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## Senate

The Senate met at 2 p.m. and was called to order by the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Father, our shelter in the time of storm, bless the Senators who are preparing to leave and those who are coming. As we turn to a new chapter in our Nation's history, we ask for Your guidance. We need You to guide us through the labyrinthine seasons of history, for we are weak but You are mighty. Lord, guide us with Your faithful Hands, becoming for this great land our strength and shield. Strengthen our weakness, comfort us in trouble and distress, and empower us to fight the good fight of faith.

We pray in the Name of Him who is the way, the truth, and the life. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable JIM WEBB led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, November 13, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

DANIEL K. INOUE,  
President pro tempore.

Mr. WEBB thereupon assumed the chair as Acting President pro tempore.

### SPORTSMEN'S ACT OF 2012—MOTION TO PROCEED—Resumed

#### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

#### WELCOME TO EVERYONE

Mr. REID. Mr. President, after our election, I welcome everyone back. For some it was a nice break. For others it was a lot of hard work. We welcome everyone back and look forward to a very productive next 6 weeks.

#### SCHEDULE

Mr. REID. Mr. President, the Senate is considering the motion to proceed to S. 3525, the Sportsmen's Act, postcloture. At 5:30 p.m., there will be a rollcall vote on the motion to proceed to the legislation.

#### FACING GREAT CHALLENGES

Mr. REID. Mr. President, for the last year, the country has been focused on the difference between Republicans and Democrats. And for the last 2 years, this Congress has not accomplished nearly enough. But as we close the 112th Congress, it is time to focus on our shared goals and our common purpose.

We all agree, I hope, that today—now—great challenges face our country and this Congress. Those challenges are large—too large to be solved by Democrats alone. They are too large to be undertaken by Republicans alone. And they are too grave for us to allow political differences to stand in the way of success.

On the day Gerald Ford became President of the United States, at a time of great national turmoil, he said:

There is no way we can go forward except together and no way anybody can win except by serving the people's urgent needs. We cannot stand still or slip backwards. We must go forward now together.

So said Gerald Ford.

Mr. President, that is as true today as it was back then. Today the Amer-

ican people have many urgent needs. They need more jobs. They need economic certainty. They need opportunity and fairness.

It is within our power as a Congress to quickly address these urgent needs.

It is within our power to forge an agreement that will give economic certainty now to middle-class families who can least afford a tax hike.

It is within our power to forge an agreement that will ask the richest of the rich—the most fortunate among us—to pay a little extra to reduce the deficit and secure our economic future.

It is within our power to forge an agreement that will protect important tax deductions for families and businesses still struggling.

It is within our power to forge an agreement that will take a balanced approach to reduce spending.

In fact, we could avert the fiscal cliff for 98 percent of American families and 97 percent of small businesses today. The House must only consider the Senate-passed bill freezing tax rates for those making less than \$250,000 a year. This Congress is but one vote away from avoiding the fiscal cliff for middle-class families and small businesses.

As influential conservative Bill Kristol said this week:

Let's have a serious debate. . . . It won't kill the country if we raise taxes a little bit on millionaires. It really won't.

So said Bill Kristol.

So solutions are in our grasp. We only have to make the choice to pull together instead of pulling apart.

The hands of the Democratic Caucus are reaching toward our Republican friends, our Republican colleagues. I urge the Republicans to join us to do the difficult but necessary work that is ahead.

If there is a message to take away from this year's election, it is this: Americans are tired of the politics of

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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division. They are tired of obstruction and distraction. The American people—Democrats and Republicans—want cooperation and conciliation.

I urge any of my Republican colleagues who are considering the same strategy of obstruction to turn away from the divisions of the past and join in cooperation, compromise, and consensus.

Gridlock is not the solution. It is the problem.

How this Congress deals with the challenges ahead will be the test of our character, both as individuals and as a body politic—the U.S. Senate.

As the British playwright John Osborne said:

They spend their time mostly looking forward to the past.

We cannot look back. We must show the American people we are equal to the challenges we now face. The challenges are here. We know the challenges. We see the challenges. We can feel the challenges.

There are many reasons why—as we wind down this 112th Congress and embark upon the 113th—we must succeed.

But the best illustration of our duty—our obligation—comes from the words of Medal of Honor recipient DANIEL INOUE. Senator INOUE's son asked his dad why—after people were designated as enemy aliens, after being put in internment camps—why did he and the members of the famed 442nd Regimental Combat Team fight heroically the way they did.

Asked why he fought, Senator INOUE told his son—many years after the battle had ended and Lieutenant INOUE's wounds had healed—that he fought “for the children.” Senator INOUE said that he fought for the children. So I say to my colleagues—Democrats and Republicans—we must legislate, legislate for our children. They deserve it. We owe them the future.

It is time for Democrats and Republicans to go forward now together—“go forward now together,” as Gerald Ford said—and show the American people that we are equal to the challenges we face. The challenges are there. We must face them and face them together.

#### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

#### THE ELECTIONS

Mr. MCCONNELL. Mr. President, I want to begin by welcoming all the new Members who are here today, Republican and Democrat. Congratulations on your victories, and welcome to the Senate. I assure you, it is not as terrible a job as some say it is. We welcome your ideas, your energy, and your enthusiasm, and we wish you every success in your time here.

I also want to congratulate the President and the Vice President on their hard-fought victory last week. And I wish to say a brief word of thanks to our own nominees as well, Governor

Romney and Congressman RYAN. They may not have won the race, but they earned our respect and admiration in the effort. They fought valiantly—valiantly—for the cause of limited government, free enterprise, opportunity for all, and a stronger social safety net that is there when people need it most.

In short, they fought for the kind of constitutional conservatism so many Americans believe in so very strongly. And their loss does nothing to diminish the importance of these enduring principles or our commitment to keep fighting for them. So we thank them, and we thank their families, for making the sacrifices any Presidential campaign demands. And I want to assure everyone: The cause goes on. Now onto the task at hand.

#### AVOIDING THE FISCAL CLIFF

In politics there is always a temptation among those who win office to think they have a mandate to do what they will. But it is important to remember that in this case the voters also reelected a Republican-controlled House last week and a closely divided Senate. And in a government of three equal branches, that is hardly irrelevant.

Most people may focus on the White House, but the fact is the government is organized no differently today than it was after the Republican wave of 2010.

Look out across the heartland and you will see vast regions of the country wary of the President's vision for the future. The country is sharply divided about the right path forward. If the President wants to unite America, as he has always claimed to, if he truly realizes that he was elected to represent all of its citizens, not just the ones who voted to give him a second term last Tuesday, then he will seek the common ground that he largely avoided so strenuously in his first term. That is his task. That is the duty that comes with being President.

I hope that in this term he rises to the challenge. It starts by realizing that he is the only man in America who can sign a piece of legislation into law—the only one of the 306 million Americans—and that while voters have given him a second term, they have also given those of us in Congress the power and the duty to ensure that he uses that power wisely. And that is, of course, what we intend to do.

The campaign is over. The time for slogans and pep rallies is past. If the President is serious about solving current crises and avoiding future ones, he has to step up and to lead.

So let me be clear: When it comes to the great economic challenges of the moment, saying that you want a balanced approach is not a plan. Saying people need to pay their fair share is not a plan. The tedious repetition of poll-tested talking points is simply that. The longer the President uses them as a substitute for leadership, the more difficult it will be to solve our many problems.

The time for the President to lead is now, and that means offering a concrete plan that takes into account the fact that half the Congress opposes tax hikes—not because we are selfish, not because we are stubborn, but we know it is the wrong thing to do, we know it will hurt the economy, and we know it will destroy jobs. This is not partisan politics. It is economics. As the President might say, it is math.

According to a recent independent, nonpartisan study, raising tax rates on top earners, as the President has proposed, would destroy over 700,000 jobs. It would slow the economy, meaning less revenue would come into the Treasury. As a result, it would not do much to reduce the deficit, even if Democrats actually followed through and used it for that purpose.

Think about it: The amount of revenue for which they are prepared to push us over the fiscal cliff would not fund the government for a week. Let me say that again. The amount of revenue for which they are prepared to push us over the cliff would not fund the government for 1 week.

So why in the world would we want to do that? What is the point? To make people feel good about whacking somebody else? That is not what we were sent here to do.

That is certainly not what the people of Kentucky sent me here to do. That is not how you set economic policy—because it makes you feel good. You set economic policy because you think it will lead to investment in America, create jobs, and give more people an opportunity to lift themselves up, boosting middle-class incomes now and ensuring security for the future. This is the kind of vision Speaker BOEHNER laid out for the country last week. I cannot think of any good reason the President would not embrace it.

Some on the other side have said we should just go off the cliff—just go off the cliff—and hope for the best. I do not think that is what the American people had in mind when they went to the polls last week. I think what they had in mind was that we put the contest of the past 2 years behind us and work it out.

The best way forward and the way that will lead to jobs and growth, a smaller deficit, and fewer political fights is to keep everybody's tax rates right where they are for now, to figure out a way to avoid the automatic defense cuts scheduled to hit at the end of the year without cutting a penny less than we promised and committing to the kind of comprehensive tax and entitlement reform that we all claim we want.

A simpler Tax Code that lowers rates and clears out certain deductions and special interest loopholes would trigger economic growth, create jobs, and result in more revenue without raising anyone's rates. We know this because we have seen it before. It actually works.

Personally, I do not think Washington should get any of that extra

revenue. I do not think we need it. As I have said many times before: Washington's problem is not that it taxes too little but that it spends too much. But in a good-faith effort to make progress on boosting the economy and government's long-term solvency, Republicans like me have said for more than a year now that we are open to new revenue in exchange for meaningful reforms to the entitlement programs that are the primary drivers of our debt, so that we can reduce the deficit, protect these programs for today's seniors, and strengthen them for future generations.

So new revenue must be tied to genuine entitlement changes that strengthen these programs for the future and preserve them and also address our long-term debt and deficit problems. In other words, we would do it if we thought we could make progress in creating more middle-class jobs and address what is by far the single biggest obstacle to fiscal balance. This is the basic outline of a plan, and it reflects our seriousness as a party.

So make no mistake, Republicans are offering bipartisan solutions. Now it is the President's turn. It is his turn to demonstrate similar seriousness, bring his party to the table, and take the lead. We are ready to find common ground, ready to find common ground on revenue—not as I said because any of us actually thinks the government needs any more of it, but because Democrats, from the President on down, have said they are willing to punish everyone if they do not get it. We are not about to let that happen, but we are also not about to further weaken the economy by raising tax rates and hurting jobs.

Look, this should not be that difficult. Recent history gives us two examples of Presidents who solved big problems by finding common ground with the other side. Ronald Reagan did it with a Democratic-led House after a far more resounding second-term victory than President Obama's, as did Bill Clinton with a Republican-controlled House and a Republican-controlled Senate after a more resounding second-term victory than President Obama's. Both examples, both of them, illustrate the rare opportunity that divided government presents.

President Obama can follow suit or he can take the extremist view that both Reagan and Clinton rejected by thumbing his nose at the other side and insisting that if Republicans are not willing to do things his way, he will not do anything at all. If the President is serious, he will follow the lead of Presidents Reagan and Clinton. If he is really serious, he will put the campaign rhetoric aside, propose a realistic solution that can pass a Republican-controlled House and a divided Senate, and work to get it done. And if the President acts in this spirit, I have no doubt he will have the support of his own party and a willing partner in ours.

The American people will breathe a sigh of relief knowing not only that we have avoided a crisis but that Washington can still serve their interests. Unless we act in a few short weeks, Americans will face a combination of defense cuts and automatic tax hikes that threaten to plunge us into another recession and undermine at the same time our national defense. This looming crisis is made worse by the backdrop of a massive Federal debt that we will never be able to tackle as long as Democrats refuse even the smallest of reforms to strengthen and protect the entitlement programs that are driving that debt.

That is why Republicans have remained firm on this point: Any serious solution, any serious solution, must include real spending cuts and meaningful entitlement reforms to strengthen and protect these programs for future generations. We got into this mess because we promised cuts that never materialized and because we could not muster the will to match entitlements with the changing demographics of our country.

We are not going to get out of it until we agree to do both, and agree to do it together. Republicans have reached out, made offers beyond our preferred approach in an effort to attract bipartisan solutions. Meanwhile, all we get from Democrats is letters saying they will not even consider reforming the very programs that lie at the heart, the very heart of our fiscal imbalance.

Instead of showing faith and a willingness to solve the problem, we get the same tired talking points that we cannot cut our way to prosperity. Well, that may poll well, but it is not a plan. It is a cliché that is meant to shut down debate and prevent a serious proposal from ever taking shape.

So how do we get around the stalemate? That is simple. Presidential leadership. Let me repeat. There is only one person in America out of 360 million Americans who can sign something into law and, even more importantly, deliver the members of his party to support a deal that he makes.

We will arrive at a plan when the President presents one or we will not get anywhere at all. That is how we get out of a jam. That is what the moment requires. It is the President's move. There is no way we can avert these job-killing tax hikes before they strike and replace the defense portion of the so-called sequester with cuts of equal size in areas that both sides have already agreed to during last summer's debt limit negotiations. We can do all of it in the weeks ahead with a promise to do even bigger things next year.

That is exactly what we should do. This is one of those moments where the only thing standing between success and failure is Presidential leadership. That is why we are calling on the President to seize the moment—seize the moment and do something he has not done before but which successful predecessors have so often done before.

We are calling on him to lead, to take the initiative, propose a plan that is actually designed to succeed. If he does, I am confident he will find he has more Republican friends over here than he thought. I am not asking the President to agree with us on the proper role of government or the dangers of a creeping regulatory state. I am not asking him to adopt our principles. I am simply asking him to respect our principles by not insisting that we compromise them because I assure you we will not. But we will be happy to work with him on a plan to avert the coming crisis and lay the groundwork for further success down the road.

