

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

Committee on Energy and Natural Resources will hold a business meeting on Thursday, March 21, 2013, at 10 a.m., in room 366 of the Dirksen Senate Office Building.

The purpose of the business meeting is to consider the nomination of Sally Jewell to be the Secretary of the Interior.

For further information, please contact Sam Fowler at (202) 224-7571 or Abigail Campbell at (202) 224-4905.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON ARMED SERVICES

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on March 19, 2013, at 9:30 a.m.

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

##### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DURBIN. 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 March 19, 2013, at 10 a.m. to conduct an executive session.

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

##### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DURBIN. 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 March 19, 2013, at 10 a.m. to conduct a hearing entitled "Bipartisan Solutions for Housing Finance Reform?"

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

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on March 19, 2013, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

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

##### COMMITTEE ON FINANCE

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on March 19, 2013, at 10:30 a.m., in room SD-215 of the Dirksen Senate Office Building, to conduct a hearing entitled "The President's 2013 Trade Agenda."

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

##### COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled "Can We Do

More to Keep Savings in the Retirement System" on March 19, 2013, at 2:30 p.m., in room 430 of the Dirksen Senate Office Building.

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

##### COMMITTEE ON THE JUDICIARY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on March 19, 2013, at 2:30 p.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Judicial Nominations."

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

##### SELECT COMMITTEE ON INTELLIGENCE

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Intelligence be authorized to meet during the session of the Senate on March 19, 2013, at 2:30 p.m.

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

##### SUBCOMMITTEE ON ANTITRUST, COMPETITION POLICY, AND CONSUMER RIGHTS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Antitrust, Competition Policy and Consumer Rights, be authorized to meet during the session of the Senate on March 19, 2013, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "The American Airlines/US Airways Merger: Consolidation, Competition, and Consumers."

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

##### SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

Mr. DURBIN. Mr. President, I ask unanimous consent that the Subcommittee on Emerging Threats and Capabilities of the Committee on Armed Services be authorized to meet during the session of the Senate on March 19, 2013, at 2:30 p.m.

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

##### SUBCOMMITTEE ON OCEANS, ATMOSPHERE, FISHERIES, AND THE COAST GUARD

Mr. DURBIN. Mr. President, I ask unanimous consent that the Subcommittee on Oceans, Atmosphere, Fisheries, and the Coast Guard of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on March 19, 2013, at 10:30 a.m. in room 253 of the Russell Senate Office Building.

The Committee will hold a hearing entitled, "Developments and Opportunities in U.S. Fisheries Management."

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

##### SUBCOMMITTEE ON NEAR EASTERN AND SOUTH AND CENTRAL ASIAN AFFAIRS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on March 19, 2012, at 10 a.m., to hold a Near Eastern and South and Central Asian Affairs subcommittee

hearing entitled, "Syria's Humanitarian Crisis."

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

##### SUBCOMMITTEE ON SECURITIES, INSURANCES, AND INVESTMENT

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs Subcommittee on Securities, Insurance, and Investment be authorized to meet during the session of the Senate on March 19, 2013, at 3 p.m., to conduct a hearing entitled "Streamlining Regulation, Improving Consumer Protection and Increasing Competition in Insurance Markets."

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

#### 40TH ANNIVERSARY OF NATIONAL AG DAY

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to S. Res. 81 submitted earlier today.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 81) commemorating March 19, 2013, as the 40th anniversary of National Ag Day.

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

Mr. REID. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table, with no intervening action or debate.

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

The resolution (S. Res. 81) was agreed to.

The preamble was agreed to.  
(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

#### ORDERS FOR WEDNESDAY, MARCH 20, 2013

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, March 20, 2013; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use until later in the day, and that following leader remarks, the Senate resume consideration of H.R. 933, the continuing appropriations bill, with the time until 11:15 a.m. equally divided and controlled between the two leaders or their designees.

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

#### PROGRAM

Mr. REID. Madam President, there will be three rollcall votes in relation to the CR tomorrow at about 11:15 a.m.