

(b) MEDICARE CARDS AND COMMUNICATIONS PROVIDED TO BENEFICIARIES.—

(1) CARDS.—

(A) NEW CARDS.—Not later than 3 years after the date of the enactment of this Act, the Secretary of Health and Human Services shall ensure that each newly issued Medicare identification card meets the requirements described in subparagraph (C).

(B) REPLACEMENT OF EXISTING CARDS.—Not later than 5 years after the date of the enactment of this Act, the Secretary of Health and Human Services shall ensure that all Medicare beneficiaries have been issued a Medicare identification card that meets the requirements of subparagraph (C).

(C) REQUIREMENTS.—The requirements described in this subparagraph are, with respect to a Medicare identification card, that the card does not display or electronically store (in an unencrypted format) a Medicare beneficiary's social security account number.

(2) COMMUNICATIONS PROVIDED TO BENEFICIARIES.—Not later than 3 years after the date of the enactment of this Act, the Secretary of Health and Human Services shall prohibit the display of a Medicare beneficiary's social security account number on written or electronic communication provided to the beneficiary unless the Secretary determines that inclusion of social security account numbers on such communications is essential for the operation of the Medicare program.

(c) MEDICARE BENEFICIARY DEFINED.—In this section, the term “Medicare beneficiary” means an individual who is entitled to, or enrolled for, benefits under part A of title XVIII of the Social Security Act or enrolled under part B of such title.

(d) CONFORMING REFERENCE IN THE SOCIAL SECURITY ACT.—Section 205(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C)) is amended by adding at the end the following new clause:

“(xi) For provisions relating to requiring the Secretary of Health and Human Services to prohibit the display of social security account numbers on Medicare identification cards and communications provided to Medicare beneficiaries, see section 2 of the Social Security Number Protection Act of 2011.”.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 80—EXPRESSING SUPPORT FOR THE DESIGNATION OF MARCH 2013 AS “NATIONAL MIDDLE LEVEL EDUCATION MONTH”

Mr. WHITEHOUSE (for himself and Mrs. MURRAY) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 80

Whereas the National Association of Secondary School Principals, the Association for Middle Level Education, the National Forum to Accelerate Middle Grades Reform, and the National Association of Elementary School Principals have declared March 2013 to be “National Middle Level Education Month”;

Whereas schools that educate middle level students are responsible for educating nearly 24,000,000 young adolescents between the ages of 10 and 15, in grades 5 through 9, who are

undergoing rapid and dramatic changes in their physical, intellectual, social, emotional, and moral development;

Whereas those young adolescents deserve challenging and engaging instruction, knowledgeable teachers and administrators who are prepared to provide young adolescents with a safe, challenging, and supportive learning environment, and organizational structures that banish anonymity and promote personalization, collaboration, and social equity;

Whereas the habits and values established during early adolescence have a lifelong influence that directly affects the future health and welfare of the United States;

Whereas research indicates that the academic achievement of a student in eighth grade has a larger impact on the readiness of that student for college at the end of high school than any academic achievement of that student in high school; and

Whereas, in order to improve graduation rates and prepare students to be lifelong learners who are ready for college, a career, and civic participation, it is necessary for the people of the United States to have a deeper understanding of the distinctive mission of middle level education: Now, therefore, be it

*Resolved*, That the Senate—

(1) honors and recognizes the importance of middle level education and the contributions of the individuals who educate middle level students; and

(2) encourages the people of the United States to observe National Middle Level Education Month by visiting and celebrating schools that are responsible for educating young adolescents in the United States.

### SENATE RESOLUTION 81—COMMEMORATING MARCH 19, 2013, AS THE 40TH ANNIVERSARY OF NATIONAL AG DAY

Mr. JOHANNIS (for himself, Ms. STABENOW, Mr. COCHRAN, Mr. BAUCUS, Mr. ROBERTS, Mr. BROWN, Mr. GILLIBRAND, Mr. CHAMBLISS, Ms. KLOBUCHAR, Mr. GRASSLEY, Mr. BENNET, Mr. DONNELLY, Mrs. FISCHER, Mr. THUNE, and Mr. COONS) submitted the following resolution; which was considered and agreed to:

S. RES. 81

Whereas, in 1973, the National Ag Day program was established to increase public awareness of the vital role of agriculture in the United States;

Whereas the agriculture industry is part of the very fabric of the United States, driving the economy, fostering ingenuity, and preserving the deepest values of the people of the United States;

Whereas the average farmer in the United States today feeds nearly 150 people, a dramatic increase from just 25 people per farmer in the 1960s;

Whereas the agriculture industry in the United States produces an incredible variety of meats, grains, fruits, vegetables, dairy, beans, nuts, seeds, and other important foods;

Whereas more than 2,000,000 farmers and ranchers contribute more than \$300,000,000,000 to the United States economy every year; and

Whereas farmers comprise less than 2 percent of the population of the United States, yet produce more than enough food for the people of the United States and hundreds of millions of people around the world: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the National Ag Day program for its annual celebration of agriculture in the United States;

(2) honors the researchers, entrepreneurs, businesses, and innovators who support farm families in the United States and help drive the agriculture economy; and

(3) celebrates family farmers and ranchers, who are the backbone of food production in the United States and produce the safest, most abundant, and most affordable food supply in the world.