Let's put the campaign behind us and get the job done.

I yield the floor.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### ELECTION RESULTS

Mr. DURBIN. Mr. President, today is November 13. I think what strikes me about this date is it has only been 7 days since the election. It seems like a lot longer. Maybe it is because the election campaign itself felt so long. But it has been 7 days since the American people went out and voted.

I have to say this: It was not just because of the victory of the President which was important to many of us, but it was quite a validation of this country and this democracy that millions of Americans made the personal sacrifice, took the time, and went to the polling places and actually cast a vote. When it was all over, thank the Lord, it was decisive. The President won a majority of the popular vote as well as a strong majority of electoral votes. The outcome was not in suspense or in doubt when it was all over. That was good for the process, it was good for our country, and, quite frankly, it is time for us to move forward.

During the course of the campaign, I was actively working in my State of Illinois, around the Midwest, on behalf of the President. I was at one of these spin rooms, which is kind of hard to describe. You will not find it in the Constitution. It is hard to describe. After the debates there was this scrum of politicians and spokesmen who stood together under little signs with their names on them waiting for the press to come up to them and say: What did you see? What do you think?

I was in one of those. I can't remember where it was. I think it might have been New York at Hofstra after one of the Presidential debates. One of the reporters said to me: So, Mr. DURBIN, I know you are here supporting President Obama. What are you going to do

if Governor Romney wins and becomes President?

I said: Well, I am going to respect him, do everything I can to work with him to solve the problems of this country.

Do you know what he said? He said: I am going to hold you to that. Well, he should. That is the responsibility we all have regardless of party, to work with the President to solve our Nation's problems.

Now, there were some who said 4 years ago that when they viewed the new President, President Obama, their goal was to make sure, above all, that he was a one-term President. That was an unfortunate statement because it suggested that solving problems and dealing with our challenges was secondary to a political victory. I hope that in the second term the President can turn to both sides of the aisle in Congress and find support for solving our Nation's problems. They are many.

The first one is this fiscal cliff which Americans are hearing more and more about. On December 31 of this year laws will expire and things are going to happen. What will happen is taxes will go up across the board, not just on the wealthy but on everyone. There will be cutbacks in unemployment compensation, cutbacks in the payroll tax, 2-percent cuts. There will be a lot of different changes that affect a lot of people. We are going to see automatic cuts in spending, sequestration as we call it, both on the defense side and non-defense side.

Many people have said: Well, who dreamed this up? And the honest answer is all of us in Congress, Democrats and Republicans, together with the President created this so-called fiscal cliff, and we voted for it. The Republican leader of the Senate was here a few minutes ago. He voted in favor of it. I did too.

The idea was to have a December 31 deadline that was so imposing and so threatening that we would do something to avoid it. We created a super-committee to reduce the deficit, with equal numbers of Democrats and Republicans, and said: Find a way out of this deficit mess so we can avoid this cliff.

They could not. They were unable to reach an agreement. So now this December 31 deadline is looming. It is one that ought to sharpen our senses and our attention on solving the problems that face this country. They are substantial.

First, we need to get out of this recession. We are moving forward but slowly. We need to make sure that whatever we do in Congress it moves us in the direction of creating more jobs and strengthening business and making us more competitive in the 21st-century economy.

But secondly, as important, we need to deal with the deficit, a deficit which requires us to borrow 40 cents for every dollar we spend in Washington. That is unsustainable. I say that as a Demo-

crat. Republicans say it as well. We have got to balance the two, keep the economy moving forward and yet make a serious commitment to deficit reduction.

I was on the Bowles-Simpson Presidential commission which President Obama created. There were 18 of us. Eleven of us voted for the commission report, a bipartisan report, and I still believe that it contains the basic ingredients for finding our way through this challenge. I hope we could have support from the other side of the aisle.

I listened carefully to the speech just given by the Senator from Kentucky, and he said repeatedly that the election is behind us, we need to work together. That is exactly the right thing to say. It means we have to ask the Republican side that they join us in finding revenue. We know we need more in tax revenue to deal with this deficit. The President has proposed that those making over \$250,000 a year pay a little more. I don't think that is unreasonable. Those who have been blessed with success and comfort in life and doubly blessed by being part of this great Nation should be wanting to pay back a little to help us get through this economic challenge, and I think they will. I genuinely think they will. I also believe those who are in the middle-income categories, working families, need to be spared a tax increase. Many of them are struggling paycheck to paycheck. It isn't an easy economy in which to raise a child, put a child through college or keep your home or make plans for the future. We need to give those working families a helping hand to make sure they don't face a tax rise.

The President said the other day that we have a bill pending before the House that would spare those families making \$250,000 or less a year from seeing a tax increase, and he asked the House to pass it. I hope they will. That means we can focus on taxes only for those in higher income categories. The Senator from Kentucky said, well, it doesn't raise that much money. I beg to differ. If we impose a tax on those making over \$250,000 a year, and if we go back pre-Bush tax cuts, it raises \$800 billion over 10 years. That is not insubstantial. It is an important sum that we need to have to move toward a budget that is closer to being in balance. We have to include it. We need to look at entitlement programs in an honest fashion. We need to make sure that at the end of the day the Social Security system is there for generations to come, and Medicare, which is so important to 40 or 50 million Americans, will be there for many years to come as well. That is part of our responsibility.

I welcome the statement by the Senator from Kentucky. I take him at his word that he is willing to work with the President. He has called on the President to lead, and that is only right; the President is the leader of our Nation.

I might also add that we need leadership in Congress as well, Democrats

and Republicans willing to sit down at a table and reasonably work out our differences. It is not easy, but we can do it and we should do it.

VETERANS DAY 2012

Mr. DURBIN. Mr. President, we have heard a lot about the wealthiest 1 percent of Americans, and on this session after Veterans Day I wish to talk about another 1 percent, the 1 percent who have volunteered to defend us. I want to say a few words about veterans in earlier wars. Thirty years ago, thousands of veterans of the Vietnam war came home. They gave themselves a homecoming parade that they deserved but almost none had ever received. The Presiding Officer here from Virginia, I know as a Senator and as an ace Vietnam veteran, knows of what I speak.

With wounded veterans in wheelchairs leading the parade, they marched up Constitution Avenue to dedicate the National Vietnam Veterans Memorial, on whose polished granite walls were etched the names of nearly 58,000 dead and missing comrades-in-arms.

Here is a photograph that was taken that day. This is Joseph Ambrose of Joliet, IL. Mr. Ambrose was 86 years old then. He is wearing the same uniform he wore as a 19-year-old U.S. Army private in France in World War I. In his arms he carries a flag, the flag that covered the coffin of his son who gave his life for our country in Korea.

Joseph Ambrose wore his old Army "doughboy" uniform and carried his son's flag often to Veterans Day parades and VFW conventions. He confessed that some years he had to go on a crash diet to get back into the uniform, but he did it to honor the veterans of Vietnam and Korean wars that he believed Americans needed to remember, and he wanted to remind us of an important truth, that no matter the outcome of the war, those who answer the call of duty and risk everything to defend our country deserve the respect of a grateful nation.

In the 30 years since its dedication, the Vietnam Veterans Memorial has become an almost sacred place of remembering, reconciliation, and healing. It has a special impact on visitors. I was one. As you walk down that incline and this polished granite monument starts to loom higher and higher, and the names grow until you are engulfed by them, you have a feeling of the immensity of sacrifice that was involved in that war.

This past weekend in Chicago and Quincy, IL, big cities and small alike across America communities held Veterans Day parades. Volunteers assembled and sent thank-you packages to the troops serving overseas. I was at Union Station in Chicago yesterday. Fifth Third Bank sponsored the sending of these packages to those who are currently serving. It is all good and it is important, but it is only a fraction of what we owe to veterans.

Mr. President, I want to give special thanks to you and a special shout-out

for what you have accomplished in your service in the Senate. I remember the first time we ever sat down and had any serious conversation about your service in the Senate for the State of Virginia, and you told me your No. 1 priority was a new GI bill. You were brandnew to this place, but you sure knew that subject inside and out. I respected you so much for it and respect you even more for sticking with it. Your determination led to the creation of a new GI bill. Thousands—thousands—of veterans are going to have better lives and their families as well because you were determined to make it happen.

I know you are retiring and nearing the end of your term here in the Senate, but it is a lasting contribution to this country, and I am glad that since it was at the top of your list when you arrived that you got it done. Some Senators spend a lifetime around here and never get No. 1 on the list accomplished, but you did it, and I thank you very much for your leadership in that regard.

It was 2½ years ago that we also created the family caregivers act to help veterans who survived catastrophic and disabling injuries in Iraq and Afghanistan and the family members who sacrificed so much to help them. I introduced this bill after Senator Hillary Clinton moved on to the State Department 4 years ago. I thought it was a good idea and it was recommended to me by the family of wounded veteran Eric Edmundson. His mom and dad and sister came to me, and we talked about the caregivers act. Traumatic brain injuries, as we know, are one of the signature casualties of the wars in Iraq and Afghanistan.

In 2005, Eric Edmundson was a 26-year-old Army sergeant. He survived a roadside blast but then went into cardiac arrest while awaiting transport to a military hospital. His brain was deprived of oxygen for almost 30 minutes. Doctors told his parents that Eric would spend the rest of his life in a vegetative state, and they should choose a nursing home for their 26-year-old son. But Eric's mom and dad said, no, we are not giving up on this young man. They fought for Eric to be transferred to the Rehabilitation Institute of Chicago, one of the best—in fact, the same hospital that my colleague Senator MARK KIRK has been returning to time and time again for rehabilitation from his stroke.

I visited Eric at that hospital several times. He worked so hard to heal and to make progress and his family was with him every day. I will never forget the time I visited Eric in his hospital room in Chicago and his mom said, Eric has a gift for you. I thought, wait a minute, Eric is giving me a gift, at which point his mom and dad walked over on each side of his wheelchair, grabbed one of his elbows each, lifted him up, and Eric took three steps. It was amazing. There wasn't a dry eye in that hospital room, tears of joy that

this young man finally could take a few steps.

His dad said at that time, In about a month Eric is going to walk out of the front door of this hospital. Can you be there? Of course I was. It was a proud day not only for Eric and his family but for all of us to see the dramatic progress he made.

Today Eric lives in North Carolina with his wife and two young children. His mom and dad are there by his side every day. They have moved in today to be full-time caregivers for their son, and the family caregivers act helps their family and so many others make sure that Eric is home with his family where he wants to be, receiving the kind of care he deserves for service to our country. So far more than 130 families in Illinois and more than 5,000 nationwide are part of the caregivers program. I am proud of that program. I thank Senator Clinton for a great idea. I thank Senator DANNY AKAKA, who was chairman of the Veterans' Affairs Committee when it passed as part of larger legislation.

Posttraumatic stress syndrome is another signature wound of these wars that we recently engaged in. These wounds aren't visible, but they are wounds to the spirit. They can be just as debilitating and deadly as a visible wound. We know that active-duty servicemembers are taking their own lives at alarming rates, and the suicide rate among veterans is even higher. The VA estimates that 18 veterans a day take their own lives. The VA has made heroic efforts to keep up with the surge of mental health needs in Iraq and Afghanistan veterans. Yet despite those efforts only a fraction of veterans with PTSD are receiving timely, effective care.

President Obama recently issued an Executive order to improve mental health care for servicemembers and veterans. The order will expand by 50 percent the capacity of the VA on their crisis line to make sure that any veteran facing a crisis can get professional help within 24 hours.

There is a bill pending in the Senate that would do even more. The Mental Health ACCESS Act introduced by Senator PATTY MURRAY, who has been an amazing champion of veterans—she is the daughter of a severely wounded veteran, and a fierce champion for veterans and their families—the Mental Health ACCESS Act, which I am proud to cosponsor, would make comprehensive improvements in VA suicide prevention counseling and mental health staffing. It would also expand eligibility for a variety of VA health and mental health services to family members, which are so important. We also need to step forward as well and make sure that we go beyond welcoming home parades for veterans and find them a job. Parades are just fine, but if you really want to support a veteran, hire that veteran. Give that veteran a job. America's military today is the best trained, best educated in the his-

tory of the world. They have done an enormously good job for our country, and they can do the same for businesses across America.

I hope the bipartisan plan which we are working on with Senator BILL NELSON of Florida to pass will be enacted soon and become part of the law of the land to help these veterans. The President is prepared to sign it, and the sooner we do it the better.

Let me salute some of the veterans in the Senate who are here: Senator FRANK LAUTENBERG, who served in World War II; Senator DANNY INOUE, a Medal of Honor recipient from World War II; Senator JOHN MCCAIN, Senator TOM CARPER, Senator KERRY, and the Presiding Officer, Senator JIM WEBB, both of whom served with honor in Vietnam, as well as Senator LINDSEY GRAHAM, who continues to serve as a colonel in the Air Force Reserve; and my colleague Senator MARK KIRK, who is a commander in the Navy Reserve. And not to leave out Senators AKAKA, BINGAMAN, BLUMENTHAL, SCOTT BROWN, CARPER, COATS, COCHRAN, ENZI, HARKIN, INHOFE, ISAKSON, TIM JOHNSON, KOHL, LUGAR, BILL NELSON, REED, ROBERTS, SESSIONS, and WICKER.

The elections earlier this month saw at least 9 new veterans of Iraq and Afghanistan elected to Congress, bringing the total of new veterans in the next Congress to at least 16. They are still counting the ballots in some States.

