

(3) OTHER FEDERAL AGENCIES.—Nothing in this Act—

(A) modifies, alters, or amends any law or regulation authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(h) PRIVATE PROPERTY AND REGULATORY PROTECTIONS.—

(1) IN GENERAL.—Subject to paragraph (2), nothing in this Act—

(A) abridges the rights of any property owner (whether public or private), including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(B) requires any property owner to permit public access (including access by Federal, State, or local agencies) to the property of the property owner, or to modify public access or use of property of the property owner under any other Federal, State, or local law;

(C) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State or local agency, or conveys any land use or other regulatory authority to the management entity;

(D) authorizes or implies the reservation or appropriation of water or water rights;

(E) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

(F) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

(2) OPT OUT.—An owner of private property within the Heritage Area may opt out of participating in any plan, project, program, or activity carried out within the Heritage Area under this Act, if the property owner provides written notice to the management entity.

(i) EVALUATION; REPORT.—

(1) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area, the Secretary shall—

(A) conduct an evaluation of the accomplishments of the Heritage Area; and

(B) prepare a report in accordance with paragraph (3).

(2) EVALUATION.—An evaluation conducted under paragraph (1)(A) shall—

(A) assess the progress of the management entity with respect to—

(i) accomplishing the purposes of this Act for the Heritage Area; and

(ii) achieving the goals and objectives of the approved Heritage Area management plan;

(B) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(C) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(3) REPORT.—

(A) IN GENERAL.—Based on the evaluation conducted under paragraph (1)(A), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(B) REQUIRED ANALYSIS.—If the report prepared under subparagraph (A) recommends that Federal funding for the Heritage Area

be reauthorized, the report shall include an analysis of—

(i) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(ii) the appropriate time period necessary to achieve the recommended reduction or elimination.

(C) SUBMISSION TO CONGRESS.—On completion of the report, the Secretary shall submit the report to—

(i) the Committee on Energy and Natural Resources of the Senate; and

(ii) the Committee on Natural Resources of the House of Representatives.

(j) EFFECT OF DESIGNATION.—Nothing in this Act—

(1) precludes the management entity from using Federal funds made available under other laws for the purposes for which those funds were authorized; or

(2) affects any water rights or contracts.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this Act \$10,000,000, of which not more than \$1,000,000 may be made available for any fiscal year.

(b) COST-SHARING REQUIREMENT.—The Federal share of the total cost of any activity under this Act shall be determined by the Secretary, but shall be not more than 50 percent.

(c) NON-FEDERAL SHARE.—The non-Federal share of the total cost of any activity under this Act may be in the form of in-kind contributions of goods or services.

SEC. 5. TERMINATION OF AUTHORITY.

(a) IN GENERAL.—If a proposed Heritage Area management plan has not been submitted to the Secretary by the date that is 5 years after the date of enactment of this Act, the Heritage Area designation shall be rescinded.

(b) FUNDING AUTHORITY.—The authority of the Secretary to provide assistance under this Act terminates on the date that is 15 years after the date of enactment of this Act.

NOTICES OF HEARINGS

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet in open session on Thursday, February 7, 2013, at 10:00 a.m. in room 216 of the Hart Senate Office Building to conduct a hearing entitled “No Child Left Behind: Early Lessons from State Flexibility Waivers.”

For further information regarding this meeting, please contact Leanne Hotek of the committee staff on (202) 228-6685.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. WYDEN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Tuesday, February 12, 2013, at 10:00 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of this hearing is to explore opportunities and challenges associated with America’s natural gas resources.

Because of the limited time available for the hearing, witnesses may testify

by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC. 20510-6150, or by e-mail to lauren_goldschmidt@energy.senate.gov.

For further information, please contact Todd Wooten at (202) 224-4971 or Lauren Goldschmidt at (202) 224-5488.

EMBASSY SECURITY FUNDS TRANSFER ACT OF 2013

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 227, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 227) to authorize the transfer of certain funds to improve security at United States embassies and other diplomatic facilities worldwide, and for other purposes.

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

S. 227

Mr. LEAHY. Today I am pleased the Senate will pass the bipartisan Embassy Security Funds Transfer Act of 2013. This commonsense legislation will enact a provision similar to one passed overwhelmingly by the Senate last December as part of the Sandy Supplemental but that was stripped out by House Republicans.

This bill simply provides authority to the State Department to transfer up to \$1.1 billion in overseas contingency operations funds appropriated in Fiscal Year 2012 for operations in Iraq, which are no longer needed due to reduced State operations there, to be used for increased security at U.S. embassies and other overseas posts identified in the Department’s security review after the terrorist attack in Benghazi.

Making such resources available for these purposes is one of the recommendations of the Accountability Review Board chaired by Ambassador Pickering and Admiral Mullen. The bill permits the transfer of funds between the diplomatic and consular programs and embassy security construction and maintenance accounts. Such transfers would otherwise be precluded due to percentage limitations.

To be clear, this legislation appropriates no additional funds. It costs the taxpayers no additional money. It has no scoring impact. It merely allows for the transfer of existing, appropriated funds for this critical purpose. There is nothing controversial about this bill.

We all want to do what we can to prevent another tragedy like what occurred in Benghazi. The State Department has done a review, and these funds will be used to expedite construction of Marine security guard posts at overseas facilities and for the construction of other secure embassies. While it is impossible to guarantee the safety of our diplomats and aid workers, many

of whom risk their lives daily in dangerous places, we should protect them as best we can so they can carry out their duties as safely as possible.

