heard with profound sorrow and deep regret of the death of the Honorable Daniel K. Inouye, Senator from the State of Hawaii;

(2) the Secretary of the Senate shall transmit 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 deceased Senator.

ORDERS FOR WEDNESDAY, DECEMBER 19, 2012

Mr. MENENDEZ. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., on Wednesday, December 19, 2012; that following the