The people of Illinois are proud that 3 of those 16 veterans are from our State: Congressman ADAM KINZINGER, an Air Force veteran of Iraq and Afghanistan, and two exceptional leaders who will join the next Congress, Bill Enyart, a new Congressman from downstate Illinois, a veteran of Vietnam and former adjutant general of the Illinois National Guard. Then, of course, my friend, my "sheroe," Tammy Duckworth. She is the daughter of a Vietnam vet and one of the first women to ever fly a combat mission in Iraq. She was copiloting a Black Hawk helicopter when an RPG struck her helicopter. She lost both her legs and the use of her right arm. She has worked in both State and Federal Government on behalf of veterans. What a proud day it will be for America when Tammy stands to take the oath of office in just a few weeks as the newest member of the U.S. House of Representatives.

I want to say a word about my first boss in the Senate, another veteran by the name of Paul Douglas, a man who at the age of 50 enlisted in the Marine Corps in 1942, went through Parris Island training, talked himself into combat, where he was wounded at Peliliu and then more seriously wounded at Okinawa and lost the use of his left arm. He was an extraordinary man who refused to take his veterans' disability pay. He sent his checks back to the government every single month. He joked that you could do the work of a Senator with one arm tied behind your back, so it wasn't really fair for him to

take disability pay for too long. In too many issues we in the Senate have tied our own hands with excessive rancor and bipartisanship.

I hope in this lameduck session and beyond, that at least on the issue of helping our veterans, we can come together on a bipartisan basis.

#### IMMIGRATION REFORM

Mr. DURBIN. Mr. President, it was 101 years ago when my grandmother came to this country with three small children and landed in Baltimore from Lithuania, and came down the steps into America for the first time. The year was 1911. I don't know how my grandmother managed to navigate her way to East Saint Louis, IL, to meet my grandfather with those three little kids and not speaking a word of English, but she did. So it is with some pride that I have displayed in my office right behind my desk my mother's naturalization certificate when she became a citizen of the United States.

I think the fact that her son became a U.S. Senator tells a great story about our Nation and the opportunity that is available.

I have always had a soft spot in my heart for immigrants because I am the proud son of an immigrant who came to this country and worked her way into citizenship and raised a good family. Our story is not unique. It is, in fact, the American story. And this election has really brought to the attention of many the need for us to deal with immigration reform. There are more than 10 million Americans out there who are undocumented, uncertain of their future. Some people mistakenly believe they live in homes full of undocumented people. In most cases, we find that four out of the five in a family are legally here in America and the fifth—maybe even mom—is undocumented. So it is a challenge for us to deal with these folks who have been here for so long in a fair and honest way. We can't turn our backs on them.

One can go into a restaurant or hotel in Chicago and by and large find many of these individuals working to clean the rooms and clear the tables. A family who has someone in a nursing home probably has an undocumented worker who is making sure their mother or father or someone they love has the basics they need every single day. So we need a realistic and reasonable approach to address the millions of undocumented immigrants living in America today.

In this year's election, the Republican Presidential nominee advocated what he called "self-deportation." It doesn't make any sense. It would be wrong to force millions of hard-working immigrants who are contributing to our country to leave. Instead, we need a better solution—a path to citizenship for immigrants who will earn their way into that status by working hard, paying their taxes, learning English, and being a part of America's future. The American people agree. According to exit polls from last week's

election, 65 percent of Americans—64 percent of Independents, 51 percent of Republicans—said that most undocumented immigrants working in the United States should be given a chance to apply for legal status, and 29 percent disagreed.

In my time in the Senate, I have had the opportunity to be involved in several bipartisan efforts to pass immigration reform. On the Democratic side, the late Senator Ted Kennedy was our leader, and Senator JOHN MCCAIN took the lead on the Republican side. President Barack Obama, then a Senator, was part of that effort. Unfortunately, we haven't moved forward since those days.

There is one part of immigration reform that is very important to me personally. It is known as the DREAM Act. Eleven years ago I introduced this legislation for the first time. It would allow a select group of immigrant students with great potential to contribute to this country. The DREAM Act would give these students a chance to earn their way to citizenship if they came to the United States as children, have good moral character, graduate from high school, and complete at least 2 years of college or serve in our military. Now, these young people grew up in America, and they have overcome great obstacles. They went to school with many of our own kids, and they are valedictorians, star athletes, and leaders in the ROTC. They are our future doctors, engineers, and teachers who will make America stronger. Why would we want to educate them and then lose their talents for the future of our country?

Last month a new report from the Center for American Progress and the bipartisan Partnership for a New American Economy concluded that passage of the DREAM Act would add \$329 billion to our economy and create 1.4 million new jobs by 2030. In my home State of Illinois, by 2030 the DREAM Act would contribute \$14 billion to the economy and DREAMers would create up to 58,000 new jobs, generating \$461 million in tax revenue.

The young people who would be eligible for the DREAM Act call themselves DREAMers. Like the civil rights activists of past generations, they speak out. Now they are telling us their stories. I have been coming to the floor almost every week in the Senate to tell the story of another DREAM Act student. It is the best way for people to understand who they are.

I want to talk about Carlos Martinez today. Carlos and his brother were brought to the United States in 1991 when Carlos was 9 years old. When Carlos came to this country, he didn't speak a word of English. His father told him, "Estudien para que no batallen en la vida como yo." Translated, it means, "Study, so you don't struggle in life like I have." That was the advice he received from his dad, and Carlos took it to heart. At Cholla High School in Tucson, AZ, Carlos graduated ninth in his

class. He enrolled at the University of Arizona. He had never owned a computer before he went to school, but he loved math and dreamed of being a computer engineer. Four years later, in 2003, Carlos graduated with a bachelor of science degree in computer engineering, with minors in computer science, electrical engineering, mathematics, and Spanish. He was named the top Hispanic graduate in his class at the University of Arizona.

After Carlos graduated, reality set in. He received job offers from Intel, IBM, and a lot of top tech companies, but he couldn't work for them because he is undocumented. But Carlos didn't give up. He enrolled in a master's program for software systems engineering at the University of Arizona. He completed the 2½-year program in just a year and a half. He was nominated for the University of Arizona Graduate School Centennial Award, given to the school's top graduate student.

This is a hopeful time for DREAMers like Carlos. The Obama administration has granted temporary legal status to young people who would be eligible for the DREAM Act. The status—known as deferred action for childhood arrivals—will allow DREAMers to live and work legally in America, and they can renew it every 2 years. This will give these young immigrants the chance to come out of the shadows and be part of the only country they have ever really known. It is a historic moment in the long struggle for equal justice in America.

The administration's new deportation policy will make America stronger by giving the DREAMers a chance to be part of it. Carlos Martinez submitted his application on August 15, the very first day forms were available, and he was one of the first to receive deferred action for childhood arrivals. Thanks to President Obama's new policy, Carlos will finally be able to use his bachelor's and master's degree in computer engineering. He had to wait 7 years after receiving his master's degree, but the day has finally come when he will get his chance.

As soon as he received the notification, Carlos went to a career fair at his alma mater and handed out resumes to IBM, Intel, and the other tech companies that had tried to hire him years earlier. In a letter he wrote to me, Carlos said:

It was the best news of my life. Finally I would be able to work as a software engineer or own a business and create jobs.

According to recent polls, the American people clearly support the new DREAM Act policy. For example, a Bloomberg poll found that 64 percent of likely voters—including 66 percent of Independents—support the policy, compared to only 30 percent who oppose it. The American people understand it makes no sense to deport these talented young people. They grew up in America, and they can make us a better nation.

As America learns more about the DREAMers in our midst, such as Carlos

Martinez, who are ready to contribute their talents to getting our economy back on track, support will build for passing the DREAM Act and comprehensive immigration reform. President Obama has given temporary protection to DREAMers. Now let's pass the law. Let's do the right thing for people just like Carlos all over the United States.

Mr. President, I have listened carefully to some of the statements made after the elections by those on the other side of the aisle, many of whom have opposed the DREAM Act from the start, and I have been heartened and encouraged that so many are now speaking out in favorable terms about doing something finally for young people like Carlos. Let's get this done. This used to be a very bipartisan measure, but filibusters have stopped it year after year. We can pass it, and we should pass it. In 2007, the first time the DREAM Act came to a vote on the floor of the Senate, 52 Senators—a bipartisan majority—voted for it, but still the Republican filibuster stopped us. We didn't get the 60 votes we needed. Three years later, in December of 2010, the DREAM Act was again considered on the floor of the Senate. The gallery was filled with DREAMers in their caps and gowns. It was an inspiring sight to look up and see them in those seats. That day 55 Senators voted for the DREAM Act. It was a majority but not enough; we needed 60 to overcome another Republican filibuster. The President and the vast majority of Democrats continue to support the DREAM Act and comprehensive immigration reform.

Let me add that the DREAM Act is very important to me, but equally if not more important is comprehensive immigration reform to help not only Carlos but many like him—their parents and members of their family—who may not qualify under the DREAM Act but deserve a chance as well.

I believe most of my Republican colleagues understand that immigration is good for America. Immigration is America. We are all immigrants but for the Native Americans who welcomed to the shores the occupants of the Mayflower. Former President George W. Bush led the attempt to reform legislation, and he said, "Family values don't stop at the Rio Grande." I disagree with George W. Bush on many things, but on the issue of immigration, he was genuine and committed, and I agree with what he said. I have been heartened by comments from Speaker BOEHNER and others in the last week. I believe Democrats and Republicans of good will can come together across the aisle, roll up our sleeves, and do something good for America and fix our broken immigration system so that it is true to our American values as a nation of immigrants.

#### VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 2012

Mr. DURBIN. Mr. President, I ask unanimous consent that the Veterans' Affairs Committee be discharged from further consideration of H.R. 4114 and that the Senate proceed to its consideration.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4114) to increase, effective as of December 1, 2012, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes.

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

Mr. DURBIN. I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the bill be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The bill (H.R. 4114) was ordered to a third reading, was read the third time, and passed.

#### SPORTSMEN'S ACT OF 2012— MOTION TO PROCEED—Continued

The ACTING PRESIDENT pro tempore. The Senator from Arkansas.

HONORING OUR ARMED FORCES

SERGEANT JASON M. SWINDLE

Mr. BOOZMAN. Mr. President, at a time when we are seeing reports of violence in areas all around the world, we must never forget that the men and women of the U.S. military are out there fighting on our behalf day in and day out so we can live in a safe environment here at home. Our servicemembers are well aware of the risks they face as they serve this Nation, and it is our duty to do all we can to honor those who fight and pay the ultimate price for our freedoms.

Today I am here to pay my respects to SGT Jason M. Swindle, an Arkansan who, at 24 years of age, laid down his life for our country while supporting Operation Enduring Freedom. Sergeant Swindle attended Cabot High School in Cabot, AR, and joined the Army in 2005. He was assigned to B Company, 1st Battalion, 64th Regiment, 3rd Infantry Division at Fort Stewart, GA. He was serving his third combat deployment. He was posthumously awarded the Bronze Star and a Purple Heart.

His family and friends describe him as being a fun-loving guy who was very patriotic and very proud of the work he was doing in the Army.

In addition to being a soldier, Sergeant Swindle was also a husband and a father. He leaves behind his wife

Chelsey, who is currently expecting their second child, and a 1-year-old son, Paxton.

Mr. President, it is people such as Jason Swindle who are the true American heroes. I ask my colleagues to keep his wife, children, and the rest of his family in their thoughts and prayers during this very difficult time. I humbly offer my sincerest gratitude to Jason for his selfless sacrifice in the service and defense of this great Nation.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Kansas.

Mr. MORAN. Mr. President, first I would like to add my condolences and sympathy to the family in honor of Sergeant Swindle. I appreciate what the Senator from Arkansas had to say, and I join all my colleagues in recognizing the sacrifice of this soldier and many others who have made such a tremendous sacrifice and have created opportunities for us as Americans.

#### GLOBAL ENTREPRENEURSHIP WEEK

Mr. President, we have just come through a divisive and expensive campaign. Hopefully that divisiveness and that expense is a thing of the past, and I come to the floor today—during Global Entrepreneurship Week—to ask my colleagues to now work together to pursue policies that are guaranteed to improve our economy. There have been too many opportunities in the past year to pursue issues and policies that divide us. Now we must come together around something that can unite us—entrepreneurship, innovation, and startup businesses.

The story of America is really a story of entrepreneurs. Our history is filled with examples of determined individuals who risked their livelihoods to pursue ideas they believed could solve problems and improve the quality of life of people around the world. These entrepreneurs built the foundation of the American economy from its earliest days, pushing forward innovative solutions to some of our most complex problems.

They pursued success, and that success built the American economy and the jobs it provides.

Entrepreneurs have continued to be the driving force in the U.S. economic growth and expansion in recent times as well. Data from the Kauffman Foundation shows that between 1980 and 2005, companies less than 5 years old accounted for nearly all new jobs created in the United States. Since 1977—the first year data was collected—new businesses have created an average of 3 million jobs each year.

At a time when millions of Americans remain out of work and our country is mired in debt, we need to do more to support the entrepreneurs who create American jobs and hold the promise of our growing economy.

Started in 2008 by the Kauffman Foundation, Global Entrepreneurship Week is a worldwide celebration of entrepreneurs and like-minded individuals. Since its founding, Global Entrepreneurship Week has grown to include



129 countries with some 35,000 activities that engage millions of people.

In the United States, more than 1,300 partners are planning events in all 50 States this week. These events allow participants to interact with entrepreneurs and share their passion for innovation and creativity. In my home State of Kansas, 35 events are taking place this week. Last Friday, November 9, I participated in one of these events at the University of Kansas.