As I mentioned, the Senate approved a similar provision last December, overwhelmingly, by voice vote. I thank Chairwoman MIKULSKI, Senator GRAM, and the other cosponsors for supporting this bill and for helping to expedite its consideration. I am confident that the chairwoman and ranking member of the House State and Foreign Operations Subcommittee share our view that this is an appropriate use of these funds. I hope the House will act quickly to send this bill to the President.

Mr. PAUL. Mr. President, as a cosponsor of this important legislation, I am pleased the Senate will pass this bill and once again provide for stronger security at our diplomatic facilities.

Numerous reports have documented the security failures that resulted in the tragic deaths of four Americans at the consulate in Benghazi. Both the Administrative Review Board and the report of the Senate Homeland Security Committee found that inexcusable failures of judgment led State Department decisionmakers to ignore the rising threat levels in Benghazi and the repeated requests for enhanced security at the site. Marine Security Guards were not on site to protect our consulate in one of the most dangerous and unstable regions in the world. The failures of management that led to these decisions are reprehensible; the lapses in judgment indefensible. It is beyond my comprehension why the individuals whose poor decisionmaking directly resulted in the deaths of four Americans remain employed by the State Department, and compensated by the U.S. taxpayers.

One of the most troubling aspects of the Benghazi attack is the complete disregard that State Department leadership gave to the repeated requests for enhanced security from Ambassador Christopher Stevens. Should funding have been an issue, the State Department always has the option available to come to Congress for approval to transfer funds within accounts. In fact, this is what S. 227 accomplishes—it provides the State Department transfer authority to prioritize diplomatic security in our embassies around the world. It is a sad, but necessary postscript to this tragic event—and a step that, if taken earlier by the State Department, may have saved the lives lost in Benghazi.

It is my hope that the Senate takes into consideration my repeated calls for increased Marine security at our embassies in high threat areas of the world. In the two budgets I have authored during my Senate tenure, I not only called for increased funding for military protection, but also for reducing the presence of embassies in the most dangerous areas of the globe. The safety of our men and women in diplomatic service must be prioritized. This

means placing more emphasis on involvement in security by the Defense Department, but it also means assessing whether our diplomacy in the most dangerous areas of the world is better done from afar.

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the bill be read three times and passed, 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 bill (S. 227) was ordered to a third reading, was read the third time, and passed, as follows:

S. 228

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 “Embassy Security Funds Transfer Act of 2013”.

SEC. 2. TRANSFER OF CERTAIN FUNDS FOR IMPROVEMENT OF SECURITY AT UNITED STATES EMBASSIES AND OTHER DIPLOMATIC FACILITIES WORLDWIDE.

(a) TRANSFER AUTHORITY.—Funds appropriated by title VIII of the Department of State, Foreign Operations, and Related Programs Appropriations Act of 2012 (division I of Public Law 112-74; 125 Stat. 1265) under the headings “DIPLOMATIC AND CONSULAR PROGRAMS” and “EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE” may be transferred between such headings.

(b) AVAILABILITY.—

(1) IN GENERAL.—Any funds transferred to a heading under subsection (a) shall be merged with funds in the heading to which transferred, and shall, except as provided in paragraph (2), be available subject to the same terms and conditions as the funds with which merged.

(2) DURATION OF AVAILABILITY.—Any funds transferred under subsection (a) shall be available for the same period for which such funds were originally appropriated.

(c) NOTIFICATION PROCEDURES.—Any transfer of funds under subsection (a) shall be subject to the regular notification procedures of the Committees on Appropriations of the Senate and the House of Representatives.

MEASURE READ THE FIRST TIME—S. 209

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

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

The assistant legislative clerk read as follows:

A bill (S. 209) 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, and for other purposes.

Mr. BLUMENTHAL. I now ask for a second reading, but 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.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, pursuant to Public Law 112-240, appoints the following as members of the Commission on Long-Term Care: Dr. Javaid Anwar of Nevada, Laphonza Butler of California, and Judith Feder of Virginia.

ORDERS FOR THURSDAY, FEBRUARY 7, 2013

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Thursday, February 7, 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 later in the day; that following any leader remarks, the Senate resume consideration of S. 47, the Violence Against Women Act, with the time until noon equally divided and controlled between the two leaders or their designees.

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

PROGRAM

Mr. BLUMENTHAL. Mr. President, at noon on Thursday, Senator-designate Cowan will be sworn in.

We hope to reach an agreement to complete action on the Violence Against Women Act on Thursday.

ADJOURNMENT UNTIL THURSDAY, FEBRUARY 7, 2013 AT 9:30 A.M.

Mr. BLUMENTHAL. Mr. President, if there is no further business to come before the Senate, I ask that it adjourn under the previous order.

There being no objection, the Senate, at 6:41 p.m., adjourned until Thursday, February 7, 2013, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF DEFENSE

ERIC K. FANNING, OF THE DISTRICT OF COLUMBIA, TO BE UNDER SECRETARY OF THE AIR FORCE, VICE ERIN C. CONATON, RESIGNED.

UNITED STATES INTERNATIONAL TRADE COMMISSION

F. SCOTT KIEFF, OF ILLINOIS, TO BE A MEMBER OF THE UNITED STATES INTERNATIONAL TRADE COMMISSION FOR THE TERM EXPIRING JUNE 16, 2020, VICE DANIEL PEARSON, TERM EXPIRED.

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

MICHAEL WAYNE HALL, OF KENTUCKY, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 2017, VICE SHARON TUCKER, TERM EXPIRED.

DEPARTMENT OF EDUCATION

JANET LORRAINE LABRECK, OF MASSACHUSETTS, TO BE COMMISSIONER OF THE REHABILITATION SERVICES ADMINISTRATION, DEPARTMENT OF EDUCATION, VICE LYNNAE M. RUTTLEDGE, RESIGNED.