### SENATE CONCURRENT RESOLUTION 9—RECOMMENDING THE POSTHUMOUS AWARD OF THE MEDAL OF HONOR TO SERGEANT RAFAEL PERALTA

Mrs. FEINSTEIN (for herself and Mr. RUBIO) submitted the following concurrent resolution; which was referred to the Committee on Armed Services:

S. CON. RES. 9

Whereas, in November 2004, the Marine Corps led combat operations to retake the insurgent stronghold of Fallujah, Iraq, as part of Operation Phantom Fury;

Whereas Marine Corps Sergeant Rafael Peralta and thousands of other Marines entered the city of Fallujah, coming into immediate contact with the enemy and engaging in some of the most intense combat in the entire Iraq war;

Whereas Sergeant Peralta, serving with 1st Battalion, 3rd Marines, cleared scores of houses for days, and on November 14, 2004, asked to join an under-strength squad;

Whereas, the following morning, a close-quarter fight erupted as Sergeant Peralta and his squad of Marines cleared their seventh house of the day;

Whereas Sergeant Peralta, attempting to move out of the line of fire, was hit in the back of the head by a fragment from a ricocheted bullet;

Whereas the insurgents, in the process of fleeing the house, threw a fragmentation grenade through a window, landing directly near the head of Sergeant Peralta;

Whereas Sergeant Peralta reached for the grenade and pulled it to his body, absorbing the blast and shielding the other Marines who were only feet away;

Whereas, on November 15, 2004, Sergeant Peralta made the ultimate sacrifice to save the lives of his fellow Marines;

Whereas Sergeant Peralta was posthumously recommended by the Marine Corps and the Department of the Navy for the Medal of Honor;

Whereas 7 eyewitnesses confirmed that Sergeant Peralta smothered the grenade with his body, with 4 of the accounts, taken independently, stating that Sergeant Peralta gathered the grenade with his right arm;

Whereas the historical standard for awarding the Medal of Honor is 2 eyewitness accounts;

Whereas, in 2008, the nomination of Sergeant Peralta for the Medal of Honor was downgraded to the Navy Cross after an independent panel determined that Sergeant Peralta could not deliberately have pulled the grenade to his body due to his head wound, despite 7 eyewitness accounts to the contrary;

Whereas, in 2012, new and previously unconsidered evidence, consisting of combat video and an independent pathology report, was submitted to the Department of the Navy;

Whereas based on the new evidence, a review of the case was initiated;

Whereas, in December 2012, the upgrade from the Navy Cross to the Medal of Honor

for Sergeant Peralta was denied, despite an announcement of the support of the Department of the Navy for the upgrade;

Whereas the citation for the Navy Cross awarded to Sergeant Peralta states, "without hesitation and with complete disregard for his own personal safety, Sergeant Peralta reached out and pulled the grenade to his body, absorbing the brunt of the blast and shielding fellow Marines only feet away";

Whereas Sergeant Peralta wrote to his brother in the days preceding his death, saying, "I'm proud to be a Marine, a U.S. Marine, and to defend and protect the freedom and Constitution of America. You should be proud of being an American citizen";

Whereas Sergeant Peralta, who was born in Mexico and immigrated with his family to San Diego, California, enlisted in the Marine Corps on the same morning he received his proof of permanent residence, commonly known as a green card; and

Whereas Sergeant Peralta and his fellow Marines are an inspiration for their service, selflessness, and sacrifice: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That Congress—*

(1) honors Sergeant Rafael Peralta, a Mexican-American who enlisted in the Marine Corps on the same day he received his permanent residence status, for his dedication to the Marine Corps and the United States, and for upholding the highest standards of military service;

(2) recognizes that the courage and selfless actions of Sergeant Peralta in combat saved the lives of his fellow Marines;

(3) concurs with the Marine Corps and the Department of the Navy that the actions of Sergeant Peralta are in the spirit and tradition of the Medal of Honor;

(4) maintains that eyewitness accounts confirm that Sergeant Peralta deliberately pulled the grenade to his body and, consistent with previous Medal of Honor awards, the eyewitness accounts should be the leading and deciding factor in evaluating the nomination of Sergeant Peralta for the Medal of Honor; and

(5) recommends that Sergeant Peralta posthumously be awarded the Medal of Honor.

Mrs. FEINSTEIN. Mr. President, I rise today with Senator RUBIO to submit a resolution recommending the posthumous award of the Medal of Honor to Sergeant Rafael Peralta, United States Marine Corps.

My friend and colleague from California, Representative DUNCAN HUNTER, will introduce this resolution in the House and I am proud to work with him on this important matter.