To kick off this week, the University of Kansas Schools of Business, Engineering, and Journalism organized a half-day event to expose students to entrepreneurship as a career path, introduce students to startup companies in the region, and to learn the role of government in enabling entrepreneurship, innovation, and company creation, as well as the importance of our free market economy.

While most of us think first of Silicon Valley as a hotbed of entrepreneurship in our country, entrepreneurs are found everywhere. In Kansas, we have a rich tradition of entrepreneurship. It is a place where innovators have felt free to pursue their ideas, start businesses, and pursue dreams. This tradition includes many stories of risk and reward—of entrepreneurs whose businesses succeeded when others were betting against them.

Kansas's great entrepreneurs include Cleyson Brown, who founded Brown Telephone Company—now the Sprint Corporation—in the town of Abilene, KS; Walter Chrysler, of Chrysler Corporation, who began his career as a machinist in Ellis, KS; Clyde Cessna, who left the booming automobile industry to explore the exciting field of aviation. He founded Cessna Aircraft Corporation in Wichita in 1927; and, Dan and Frank Carney, who borrowed \$600 from their mother to open their first Pizza Hut in Wichita in 1958.

With persistence and hard work, these entrepreneurs and their businesses created thousands of jobs and grew into some of the world's most successful companies. Now a new generation of Kansas entrepreneurs is continuing that tradition.

In Atwood, KS, SureFire Ag Systems has built products that specialize in the control and application of fertilizer, seed, and chemicals. These products have been delivered to customers in 42 of our States and internationally as well.

In Leewood, KS, a company called Instin reimagined how students and teachers managed homework assignments by using mobile apps. Their app, myHomework, has been downloaded over 100,000 times in the Google Play Store alone.

In Olathe, KS, Lantern Software is connecting homegrown businesses to new markets through high-value, real-time, location-based deals delivered to mobile devices.

In today's high-tech economy, the future of Internet-based applications such as these is limitless, which is why

Kansas entrepreneurs are excited about Google's decision to make Kansas home to a new fiber project.

Google Fiber is equipping Kansas entrepreneurs for innovation that few places in the United States have. With Google Fiber, Kansans now have an opportunity to innovate on Google's ultra high-speed network, which is 100 times faster than typical high-speed Internet.

Kansas City, which has set the goal of becoming America's Most Entrepreneurial City, is building what they call the Digital Sandbox, in partnership with many Kansas businesses. The goal of the Digital Sandbox is to significantly accelerate the development of information technology startups in Kansas City, where IT is already a major economic engine.

These developments are empowering the next generation of Kansas entrepreneurs with new tools to innovate and build successful businesses.

Today's entrepreneurs may use different technology to develop products and reach potential markets than their predecessors, but the work ethic and passion to do something new remains the same.

This week, I encourage my colleagues to explore the impact of entrepreneurs in their communities and to engage with startup companies working to make the lives of Americans better.

I met with entrepreneurs in Kansas and across the country during the last 18 months. The passion and creativity of these entrepreneurs has encouraged me. One refreshing observation is that these entrepreneurs, while competitive, want to see their fellow entrepreneurs succeed. They are also building new tools that empower others to make their businesses better.

But in conversation after conversation, I have also learned there are common challenges these entrepreneurs face—some of which can be solved by Congress if we follow the entrepreneur's example of seizing an opportunity, rolling up our sleeves, and working together.

Entrepreneurs in America are finding it increasingly difficult to start a business and to grow that business. Consider the following:

In 2010, there were approximately 394,000 new businesses started in the United States. This, unfortunately, is the lowest number of new businesses since 1977. While these new businesses created more than 2.3 million jobs, that number is well below the historical average and represents the third fewest number of jobs created by new businesses in more than 30 years. At the same time, at least seven other countries during this Congress have approved legislation to welcome and better support entrepreneurs while America has done nothing.

To help more entrepreneurs start a business and to help those new businesses grow more quickly, I introduced Startup Act 2.0 with my colleagues Senator WARNER, Senator COONS, and Senator RUBIO. Startup Act 2.0 address-

es critical needs facing entrepreneurs today. The legislation provides new opportunities for highly educated and entrepreneurial immigrants to stay in the United States where their talent can fuel economic growth and create jobs for Americans. By making new visas available for foreign students who graduate with an advanced degree in a STEM field from an American university, Startup Act 2.0 will provide a much needed way for fast-growing startups and businesses in America to get the talent they need to continue to grow and to create jobs. This is a critical and growing challenge.

The Partnership for a New American Economy projects that the United States will face a shortfall of more than 223,000 workers with advanced degrees in STEM areas by 2018. If the current trend holds, there will only be 550,000 American workers with the needed skills—far short of the projected demand. Without these workers, American businesses will be at a distinct disadvantage and unable to grow in our country.

Startup Act 2.0 also makes changes to the Tax Code that will help startups grow and create jobs. By exempting capital gains taxes on investments held in startups for 5 years or more, the bill would unlock \$7.5 billion in new investment in startup. The legislation will also help universities bring good ideas to market by redirecting current grant dollars to support innovative university initiatives to accelerate commercialization.

Finally, Startup Act 2.0 will make changes to the Federal regulatory process so the costs of new regulations do not outweigh the benefits and will encourage State and local policies that make starting businesses easier in their States.

As our economy continues to struggle, Congress is left with two options: We can remain in gridlock, maintain the status quo, continue to leave Americans under- and unemployed, and spend away our future or we can work together to support the American entrepreneur and businessperson.

This week, during Global Entrepreneurship Week, I urge my colleagues to join in the latter—in coming together behind commonsense legislation such as the Startup Act 2.0 to unleash the power of entrepreneurship in America. The result will be more new businesses, more new jobs, innovation that allows the United States to aggressively compete in a global economy, and the empowerment of every American to pursue the American dream.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COONS). Without objection, it is so ordered.



## SUPERSTORM SANDY

Mr. LAUTENBERG. Mr. President, we have come back here from a few turbulent weeks, and not the least of which is the continuation of President Obama with his work and his responsibilities. For most of us, I would say, that was a very positive thing. But something else happened during these very difficult weeks, and that was in my home State of New Jersey and the east coast. We were hit by storms never, never before seen in our State and maybe never ever to be seen in our country in terms of the volume of destruction.

My home State of New Jersey is known for a number of things: being the home of innovators, such as Thomas Edison; the place where Alexander Hamilton—at my birthplace, Paterson, NJ—helped start the industrial revolution; and it is also known as a State with a beautiful seashore, recreation areas. Unfortunately, the wrath of Superstorm Sandy 2 weeks ago destroyed so much of our shore. Its storm surge wrecked boats, homes, and even took trains—whole trains—off the tracks. Its winds reached 89 miles an hour, uprooting trees across our State, destroying everything in its path, and leaving millions—2½ million—without electricity and staying in the dark.

The force of this storm is so hard to describe in words, so I point out a picture here of one of our beachside communities, showing what was left of a house. The destruction was so total. And it was not just the possessions that were lost, it was the memorabilia, it was the pictures, it was the precious moments that were identified with trinkets or mementos. It was a terrible period. I am here to say that we are going to stand with those who have lost so much, and we are going to help them recover and rebuild their lives.

Superstorm Sandy was one of the most powerful storms in American history, and it was the largest Atlantic hurricane on record, with wild winds that stretched more than 1,100 miles. We are aware of at least 119 Americans who lost their lives as a result of this storm, including 33 in my home State of New Jersey.

The human toll of this storm defies description. Roughly 8 million homes lost power during this storm, including more than 2½ million in my home State. Food rotted in refrigerators, water treatment plants closed down, and when temperatures dropped, thousands were left cold and hungry and forced into hotels and temporary shelters. Many families slept in their cars to get out of the bad weather. They had no choice. When people finally returned home, many found nothing there. Imagine seeing the home you worked for your whole life—the place you raised your children and created so many memories—gone.

If we look at this picture, we see a depiction of despair, as it was portrayed by this person who obviously stood in front of a destroyed home—

nothing but timbers and concrete, everything else gone.

We saw devastation across our State, not just at the seashore. I went to Hoboken—one of our most attractive communities in northern New Jersey—in the days after the storm. Half of that city was underwater, and the National Guard had to rescue those who were trapped in their homes without heat or supplies.

We also saw train stations that were flooded and inoperable. Water levels reached more than 6 feet. Can you imagine a room that seated people waiting for their trains 6 feet high in water?

New Jerseyans depend on our public transportation and rail systems. Commuters in our State take nearly 1 million trips per day, including going back and forth to New York and into Pennsylvania. And the entire country depends on the goods that come into our ports and go out by rail.

Our transportation system was torn apart. Tunnels were flooded, critical equipment was ruined, and rail lines were warped or buried by debris.

Here in this picture we see an example of what took place. This is of a rail line, New Jersey Transit.

Each one of our 21 counties in New Jersey was declared a major disaster, but the seashore communities were hit especially hard. The boardwalk is the defining image of the New Jersey shore. Many of us remember walking on that boardwalk in wonderment of the attractions. The boardwalk has been a constant in the lives of those who live there or visit the shore. But for communities such as Belmar, Seaside Heights, Atlantic City, and others, much of that boardwalk no longer exists—just the pillars where the boardwalk used to be, as we see it shown here in this picture. It was a magnificent boardwalk that had people in wagons that were pushed along, and you would view the sea and the attractions on the other side. It was painful to see the destruction of the part of the boardwalk in Atlantic City firsthand that day.

I joined President Obama in his visit to the area. For many people in my State, the boardwalk is not just a source of pride, it is a source of critical income to our State. In 2008, tourism brought in \$38 billion and supported more than 300,000 jobs in the State of New Jersey. Families came from all over the country to walk the boardwalk in Atlantic City or take a fishing boat out of one of our ports, Port Pleasant or one of the others, or ride the roller coaster at a pier in Seaside Heights.

This is what Sandy did to that roller coaster. Look. This is almost impossible to conceive that this roller coaster sits in the water. It is a terrible end to a lot of thoughts and pleasant memories. People in New Jersey have lost their homes, their belongings, and their jobs. Much of that public infrastructure has also been destroyed. But

we are tough people in New Jersey. We will fight our way back from this storm.

I saw that spirit in emergency shelters in our State. Families whose lives were upended by the storm were welcomed into a safe, warm place by strangers, given a hot meal, and had camaraderie during these very difficult moments. Nurses and EMTs evacuated babies from hospitals. They were carrying these children out so they would not be overwhelmed by flooding. Firefighters went from house to house saving lives as the water rose.

Gas station owners who had lost power pumped gasoline by hand so people could run their generators and keep their families warm. At one point, the lines were hours long waiting to get gas. One of the people from my office got up at 4:30 in the morning to go to a gas station and wound up 4 hours later before he could get gas. It was a terrible period.

We saw the worst of Mother Nature in this storm, but we also saw the best of the American people. One thing was established, that there is a place in government, in our country, for government service when it is needed. We cannot simply say: We will turn it over to the private sector and let them take care of what FEMA does. FEMA was critical in salvaging whatever we could have saved there. There is no doubt in my mind that there is an understanding now that did not exist before. We saw the fiber and the character of our people in these terrible moments. It was wonderful. This is a town not on the seashore. This is one of the communities in New Jersey where a lot of people commute to or work in the various industries around. This is where they had to go in order to save themselves from a worse situation than that which already existed.

People reached out to save people. It was under the supervision of FEMA and our emergency facility organizations. We have a lot of important businesses to address before the end of this Congress. But our agenda must include helping to rebuild and restore the communities destroyed by Sandy. We are going to need a lot of money, a lot of money. We cannot turn our backs on them. We cannot turn our backs. I know the Presiding Officer had similar situations in his State of Delaware. The destruction was all over. We had no ability to stop what was going on. We face serious fiscal challenges in our country, but nothing is more important than keeping our communities, our families, and our economy safe. We in New Jersey have been there for our fellow Americans from other States who suffered disasters. I am reminded that New Jersey was the first State to sign the Bill of Rights. It started the road to freedom that exists in New Jersey. Now we ask all Americans to join us in rebuilding and recovering from this terrible storm. I am sure it will get even the most disbelieving people in our community to see that it might

have been a good idea to fund FEMA and the other agencies that do so much.

I went to Alaska when the Exxon Valdez was floundering and saw our people, brave people, on islands stretched around Alaska, our people who were on the shore wiping off the ducks and the seals and all that. It says: America is not an accounting firm. America is a democracy with a heart and a soul. That is what we have to keep in mind as we deliberate what we have in the future.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, before the Senator from New Jersey leaves the floor, I just wish to say this Senator's heart goes out to the Senator and his people. We take hurricanes more as a part of our lifestyle in Florida. But when we combine a hurricane in the Northeast at this time of year, during the full Moon, at high tide, in one of the most densely populated coastal areas of the United States, then we definitely have a problem.

This Senator wants to help Senator LAUTENBERG with what is going to be necessary for the additional funding of FEMA and so forth. I want the Senator to think about an idea that we implemented in Florida, to create, in effect, a reinsurance fund against this kind of catastrophe. We call it the Florida Hurricane Catastrophe Fund.

This was done when I was the elected insurance commissioner—prior to me, and then I had to implement it in the aftermath of the monster hurricane in the 1990s, Hurricane Andrew. I have talked to our colleagues in the Senate about a national catastrophic fund. People in other parts of the country do not think hurricanes are their problem. But what they do not realize is that their taxpayers are picking up the load. Whereas, if we reinsured against this kind of tragedy in a catastrophic fund that would be paid in over time, a little bit from each of the policyholders, then there would not be—there would be this fund that would become a cushion for such a disaster that the Northeastern United States is experiencing at this time and of which we have so often experienced on the gulf coast and the Atlantic coast in the Southeastern United States.

I just wanted to throw that idea out there for the Senator as he speaks so movingly and so eloquently about the suffering of his people. One can just imagine what are going to be the expenses of all the infrastructure that is going to have to be replaced.

Mr. LAUTENBERG. If I may respond, I wish to say the Senator from Florida presents a very good idea because we now know that to deal with catastrophes which are inevitable, we live in nature. We live in places where volcanoes can destroy an economy, earthquakes. We had the Katrina catastrophe in the Southern States. It is

about time, would the Senator agree with me, that we looked at what it is that is creating the frequency and the ferocity of those storms. They are accelerated almost in geometric terms.

This is a good reminder, hey, get off the stick and on the job. I commend the Senator from Florida for his splendid victory. We knew the Senator was coming home, we just wanted to make sure he had a nice reception.

Mr. NELSON of Florida. Thanks to the Senator for his big heart, his big heart toward his people.

#### VOTER SUPPRESSION

Mr. NELSON of Florida. Mr. President, I wish to make a few comments before the chairman of the Judiciary Committee addresses the Senate. I am very happy he is here because he knows about what I am going to talk about, which were the attempts at suppressing the vote in the State of Florida, done a year and a half ago by the State legislature and the Governor. They did a number of things to try to suppress the vote.

The first thing they did was to make it much more difficult to register people to vote. The League of Women Voters has been registering people for 72 years in Florida. They stopped because of the onerous provisions of up to a \$1,000 fine that would be upon their members if they did not turn it in within 48 hours. That was thrown out in court as unconstitutional. But it was a year and a half later, with all those registrations not having been done.

But then what they did, they constricted the number of early voting places, constricted the number of early voting days, constricted the number of early voting hours. What do you think was the result? It is what we have seen on TV—the long lines.

I wish to read a passage from the Miami Herald of November 6:

When the polls officially closed at 7 p.m., hundreds of people were still waiting to cast ballots in precincts around South Florida in an election that was marked by long lines and the occasional snafu. Even after the networks called the race for President Obama, people in South Florida remained in line. From Hialeah to Country Walk and to Brickell, people waited as long as 7 hours to vote. In Broward County, voting at some precincts came to a halt when the ballots ran out.

This is the result of the voter suppression by lessening the number of early voting days. When this Senator asked the Governor, because of the long lines during early voting, to extend early voting on the Sunday before the Tuesday election, since it shut off on Saturday, there were long lines then in early voting, the Governor would not do it. We see the result. The Miami Herald continues:

At the South Kendall Community Church, 1,000 people were in line at closing time, and at least 200 still remained three hours later.

That is a determination to vote, and the people do not want their right to cast their ballot taken away. Yet this was the result of voter suppression

laws not only in my State but in other States as well. I wish to thank the chairman of the Judiciary Committee because he and his subcommittee, headed by Senator DURBIN, came to Tampa to take testimony.

A professor from the University of Florida gave his study and pointed out who used—in the experience of Florida for a decade, who used the Sunday early voting? It was two demographic groups, African Americans and Hispanics. They cut out the Sunday of early voting before the Tuesday election.

Yet with the constricted times and with others being forced to shoehorn in between 7 a.m. and 7 p.m. on election day, we see the result. As the Miami Herald said, some people waited 7 hours to vote. They were determined that the Governor and the legislature of Florida were not going to take away their right to cast that ballot. And we see again, we had again a close Presidential election in Florida. The President won by 74,000 votes. What if a number of people—such as the lady who waited and waited and she had babysitter problems and after 3 hours she left—what if that had happened to a lot of people?

Well, maybe that was the design of some people in constricting the laws in an America of 2012. We went through this in the civil rights era. The right to vote—as the Senator, our chairman, can tell us, has been said over and over by the courts—it is absolutely essential in a democracy that we have the right to cast our ballot. That is what Dr. King said as well.

Mr. LEAHY. Does the distinguished Senator yield?

Mr. NELSON of Florida. Of course I will.

Mr. LEAHY. I join my colleagues in welcoming him back to this body, in which he has served with distinction from his very first day here as he did in the other body.

It tears my heart apart to hear of this kind of suppression. In Vermont, we have pride in our ability to vote. We have Town Meeting Day. I think we had 65 or 70 percent turnout this time. We expect people to be able to vote.

The distinguished Senator has referred to the civil rights era. Do we, in this great country—a signal of democracy to so much of the world—want to go back there? I am sure the distinguished Senator has had, as I have had, the honor of being an observer of elections in other countries where, finally, a country that has overcome a dictatorship or overcome a civil war, they finally can vote, and the people are lining up and saying: Thank God we have a chance to vote and it is open for the first time. They would say: You Americans would never have to experience this. I don't want to go to these countries that we ask to come into the fold of democracy and ask them to have free and open voting and have them—those that do not want free and open voting—say: What about what you have done in your country?

This is not a Democratic or Republican issue. This is an American issue. We fought a revolution. We fought world wars. We worked to make this country of over 300 million people great because everybody's voice is supposed to be heard. I think it is shameful and I think it is illegal. Those who try to stop it, they should be exposed. They should be punished. I don't care if the person voting is a Republican or Democrat or Independent. They should have the right to vote. If we lose that right, we lose our soul as Americans. I thank the distinguished Senator for bringing this up.

Mr. NELSON of Florida. Amen to those comments. I would conclude by saying we ought to be making it easier to vote, not harder to vote. Then, when we get down to conducting an election, we definitely need to do something about the Citizens United Supreme Court 5-to-4 decision, and we can, statutorily. We almost did, lacking one vote breaking the filibuster 3 years ago because it would require the disclosure of those corporations giving the money. If the public knew who was giving the money, then they would be very reluctant. Whereas under the guise, the mask of secrecy, they can give money and try to influence the outcome of an election—as they tried this year.

It has gone out of control, and I know the chairman is going to be at the point of the spear on trying to pass the DISCLOSE Act.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

#### THE FARM BILL

Mr. LEAHY. Mr. President, I think the distinguished senior Senator from Florida has done the Senate and the country a service in what he has said.

We each represent our own States. We have matters of interest in our States, but also so many times they are national interests. During this past recess, I was in just about every part of Vermont. I was stopped time and time again by Vermont farmers who asked me why Congress left town without passing a farm bill. They knew we had passed it in the Senate, but why hadn't we finished?

Similar to my fellow Vermonters, I have been frustrated by the refusal of the leadership of the House of Representatives to consider the legislation sent to them by the Senate to extend the farm bill. In fact, they blocked consideration of a bipartisan farm bill, one that mirrors the legislation passed in their own body by the House Agriculture Committee.

I have been here nearly 38 years. I have served on the Senate Agriculture Committee all that time. I have never seen a case where the House Agriculture Committee—whether it is led by Democrats or by Republicans—passed a bipartisan farm bill only to see it blocked from a final vote by its own leadership.

The Senate has done its work, but as a result of the House's inaction, for the

first time that anybody can remember in either body, the farm bill has expired. This is dangerous for dairy farmers in Vermont and for farmers across the country.

This delay threatens our rural communities. We all have rural communities in our States. The farmers not only need but also deserve the certainty that a 5-year farm bill provides. We pass farm bills in 5-year segments so that farmers, who have to plan way in the future, know how to plan. We can't say: Wait a minute, put your farming on hold while we try to get our act together. Don't milk those cows for a few months while we try to figure out what we are going to do. Don't plant or don't harvest that crop while we are trying to figure out what we are going to do.

It doesn't work that way. The farmers already confront enough uncertainty running their businesses. When we let farm programs expire without enacting a new farm bill, it needlessly compounds that uncertainty and it is irresponsible. Decisions must be made today to determine what is going to be planted next spring. But now they have to make that decision with uncertainty about what may be in the farm bill.

The essential nutrition programs in the farm bill provide healthy food for vulnerable populations, such as children and pregnant and nursing women. Vermonters, like tens of millions of people across the country, depend upon these programs where they are struggling to put enough food on their table during these very tough economic times.

Some of these program benefits will continue. But it is such a tenuous position. How does a State plan? How does a community plan? We need the House leadership to allow the farm bill to proceed so we can move this country forward, giving farmers the certainty and vulnerable citizens the security they deserve.

The Senate farm bill is a good, bipartisan bill. But more than that, it is a deficit reduction bill. It has \$23 billion in cost savings as well as crucial policy reforms for dairy farmers facing the challenges of the 21st century. It also maintains a safety net for millions of hungry Americans.

The wealthiest, most powerful Nation on Earth has people going hungry. In a nation that spends billions of dollars on fad diet programs or billions of dollars to dispose of waste food, we should not have hungry people. Not in this country.

I also point out the farm bill has always been bipartisan. I remember the hard work, mutual respect, and spirit of cooperation that Senator DICK LUGAR and I shared. We worked together as Agriculture Committee chairman and ranking member. We put American farmers and families first and politics last. My good friend from Indiana and I were able to accomplish amazing things together. Obviously, we had some differences of opinion as

Members of different regions and different parties do. But we knew we had to work together. We did, and America benefited from that. Certainly our farmers did too.

The need to work together is as true today as it was then. It is going to take real leadership in the House and Senate to pass a farm bill. We have seen that leadership and bipartisanship in the Senate. Having served as chairman of the Senate Agriculture Committee for 8 years, I can say without any doubt that Chairwoman DEBBIE STABENOW has been one of the finest chairs we have had of that committee. I have watched how hard she has worked and how hard Ranking Member PAT ROBERTS has worked. He brought his tremendous experience and knowledge through his time as chairman of the House agriculture Committee. In fact, in the debate over the Senate farm bill—and I commend Senator STABENOW on this—seated around that table we had several people who had previously been chairman or ranking member of the Senate Agriculture Committee or the House Agriculture Committee, both Republicans and Democrats. In fact, even one Senator who had been Secretary of Agriculture. We all said: We can play games, we can talk, we can posture, we can sloganeer or we can sit down like grownups and put together a real farm bill.

It took a nanosecond to decide we can be grownups and put together a real farm bill. Republicans and Democrats sat down. We wrote a deficit-reducing, meaningful farm bill, and it passed in a Senate which is often deadlocked. It passed 64-35. It passed overwhelmingly—from all parts of the country and across the political spectrum.

Senator JOHANNIS, former Secretary of Agriculture during the Bush administration, sat around that table and helped us write it. That shows how bipartisan the approach to reauthorizing the farm bill was in the Senate. We did not let political labels get in the way of what was best for the country.

The elections are over. We know who has won or lost. We hope our friends in the other body, in the House of Representatives, will set aside their obstructionism and pass this bill. I am pleased by the fact that our State's Congressman, PETER WELCH, is a member of that committee. He has been urging both Republicans and Democrats to pass the bill, and I agree with him because it is a bill that directly affects every farm family's budget. It helps farmers decide which crops to plant, where to sell, how much to borrow. It allows farmers to make their decisions—which are hard enough to make without this delay—with some kind of certainty.

The farm bill affects Vermonters and Americans across the country where there is food insecurity and uncertainty in these difficult times. One of the things people lose sight of is that the farm bill is also a disaster relief

bill. We need the new farm bill to help farmers in the Garden State and across the entire Nation to recover from the nonstop floods of 2012. We need it to help those across the Nation who are stuck on the other side of the weather spectrum, with drought.

That is all in this bill. Because we know, as much as we wish there would never be floods, as much as we wish there would never be droughts, they occur. We have written that into this bill. Why in heaven's name would anybody, from any part of the country—and we are all vulnerable at one time or another—want to hold it up?

The fact is things are going to get worse very quickly if we begin the new year without a farm bill. Outdated parity price systems will multiply the price of milk on store shelves. It will destroy household pocketbooks and the milk market nationally.

Let me reiterate that. Certainly in my State this is very important. If we don't pass the bill, we will have outdated parity price systems that will multiply the price of milk on the store shelves and will destroy household pocketbooks and the milk market nationally. Ask anybody who lives paycheck to paycheck what that would be like.

So I urge the leadership in the House of Representatives to allow open debate on the Senate-passed farm bill. They don't have to have a bill that is word for word what we passed here in the Senate, but I point out that the Senate bill saves billions of dollars, it does have a dairy program, and it does speak to disaster, drought, and flood relief. We need it now. Let us stand with our dairy farmers in Vermont, our eggplant growers in New Jersey, and our hungry families across the country. Let's set the political gamesmanship aside, help America's farmers, families, and rural communities that all rely on the farm bill. The people in these communities, the farmers in these communities, do not care whether there is a Democrat or Republican's name on the bill. All they know is they want a good farm bill that allows them to stay in farming.

Farming is hard enough as it is. None of us has to do the farming. We ought to stand up and help—that we can do.

Mr. LEAHY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. TESTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WHITEHOUSE).

Without objection, it is so ordered.

Mr. TESTER. Mr. President, I rise today to urge support on the motion to proceed to my bipartisan Sportsmen's Act. Outdoor traditions are a deep and important part of our heritage in Montana and across our Nation.

Two years ago, when I became chair of the Congressional Sportsmen's Cau-

cus, I made it my goal to do something significant, something historic, something responsible that will help this country's hunters and anglers.

Mr. President, this week we have that opportunity. This Sportsmen's Act is the biggest package of sportsmen's bills in a generation. It combines nearly 20 different bills, all important to those who know we must never take our outdoors for granted.

These bills increase access for recreational hunting and fishing. They support land and species conservation, and they protect our hunting and fishing rights. Most importantly, they take ideas from both sides of the political aisle. This bill isn't about Democrats and it isn't about Republicans or Independents. This bill is about Americans and the great outdoors we all share as a nation. This bipartisan bill is supported by nearly 50 different conservation wildlife groups ranging from the Nature Conservancy, the National Wildlife Federation, to the NRA. It earned their endorsement because it includes responsible provisions that are important to sportsmen and women across America.