Our resolution recognizes that Sergeant Peralta's courageous and selfless actions in combat saved the lives of his fellow Marines.

Our resolution concurs with the Marine Corps and the Department of the Navy that Sergeant Peralta's actions are in the spirit and tradition of the Medal of Honor; maintains that, consistent with previous Medal of Honor awards, the eyewitness accounts confirm that Sergeant Peralta deliberately pulled the grenade into his body and that eyewitness accounts should be the leading and deciding factor in evaluating Sergeant Peralta's Medal of Honor nomination; and recommends that Sergeant Peralta be posthumously awarded the Medal of Honor.

Sergeant Peralta was a true American hero.

He was born in Mexico and immigrated as a young child with his family to San Diego, CA.

He embraced his new life and anxiously awaited the opportunity to serve his adopted country and give something back.

In fact, on the very day he received permanent legal resident status in the United States, he joined the United States Marine Corps.

Sergeant Peralta deployed to Iraq as a scout team leader assigned to Alpha Company, 1st Battalion, 3rd Marine Regiment.

In November 2004, Sergeant Peralta and his battalion were involved in intense house-to-house fighting in an effort to reclaim Fallujah, Iraq from insurgents.

After clearing scores of houses for days, he asked to join an under-strength squad.

Upon entering their seventh house of the day, Sergeant Peralta's squad came into direct contact with insurgents and he was hit in the back of the head by a fragment from a ricocheted bullet.

As insurgents fled the house they threw a grenade through a window which landed near Sergeant Peralta's head. Despite his wounds, he was able to reach for the grenade and pull it under his body to absorb the blast.

He was killed instantly but his sacrifice saved the lives of his fellow Marines.

For his selflessness and heroism, Sergeant Peralta was recommended for the Medal of Honor by his local commanders, the Commandant of the Marine Corps, the Secretary of the Navy, and the Chairman of the Joint Chiefs of Staff.

Now, the historical standard for awarding the Medal of Honor is two eyewitness accounts. Sergeant Peralta has seven.

Seven eyewitnesses gave sworn statements attesting that Sergeant Peralta smothered the grenade and placed it under his body in order to absorb the explosion.

Four of those accounts, taken independently, state that he pulled the grenade to his body with his right arm.

Nevertheless, an independent panel formed by then Secretary of Defense Robert Gates determined that Sergeant Peralta could not have deliberately pulled the grenade to his body because he was immediately incapacitated after being shot in the head.

Secretary Gates agreed with its conclusions and Sergeant Peralta was awarded the Navy Cross instead of the Medal of Honor.

Yet, despite the panel's findings, the citation for the Navy Cross agrees with the eyewitness accounts and states that "without hesitation and with complete disregard for his own personal safety, Sergeant Peralta reached out and pulled the grenade to his body, absorbing the brunt of the blast and shielding fellow Marines only feet away."

In fact, his family has refused to accept the Navy Cross and has worked tirelessly to ensure that Sergeant Peralta's actions are not forgotten and properly recognized with the Medal of Honor.

In 2012, Representative HUNTER submitted new and previously unconsidered evidence, including combat video and an independent pathology report, to the Department of the Navy.

Dr. Vincent DiMaio of San Antonio, Texas volunteered to review the case for Sergeant Peralta's family and submitted the report.

He concluded that, in all medical probability, Sergeant Peralta was not immediately incapacitated after being shot, and, in fact, reached for the grenade and pulled it under his body.

After a new review of the evidence, the Department of the Navy once again recommended Sergeant Peralta for the Medal of Honor.

Unfortunately, Secretary of Defense Leon Panetta denied the request.

I have the utmost respect for the judgment of Secretary Gates and Secretary Panetta. On this matter, I just take a different view and I urge our new Secretary of Defense, Chuck Hagel, to take another look at this matter.

I do not take the awarding of the Medal of Honor lightly. Indeed, the Medal of Honor is our country's highest and most prestigious military award.

It says something to me that seven eyewitnesses verified that Sergeant Peralta absorbed the blast of the grenade and saved the lives of his fellow Marines.

It says something to me that the citation for the Navy Cross backs up the eyewitness accounts.

It says something to me that Sergeant Peralta was recommended for the award by his local commanders, the Commandant of the Marine Corps, the Secretary of the Navy, and the Chairman of the Joint Chiefs of Staff.

It says something to me that the Secretary of the Navy has even publicly stated that he believes Sergeant Peralta deserves the Medal of Honor.

Sergeant Peralta gave his life for our country and his fellow Marines. His actions in combat and the evidence make it clear to me that he has gone above and beyond the call of duty and is deserving of the Medal of Honor.

In the days before his death, he wrote to his brother saying "I'm proud to be a Marine, a U.S. Marine, and to defend and protect the freedom and Constitution of America. You should be proud too of being an American citizen."

Let us honor this American hero and show our pride in being Americans by passing this resolution.

I urge my colleagues to support this resolution.

#### NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL  
RESOURCES

Mr. WYDEN. Mr. President, I would like to advise you that the Senate