In my role as the chairman of the Congressional Sportsmen's Caucus, outdoorsmen and women constantly tell me about the importance of access to public lands. What good does it do to protect land for hunting, fishing, and hiking if folks are unable to get to it? Right now there are some 35 million acres of public land that sportsmen can't access. That is why this bill requires 1.5 percent of annual funding from the Land and Water Conservation Fund that is set aside to increase public access to public lands, ensuring sportsmen access to some of the best places to hunt and fish in the country.

Right now, the Congress delegates all power to determine land and water conservation priorities to the executive branch. We can add or subtract money from the President's budget request, but Congress cannot determine how that money gets spent. This provision ensures that this administration and the next one must authorize, must prioritize access to public lands.

My bill also reauthorizes the North American Wetlands Conservation Act. This voluntary initiative provides matching grants to landowners who set aside critical habitat for migratory birds such as ducks. Over the past 20 years, volunteers across America have completed more than 2,000 conservation projects. They protected more than 26 million acres of habitat under this successful initiative. The North American Wetlands Conservation Act is a smart investment in both our lands and our wildlife, and it needs to be reauthorized.

This widely supported bill also reauthorizes the Secretary of the Interior to reevaluate the price of duck stamps to keep up with inflation. Revenue from duck stamps has been used to purchase and release more than 6 million acres of wetlands, preserving a viable

waterfowl population. It funds new shooting ranges while encouraging Federal land agencies to cooperate with State and local authorities to maintain existing ranges. This is a responsible bill. It takes into account the needs of the entire sportsmen's community.

Why is this important? It is important because hunting and fishing and hiking is a way of life in places such as Montana.

One in three Montanans hunt big game and more than half of us fish. An outdoor recreation economy across this country contributes some \$646 billion in direct spending to this U.S. economy. Fishing and hunting is not just recreation, it is a critical part of our economy. In Montana, hunting and fishing alone brings \$1 billion a year to our economy, nearly as much as the State's cattle industry. It drives and sustains jobs. With hunting season in full swing and thousands of Montanans headed out to hunt in Montana's back country over Thanksgiving weekend, this bill is as timely as ever.

The Sportsmen's Act of 2012 is balanced, it is bipartisan, and it is widely supported. It is also fiscally responsible. The bill has no cost. Before the Senate went out of session, we voted to move forward with this bill by a vote of 84 to 7—84 to 7. It was a resounding approval to conserve some of our most productive habitat to pass on our hunting and fishing tradition to future generations and to entrust them with the land and water we share.

Now it is time to get this bill across the finish line, to approve a bill with widespread support that preserves our outdoor economy and secures our outdoor heritage for our kids and our grandkids.

We need to take some good Democratic ideas and some good Republican ideas and pass them. We need to do something for the more than 90 million sportsmen and sportswomen in this country and for our economy.

The time is now. I urge all Members to support this bill.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Under the previous order, all time has expired.

The question is on agreeing to the motion to proceed to S. 3525.

Mr. ROCKEFELLER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second. There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Alaska (Mr. BEGICH) and the Senator from Rhode Island (Mr. REED) are necessarily absent.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. REED) would vote "nay."

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER (Mr. BENNET). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 92, nays 5, as follows:

[Rollcall Vote No. 201 Leg.]

#### YEAS—92

Akaka	Graham	Mikulski
Alexander	Grassley	Moran
Ayotte	Hagan	Murkowski
Barrasso	Harkin	Murray
Baucus	Hatch	Nelson (NE)
Bennet	Heller	Nelson (FL)
Bingaman	Hoeven	Portman
Blumenthal	Hutchison	Pryor
Blunt	Inhofe	Reid
Boozman	Inouye	Risch
Brown (MA)	Isakson	Roberts
Brown (OH)	Johanns	Rockefeller
Burr	Johnson (WI)	Rubio
Cantwell	Johnson (SD)	Sanders
Cardin	Kerry	Schumer
Carper	Klobuchar	Shaheen
Casey	Kohl	Shelby
Chambliss	Kyl	Snowe
Coats	Landrieu	Stabenow
Cochran	Lautenberg	Tester
Collins	Leahy	Thune
Conrad	Lee	Toomey
Coons	Levin	Udall (CO)
Corker	Lieberman	Udall (NM)
Cornyn	Lugar	Vitter
Crapo	Manchin	Warner
Durbin	McCain	Webb
Enzi	McCaskey	Whitehouse
Feinstein	McConnell	Wicker
Franken	Menendez	Wyden
Gillibrand	Merkley	

#### NAYS—5

Boxer	DeMint	Sessions
Coburn	Paul	

#### NOT VOTING—3

Begich	Kirk	Reed
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The motion was agreed to.

#### VOTE EXPLANATION

• Mr. REED. Mr. President, I was necessarily absent for this vote due to a flight delay caused by mechanical problems. Had I been present, I would have voted no. •

The PRESIDING OFFICER. The majority leader.

#### SPORTSMEN'S ACT OF 2012

Mr. REID. Mr. President, on behalf of Senator TESTER, I have a substitute amendment which is at the desk.

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

The assistant legislative clerk read as follows:

A bill (S. 3525) to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes.

Mr. REID. Mr. President, it is a shame. We have a bill that is bipartisan. Cloture has already been invoked on it. We are on the bill. Why in the world can't we just finish this bill, have a couple amendments and go on?

I am going to go ahead. I am going to fill the tree. I am sure I will get some

outrageous response back, as if we are still in the Presidential election, saying we want this many amendments. We are not going to have that many amendments. This is a bipartisan bill. People are going to have an opportunity to vote for or against the bill. If they want to kill the bill, they can. It is one of the most popular bills we did all last Congress. We didn't do many, but this is one that was popular.

I cannot imagine why we are trying to refight an election that took place 1 week ago. The clerk is going to report the substitute amendment.

#### AMENDMENT NO. 2875

(Purpose: In the nature of a substitute.)

Mr. REID. I have a perfecting amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. TESTER, proposes an amendment numbered 2875.

The text of the amendment is printed in today's RECORD under "Text of Amendments."

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

#### AMENDMENT NO. 2876 TO AMENDMENT NO. 2875

Mr. REID. I now have a first-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered No. 2876 to amendment No. 2875.

The amendment is as follows:

At the end, add the following new section:  
**SEC. \_\_\_\_.**

This Act shall become effective 7 days after enactment.

Mr. REID. I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

#### AMENDMENT NO. 2877 TO AMENDMENT NO. 2876

Mr. REID. I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2877 to amendment No. 2876.

The amendment is as follows:

In the amendment, strike "7 days" and insert "6 days".

#### AMENDMENT NO. 2878

Mr. REID. I have an amendment at the desk to the language that is proposed to be stricken.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2878 to the

language proposed to be stricken by amendment No. 2875.

The amendment is as follows:

At the end, add the following new section:  
**SEC. \_\_\_\_.**

This title shall become effective 5 days after enactment.

Mr. REID. I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

#### AMENDMENT NO. 2879 TO AMENDMENT NO. 2878

Mr. REID. I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered No. 2879 to amendment No. 2878.

The amendment is as follows:

In the amendment, strike "5 days" and insert "4 days".

#### MOTION TO COMMIT WITH AMENDMENT NO. 2880

Mr. REID. I have a motion to commit the bill with instructions.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to commit the bill (S. 3525) to the Committee on Energy, with instructions to report back with the following amendment numbered 2880.

The amendment is as follows:

At the end, adding the following new section:  
**SEC. \_\_\_\_.**

This Act shall become effective 3 days after enactment.

Mr. REID. I ask for the yeas and nays on that motion.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

#### AMENDMENT NO. 2881

Mr. REID. I have an amendment to the instructions that is also at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2881 to the instructions to commit S. 3525.

The amendment is as follows:

In the amendment, strike "3 days" and insert "2 days".

Mr. REID. I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

#### AMENDMENT NO. 2882 TO AMENDMENT NO. 2881

Mr. REID. I have a second-degree amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2882 to amendment No. 2881.

The amendment is as follows:



In the amendment, strike “2 days” and insert “1 day”.

#### CLOTURE MOTION

Mr. REID. I have a cloture motion on the bill that is already at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on S. 3525, a bill to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes.

Harry Reid, Jon Tester, Kent Conrad, Joe Manchin III, Jeff Bingaman, John D. Rockefeller IV, Benjamin L. Cardin, Ben Nelson, Max Baucus, Jeanne Shaheen, Mark Pryor, Christopher A. Coons, Al Franken, Amy Klobuchar, Jim Webb, Mark R. Warner, Michael F. Bennet.

Mr. REID. Mr. President, I ask unanimous consent mandatory quorum in accordance with rule XXII be waived.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013—MOTION TO PROCEED

Mr. REID. I now move to proceed to Calendar No. 419.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to proceed to Calendar No. 419, S. 3254, a bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribed military personnel strengths for such fiscal year, and for other purposes.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, we are going to complete work on this bill, that is the one we had prior to the clerk announcing the Defense authorization bill. We are going to complete the work on the sportsmen's bill before we go home for Thanksgiving. People are going to have an opportunity to vote for that bill, either for it or against it. As I indicated, it is a widely popular bill. If Republicans want to drag it down and kill it as they have a lot of other things, they will have that opportunity to do that. We have more than 20 bills that are important to sportsmen around the country.

As I said a few minutes ago, I cannot imagine why we are still fighting the battles of the last election. We are going to have a vote on cyber security. I spoke to the chairman of the committee a short time ago, Senator LIEBERMAN. He is going to come over tomorrow and give a speech about the importance of this legislation. He and Senator COLLINS have worked so hard

to come up with a bill. They have compromised and compromised and compromised until the point where people are going to have an opportunity to talk on this also. Senator LIEBERMAN is going to talk about how important this bill is to protect our country.

I left the White House an hour or two ago. They believe, the President of the United States believes the cyber security bill is one of the most important issues facing this Congress now—not next Congress, now. I have said on a number of occasions that the Pentagon and the intelligence community believe this legislation is vitally important to the safety and security of our country. So before Thanksgiving we are going to finish the sportsmen's bill. The Republicans can either kill the cyber security bill—they have been following the lead of the Chamber of Commerce, which is an arm for the Republican Party anymore. It is just a front for the Republican Party. They spent huge amounts of money that they get from unknown sources to defeat Democrats. They wasted their money this time. But that is the way it is.

They are opposing this bill for not any logical reason, and then Senators LEVIN and MCCAIN have asked to go to Defense authorization. I think, if this bill is as important as they say it is—and they say it is important—I know how Senator LEVIN and Senator MCCAIN feel about it—it looks like they would clear up some of this stuff that is standing in the way of getting that bill done.

I think it is a bridge too far to complete the Defense authorization bill before we leave, but we need to get on that bill. We are not going to stall around on this and spend weeks on the Defense authorization bill. I have told the two managers of that bill, Senator MCCAIN and Senator LEVIN, that is the case, and that is what we are going to do before Thanksgiving.

I would like to get out of here so we can go home to our States, our families, for Thanksgiving early, but if we have to stay here until the day before Thanksgiving, we are going to do it.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### SPORTSMEN'S ACT OF 2012

Mr. UDALL of Colorado. Mr. President, I rise in support of the Sportsmen's Act of 2012, which is Senate bill No. 3525. This bill is a set of bipartisan proposals that enjoys overwhelming support in the sportsmen's community, and I was glad to see it clear another procedural hurdle just a short time ago. As the majority leader did, I urge my colleagues to give it final approval as quickly as we possibly can.

I wish to share some of the reasons why I think it is so important to get

this bill to the President's desk. As the name implies, the Sportsmen's Act is focused on helping the Nation's 88 million sports men and women. They want, more than anything, responsible access to Federal lands and the conservation of critical habitat and species and that is exactly what this bill does.

By dedicating 1.5 percent of Land and Water Conservation Fund dollars to improve access for hunting, fishing, and other recreational purposes, sportsmen will be able to make better use of our public lands. By giving the States greater flexibility over the use of Federal dollars to build shooting ranges, sportsmen will have more places to safely sharpen their marksmanship skills and sighting their rifles for the hunting season.

By reauthorizing many critical habitat investment programs—for example, the North American Wetlands Conservation Act and the Federal Land Transaction Facilitation Act—we are ensuring that sportsmen will have places to continue our proud hunting and fishing heritage.

The benefits of the Sportsmen's Act of 2012 will fall most directly on America's hunters and anglers, but outdoor enthusiasts of all stripes will reap the rewards. By improving the outdoor experience of all Americans, I am hoping future generations will more readily take up our outdoor traditions.

I know my colleague from Colorado will join me in commending Senator TESTER for putting this package together. He has taken ideas from both Democrats and Republicans to create the greatest legislative boon for sportsmen in a generation, and that is why over 50 of the leading sportsmen's groups in our country support his bill.

I am particularly grateful to Senator TESTER for including a bipartisan provision I authored—the Target Practice and Marksmanship Training Support Act. This act will encourage the development of high-quality public shooting ranges by giving the States greater flexibility over Federal dollars they already receive for certain wildlife restoration and hunter education programs.

Since these funds come from an existing excise tax on shooting and archery equipment, this bipartisan proposal doesn't cost our taxpayers a dime and instead simply helps those paying into the system—which are primarily sportsmen—to get a better return on their investment.

Earlier this year, I asked our fellow Coloradans to tell me why they support my efforts and why they would like to see more high-quality shooting ranges, and I wish to close with some of their words.

Donald, from Pagosa Springs, CO, said:

We desperately need a range facility in our area to be able to continue teaching our kids and those who are new to hunting how to safely handle firearms.

From Gary, in Aurora, CO:

These ranges are not just a place to shoot. I cannot stress this enough as we are seeing more and more clubs closing down: We need more places to teach, enjoy and relax with fellow shooters.

So in the spirit of those Coloradans, I urge my colleagues to support the Sportsmen's Act of 2012 and put these bipartisan, commonsense proposals to work for America's sportsmen as soon as possible.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

### MORNING BUSINESS

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

### HONORING OUR ARMED FORCES

Mr. GRASSLEY. Mr. President, Iowa has lost another native son fighting for our liberty on foreign soil. I am sad to announce that on Monday, November 5, just as our Nation was preparing to cast our ballots in the election, PFC Brandon Buttry of Shenandoah, IA, gave his life defending our freedom. He was only 19 years old but had felt a calling to join the military since he was a young child. I thank God for such patriots as Brandon Buttry. Without such brave and selfless Americans in each new generation, our liberty and way of life could not have been sustained.

My prayers go out to his parents, Don and Pam, his many brothers and sisters, and all those who knew and loved Brandon. He is described as having a mischievous smile and a twinkle in his eye as well as a slight contrarian streak. By all accounts, he was liked by all who knew him, and I know he will be missed very deeply in his community.

I understand he had an interest in American history, and his love of his country is evident from his deep desire to serve. He has now given the ultimate sacrifice on behalf of his fellow countrymen, and his name will be immortalized alongside all those other American patriots who have laid down their lives in the name of freedom.

• Mr. BEGICH. Mr. President, I rise to commend the members of the 4th Brigade Combat Team (Airborne), 25th Infantry Division from Joint Base Elmendorf-Richardson, AK, upon the completion of their deployment to Afghanistan in support of Operation Enduring Freedom.

I had the chance to be there in person when part of the brigade arrived at Fort Richardson. It was great to see our soldiers reunited with their families after so long apart. I was glad to be there last year when the 4/25 deployed, and I am pleased to offer my best wishes now as we celebrate their return home.

The 4/25 accomplished incredible things during its time in Afghanistan. Each and every member of the brigade—all 3,500 Spartans—carried the fight to those who would do our Nation harm. In doing so, they have made the world a safer place for those who love freedom and democracy.

However, those victories were not without sacrifice. During this deployment, eight brave Spartans were killed in action—PFC Nathan T. Davis, PFC Vincent J. Ellis, SSG Thomas K. Fogarty, SSG Carl E. Hammar, CPL Ethan J. Martin, PFC Richard L. McNulty III, SGT Brian L. Walker, and SPC Jeffrey L. White. We will never forget them.

I would also like to recognize the families of the 4/25. As we all know, our soldiers simply could not do their jobs without the support of their loved ones. You are the ones who wrote letters and emails, sent care packages, and kept things running smoothly back home.

When a soldier raises their right hand and swears in, their family joins the Army, too. Thank you all for your service.

As a member of the Senate Armed Services Committee, I commend the 4th Brigade, 25th Infantry Division, for their dedication, commitment and sacrifice. We owe them a debt of gratitude that can never fully be repaid.

To both the Spartans and their families, thank you again for everything you do. God bless you, and God bless the United States of America.●

### RECOGNIZING OUR NATION'S VETERANS

Mr. TESTER. Mr. President, today I wish to honor John V. Klobofski, a veteran of World War II. It is my honor to share the story of John's military service because no story of heroism should ever fall through the cracks.

John was born in Cleveland, MT, in 1919. After graduating from Chinook High School, he enlisted in the National Guard, where he served for 3 years.

He then attended classes at Northern Montana College and worked for the Weather Bureau in Havre.

John reenlisted in 1940 and was assigned to the 41st Infantry Division, made up of guardsmen from across the West. As a member of the 163rd Infantry Regiment, John was a part of the campaign to capture New Guinea, which was then under Japanese control. Dubbed Operation Persecution, his unit landed ashore at Aitape on April 22, 1944. Within a number of days, the unit had captured and secured two

airfields, and supplies were being delivered to the island.

Because of how quickly they were able to seize these airfields, John's unit was awarded a Presidential Unit Citation.

But fighting continued in the region for several days and many men, including John, were killed. SSG John Klobofski died on April 30, 1944.

On October 16, 2012, in the presence of his family, it was my great honor to finally present to John's family his Bronze Star Medal, a Purple Heart, and a Presidential Unit Citation.

It was also my honor to present an American Defense Service Medal, an Asiatic-Pacific Campaign Medal with Two Bronze Stars, a World War II Victory Medal, and a Combat Infantryman Badge First Award.

These decorations are small tokens, but they are powerful symbols of true heroism. Sacrifice. And dedication to service.

These medals are presented on behalf of a grateful nation.

Mr. President, today I also wish to honor Alan R. Shennum, a veteran of the Vietnam war. It is my honor to share the story of Alan's military service because no story of heroism should ever fall through the cracks.

Alan was born in Helena, MT, in 1946. After graduating from high school, he enlisted in the Army and trained at Fort Wolters in Texas before attending flight school at Hunter Army Airfield in Georgia.

Alan was sent to Vietnam in September of 1968, where he flew helicopters as part of the Fourth Army Division.

In October of 1968, Alan was wounded while flying a combat operation. Because his injuries were not severe, he returned to duty and flew over 30 missions in all. Warrant Officer Alan Shennum retired from service in 1971 but never received his medals.

On October 17, 2012, in the presence of his family, it was my great honor to finally present to Alan the National Defense Service Medal, the Army Aviator Badge, the Good Conduct Medal, and the Vietnam Service Medal.

It was also my honor to present an Air Medal with 32 Oak Leaf Clusters, a Vietnam Campaign Medal, and two Overseas Service Bars.

These decorations are small tokens, but they are powerful symbols of true heroism. Sacrifice. And dedication to service.

These medals are presented on behalf of a grateful nation.

• Mr. BEGICH. Mr. President, I also wish to commend the members of B Company, 1st Battalion, Airborne, 143rd Infantry Regiment of the Alaska Army National Guard upon the completion of their deployment to Afghanistan in support of Operation Enduring Freedom.

I had the chance to be there in person when the company deployed, and I am pleased to offer my best wishes now as we celebrate their safe return home.



Alaska has a special relationship with our military. That relationship started long before statehood during World War II with the Alaska Territorial Guard. Thousands of Alaska Natives voluntarily took up arms in defense of our Nation and established a history of commitment and sacrifice that lives on in Alaska today. We are proud of the thousands of Alaskans, and especially Alaska Natives, who continue to volunteer to protect our homeland. As members of the Alaska Army National Guard, as Alaskans who have stood up for America, the members of Bravo Company carry on our State's long legacy of service.

Bravo Company accomplished incredible things during its time in Afghanistan. While deployed to Kandahar, Farah, and Zabul, our Guardsmen supported three provincial reconstruction teams. Their efforts have contributed enormously to promoting security and the rule of law in Afghanistan and have helped moved the United States closer to accomplishing its mission in the country.

I would also like to take this opportunity to recognize the families of Bravo Company. Our guardsmen faced a difficult mission in Afghanistan, and they simply could not have done it without the support of their loved ones back home. Thank you all for your service, sacrifice, and dedication.

As citizen-soldiers, the members of Bravo Company hail from throughout Alaska. They come from Anchorage, Bethel, Chevak, Delta Junction, Dillingham, Eagle River, Ekwok, Emmonak, Fairbanks, Fort Greely, Hooper Bay, Houston, Juneau, Kipnuk, Kodiak, Kongiganak, Kwethluk, Little Diomed, Marshal, Nikiski, Nome, North Pole, Palmer, Port Graham, Quinaag, Scammon Bay, Shishmaref, Sitka, Tuluksa, Upper Kalskag, Valdez, Wasilla, and Wrangell. They return now to communities proud of their service and grateful to have them home.

As a member of the Senate Armed Services Committee, I commend B Company, 1st Battalion, Airborne, 143rd Infantry Regiment, for their dedication, commitment, and sacrifice. We owe them a debt of gratitude that can never fully be repaid.

To both Bravo Company and the families, thank you again for everything you do. God bless you, and God bless the United States of America.●

Mr. BOOZMAN. Mr. President, today I wish to recognize the heroic University of Arkansas alumni whose actions earned them the Nation's highest distinction for valor in military action, the Congressional Medal of Honor.

Throughout the storied history of the University of Arkansas, many men and women have served their Nation with honor and valor, and five of these selfless heroes have earned our Nation's highest military honor.

On Monday, November 12, 2012, we recognized these valiant heroes who put their lives on the line. We honored

their service and accomplishments with the dedication of a memorial flag pole on the University of Arkansas campus.

Maurice L. Britt was born in Carlisle, AR, in 1919. On November 10, 1943, north of Mignano, Italy, Army Lieutenant Britt was wounded in battle, but he refused medical attention and proceeded to lead a handful of men in a counterattack against the Germans. Lieutenant Britt and his men ultimately captured four Germans and enabled captured Americans to escape.

Nathan Green Gordon was born in Morrilton, AR, in 1916. On February 15, 1944, in the Bismarck Sea, Navy Lieutenant Gordon was the commander of a Catalina patrol plane. Braving close-range fire from the enemy, Lieutenant Gordon rescued U.S. airmen of the U.S. Army 5th Air Force in full view of the Japanese. He made a daring escape under direct fire to fly them to safety.

Edgar H. Lloyd was born in Blytheville, AR. On September 14, 1944, near Pompey, France, Army First Lieutenant Lloyd was serving as a rifle platoon leader in Company E of the 319th Infantry. Assigned task of removing 200 enemy forces from their position, Lieutenant Lloyd's company was within 50 yards of the enemy position and suffered many casualties. Despite the enemy threat, First Lieutenant Lloyd encouraged his fellow soldiers by attacking enemy machine gun positions, personally destroying five machine guns. His valor inspired the men to overrun the enemy position.

Seymour W. Terry was born in Little Rock, AR. On May 11, 1945, on Zebra Hill, Okinawa, Ryukyu Islands, Army First Lieutenant Terry led his company on an attack when his men came under heavy enemy fire. He singlehandedly began securing the hill, running directly towards the enemy and destroying the strongholds. He sealed 4 pillboxes with explosives, killed 20 Japanese and destroyed 3 machine guns. He continued his assault on the hill to allow his troops to advance. As First Lieutenant Terry was reorganizing the company, he was mortally wounded. His heroism inspired the platoon to continue the mission.

James L. Stone was born in Pine Bluff, AR. On November 21 and 22, 1951, near Sokkogae, Korea, First Lieutenant Stone's platoon was attacked by Chinese forces. Courageously, he stood and directed his men while repairing a faulty flamethrower. He was wounded but continued to fire on the enemy during a second attack and encouraged the platoon members' efforts to protect their position.

It is people like Maurice Britt, Nathan Gordon, Edgar Lloyd, Seymour Terry, and James Stone whose resilience, bravery, and courage exemplify the American spirit. Their legacies will live on as we remember all of our brave service members who selflessly serve our Nation to protect its ideals and interests.

Mr. CARDIN. Mr. President, I wish to acknowledge the millions of brave

American veterans who have given of themselves to protect this great Nation and our precious liberties. I thank not only our veterans but also men and women currently in uniform and all their families. The sacrifices our veterans and service members make are enormous: remote deployments, long deployments, injuries, and worse.

Despite the inherent risk, the United States continues to attract the most qualified and dedicated citizen soldiers. The role of the citizen soldier in this country is older than the United States itself. From the first shots declaring our independence to the current war in Afghanistan, Americans have enjoyed unparallel freedom and security thanks to those among us who are willing to put themselves in harm's way.

This past Sunday, we formally honored our Nation's veterans and we celebrated how privileged we are to have a fighting force as committed to excellence as our own. Our expressions of gratitude, however, should manifest themselves in actions that make positive impacts on the lives of the veterans to whom we owe so much. President John Kennedy once said: "As we express our gratitude, we must never forget that the highest appreciation is not to utter words, but to live by them." So today I will utter words I hope you will join me in living by. When we say "we owe our freedom to our men and women in uniform," we must make sure our veterans are treated as such. We must make sure that those veterans who need help transitioning back to civilian life have the resources to do so. We need to be sure veterans can find suitable jobs. When our men and women return home, they should have access to the best medical care, education, and training available so they can continue to be beacons of model citizenry.

Let this Veterans Day be a catalyst for how we treat veterans for the rest of the year and beyond. The appreciation, gratitude, and respect shown to veterans today should be ever-present. The men, women, and families who protect us deserve so much more than just 1 day to be publicly appreciated. Every American can do something to repay our veterans. There are many organizations dedicated to helping veterans. For instance, I have had the distinct honor to work on legislation with my colleague C.A. DUTCH RUPPERSBERGER to help Fisher House, an organization that arranges for travel and accommodations for family members who visit their wounded warriors as they recuperate in hospitals away from home. Fisher House established a program called Hotels for Heroes which allows travelers to donate credit card hotel reward points to military families. Many of those families will be visiting their loved ones at Water Reed in my home State of Maryland. With fewer than 1 percent of all Americans currently serving in our All-Volunteer Armed Forces, the sacrifices of the few are not always felt by the many. Donating unused frequent flyer airline

miles and hotel points is a wonderful—and easy—way for Americans to express their appreciation for our brave warriors and their families. Another worthy organization is America's Vet Dogs, which is working with inmates provided by the Maryland Department of Public Safety and Correctional Services to train service dogs to aid returning veterans who are disabled.

There are countless other groups doing an immeasurable amount of good for our veterans and their families but we always can—and should—do more. So on this Veterans Day, I ask that all Americans give something back to the people who have given so much for this country. Our veterans deserve it, and our country is made stronger when everyone makes sacrifices for it. Veterans understand sacrificing for others; we honor our veterans if we understood that too.

Mr. President, as we honor the brave men and women who have served in our military, we also must turn our thoughts and prayers to those who currently wear a uniform in service to our country, especially those in harm's way in Afghanistan and around the world. They are tomorrow's veterans. So during this lameduck session of the 112th Congress and as we prepare for the 113th Congress, I urge my colleagues to consider our Active-Duty service members, our veterans, and their families' needs as we legislate. It is my deepest hope addressing those needs will not be mired down by partisanship on either side of the aisle.

In closing, I would like to extend my deepest and most sincere thanks to our Active-Duty service men and women, veterans, and their families. I thank you for your selfless service, your dedication, your strength of character, and your courage. As a nation, we owe you an eternal debt of gratitude and appreciation for your innumerable sacrifices on our behalf.

Mr. UDALL of Colorado. Mr. President, I rise today to pay tribute to the outstanding military service of a group of incredible Coloradans. These World War II veterans each played a role in defending the world from tyranny, truly earning their reputation as the "greatest generation" through their service and sacrifice. Now, thanks to an organization dedicated to honoring these veterans for all they have done for us, these great Coloradans came to Washington, DC, to visit the National World War II Memorial, to share their experiences with later generations and to pay tribute to those who gave their lives. It is an honor to have had them here, and I join with all Coloradans in thanking them for all they have done for us.

I also want to say a word about the volunteers from Honor Flight of Southern Colorado who made this trip possible. They are great Coloradans in their own right, and their mission to bring our southern Colorado veterans to Washington, DC, is truly commendable. They have been doing great work

since their inaugural flight in June 2012, this week bringing another group of American heroes to Washington, DC. The volunteers of Honor Flight of Southern Colorado believe our veteran heroes aren't asking for recognition, but they certainly deserve it. This opportunity to come to Washington is just a small token of appreciation for those who gave so much.

I wish to publicly recognize the members of the Southern Colorado Honor Flight who visited their Nation's Capital, many seeing for the first time the memorials their Nation built as a tribute to their selfless service. These are the lucky veterans, the ones who came home. Their war memorials also pay tribute to those who have paid the ultimate price. Today I honor these Colorado veterans on their visit to Washington, DC:

From the U.S. Army: Adolph Wolff, Jack Traxler, Earl Clark, Leroy Jensen, James Beham, and Sherwood Gray; from the U.S. Army Air Corps: Howard Casey and Will "Lew" Finlaynson; from the U.S. Navy: Raymond Feather, Howard Pease, Pete Demario, James Welty, and Clyde Womer; and from the U.S. Marine Corps: Jess Masias.

Our Nation asked a great deal of these individuals: to leave their families to fight in unknown lands against a deadly enemy. And each of these brave Coloradans bravely answered the call, placing themselves between this country and harm. They served our country through dangerous times, when democratic nations and ideals around the world were threatened, and they saved entire continents from falling to fascism and tyranny.

Please join me in thanking these Colorado veterans and the volunteers of Honor Flight of Southern Colorado for their tremendous service to an eternally grateful nation.

Mr. BARRASSO. Mr. President, we have all paused to remember our Nation's veterans this week. This year, the Daniels Scholars wrote letters to our country's heroes in uniform. These letters, published in *Because of you . . . Letters of Gratitude* from the 2012 Daniels Scholars to the Defenders of American Freedom, are heartwarming.

The Daniels Scholarship Program was created by a true American patriot, Bill Daniels. Bill was awarded the Bronze Star for his service in the Navy in World War II. He was called back into service during the Korean War. Bill went on to have a tremendously successful career. Due to his generosity, young people from Wyoming, Utah, New Mexico, and Colorado are selected to be Daniels Scholars. In addition to their college tuition and fees, they receive tremendous support and encouragement to give back to their communities.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter written by Megan Saylor from Casper, WY. May it inspire all who read it.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Dear Soldier,

I would like to begin by thanking you from the bottom of my heart for your military service to our country. I'm struggling to find the appropriate words that can explain how thankful I am, but the truth is, there are none. Because of you, I am able to sit in this room and freely express my thoughts and begin my path on to a bright future. You made the sacrifice for me, and now it's my turn to return the favor to you. I may not be able to repay you with what you gave me, my freedom, but I can assure you that I will reach for my dreams. I will be successful. I will make a difference. As a 2012 Daniels Scholar, I will live my life with integrity, honesty, loyalty, character, and I will contribute and give back to my community. All too often, we take for granted our rights and freedoms; we live in the best country in the world and you made that possible. You and your family. Actually, after listening to our speakers from the military, meeting with my friend who just returned from Afghanistan, and now writing this letter to you, my major could be changing. Helping our country's soldiers would be the ultimate way to return the favor. You are an amazing person for what you did for our country. Just know wherever you are, whatever struggle you are going through, just know you aren't forgotten. I'll think about you constantly, praying for you and those who are still fighting, and those who will never return. Because of you, I am living a better life, and I won't disappoint you, my country and my community. Thank you again from the bottom of my heart. Never give up!

Sending my highest regards, respect, and love, Megan Saylor, Casper, Wyoming.

#### REMEMBERING RUSSELL TRAIN

Mr. REID. Mr. President, I rise to briefly honor a distinguished former Republican environmental and conservation leader. As my colleagues know, Russell Train passed away on September 17.

Mr. Train was the first head of the Council on Environmental Quality under President Nixon and the second EPA Administrator, serving under both Presidents Nixon and Ford. He was the chairman emeritus of the World Wildlife Fund and helped found the organization in the 1960s. He founded the African Wildlife Leadership Foundation in 1961 and was president of the Conservation Foundation from 1965 to 1969.

He was a shining example of the age when the political parties cooperated on environmental protection, and Republicans even sometimes led the way forward. He implemented and defended the Clean Air Act and helped protect the health and welfare of millions of Americans. In recent years, he specifically criticized the modern Republican party's rejection of health and science-based decisionmaking, especially as related to EPA's authority to address climate change and carbon pollution. In a 2010 interview, he stated that he had become a registered Independent.

I hope that the Republican Party will soon return to the example of statesmanship and good governance set by Russell Train. Our Nation has enormous environmental challenges, like

climate change, that must be addressed in a bipartisan fashion.

If today's Republican Party leadership continues to keep its members' heads stuck in the sand on the matter of the manmade carbon pollution that is contributing to record-setting drought, heat waves, floods, and other extreme weather in the United States and globally, they will bear the greatest responsibility for the economic, ecosystem, and public health damages that will only accelerate and grow over time.

They would be wise instead to adopt Mr. Train's worthy counsel from his memoir: "Today, as a nation, we urgently need to develop the political will to overcome our avoidance of difficult environmental decisions. The problems will only get worse, and we have a long way to go."

#### REMEMBERING SENATOR ARLEN SPECTER

Mr. LEAHY. Mr. President, it was more than 40 years ago when two young prosecutors, one from the biggest city in Pennsylvania and one from a smaller town in rural Vermont, came together at an annual meeting of the National District Attorneys Association in Philadelphia. Little did Arlen Specter and I know then that we would spend 30 years working together in the United States Senate, building on our bond as former prosecutors, seeking to bridge the partisan divide, and striving to find common ground on some of the most contentious issues of our time.

Arlen Specter's public service began during the Korean War. When elected to serve as Philadelphia's District Attorney, he led landmark prosecutions against public corruption and to rid his city's streets of some of the country's most hardened criminals. He was a prosecutor's prosecutor.

Arlen Specter also was a Senator's Senator. He loved the Constitution, he loved and honored the institutions of our democracy, and he loved policymaking and the political process. As a Senator he tried to put the interests of the Nation and the Senate's special role in our system above partisanship while always representing and serving the people of Pennsylvania. He believed in aggressive oversight of government agencies, regardless of the administration's affiliation, from our bipartisan investigation of the shootout at Ruby Ridge, to the political firings of U.S. attorneys and the threats to civil liberties posed during the Bush administration. He reached across the aisle to partner with me to try to pass comprehensive asbestos legislation and we joined to reauthorize the Voting Rights Act during the Bush administration. He supported more transparency, in every branch of our government, to ensure the American people knew what their government was doing. He was a strong supporter of law enforcement and a vigorous and fair judicial system. And he joined with TOM HARKIN to di-

rect billions of dollars to the National Institutes of Health and cancer research.

His work ethic and dedication were tested when he was first diagnosed with an advanced form of Hodgkin's lymphoma in 2005. Through that ordeal, Arlen kept his humor, his spirit, and his rigorous work schedule. He served as chairman of the Judiciary Committee in 2005 and 2006. I was the ranking Democratic member of the committee during those years and worked collaboratively to make my friend a success and ensured that we treated him fairly. During those years and those that followed, when it was my turn to chair the committee and his to lead the Republican members, we used to joke that we spoke to each other more often than we spoke to our wives, Marcelle and Joan.

Arlen was a fighter. I never knew anyone who worked or fought harder. I think he hoped to fight through his disease one more time.

The history books will note that Arlen Specter was the longest-serving U.S. Senator in Pennsylvania history. History should remember Arlen Specter as a person who tried to do what he thought was best for the country and to challenge the ever more constricting litmus test of partisan politics. He represented Pennsylvania and served the Nation. Like the Republican Senators who have represented Vermont, Arlen is an example to all senators, of any party. He will be missed.

#### REMEMBERING ROGER D. FISHER

Mr. LEAHY. Mr. President, on August 25, 2012, the United States and the world lost one of its most creative thinkers and problem solvers. Roger D. Fisher, Williston Professor of Law at Harvard University and coauthor of "Getting to Yes: Negotiating Without Giving In," the most widely read book ever written on the subject, was 90 years old.

Roger Fisher was a pioneer and a giant in the field of negotiation. He not only changed the way people think about dispute resolution, inspiring and mentoring countless students who have gone on to use his teachings in their own careers, he applied his theories to real-life conflicts from South America to the Middle East.

I had the good fortune to meet Roger and was struck by his affable manner and big smile, his inquisitive mind, and, perhaps above all, his enthusiasm for devising creative ways to help others solve seemingly intractable problems and in doing so make the world a better place. No conflict was too big or too small. He had imaginative, thoughtful approaches to everything, from ending the Vietnam war to resolving an argument among siblings at the family dinner table.

Roger was a gifted advocate. He had a brilliant mind and an extraordinary ability to persuade. But, as others have said, "he taught that conflict was not

simply a 'zero-sum' game in which a fixed pie is simply divided through haggling or threats." Rather, it was about how one approaches the problem, recognizing the other side's needs, understanding their interests, and in doing so maximizing outcomes for both sides. That was the genius of the "without giving in" part of "Getting to Yes." While some might assume he meant getting one's way at another's expense, Roger recognized that is rarely possible or desirable, and it is often not necessary for a good result. But he also saw how lacking in the basic analytical and practical tools of negotiation most people are.

I often think of Roger when I see the House and Senate so polarized and incapable of the positive, creative thinking and compromise that are necessary to deal effectively with issues of importance to our constituents, to the country, and to the world. "Getting to Yes" should be mandatory reading for every Member of Congress. It contains invaluable lessons for the job the American people sent us here to do.

I want to express my condolences to Roger's two sons, Elliot and Peter. Elliot Fisher lives in Vermont, is a respected physician at the Dartmouth-Hitchcock Medical Center and a leading voice for health policy reform. Peter Fisher has had a distinguished career in finance, including at the Federal Reserve Bank of New York and as an Under Secretary of the Treasury. I have no doubt they both have put to good use the lessons of their father.

Mr. President, I ask unanimous consent to have printed in the RECORD an obituary in the Economist about Roger Fisher.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[Sept. 15, 2012]

ROGER FISHER

ROGER FISHER, LAWYER, TEACHER AND PEACEMAKER, DIED ON AUGUST 25TH, AGED 90

He might be an academic—40 years on the faculty of Harvard Law School—but Roger Fisher was really a fixer. He would relax by mending the plumbing, or laying brick terraces at the summer house he loved in Martha's Vineyard. But that was tiddler stuff. At breakfast he would scan the New York Times, looking for bigger problems he could fix: arms control, hostage-taking, the Middle East. Over dinner the conversation would be sorting out Vietnam, or ending the war in El Salvador. At his 80th birthday party, most other guests gone, he was found deep in a discussion of peace between Arabs and Israelis.

As long as there were disputes in the world and energy in his body, he was going to help resolve them. If it needed a letter to a head of state, he would send it. If it needed him on the next flight to Moscow or Tokyo, he would catch it. People didn't have to invite him in. He would go anyway, tall, slim and smiling, and slip into action behind the scenes. With that sunny confidence he always had, he knew he could make the world better. And so did others: J.K. Galbraith remarked that if he knew Mr. Fisher was on to a problem, it always eased his conscience.

Mr. Fisher had a system. He outlined it with William Ury in his book "Getting to

Yes" (1981), which sold 3 million copies; he also taught it to students, especially, from 1979, through his Harvard Negotiation Project. Like all good tools, it got better with use. In any negotiation, he wrote—even with terrorists—it was vital to separate the people from the problem; to focus on the underlying interests of both sides, rather than stake out unwavering positions; and to explore all possible options before making a decision. The parties should try to build a rapport, check each other out, even just by shaking hands or eating together. Each should "listen actively", as he always did, to what the other was saying. They should recognize the emotions on either side, from a longing for security to a craving for status. And they should try to get inside each other's heads.

That was the theory, and Mr. Fisher delighted to put it into practice. At the Geneva summit of 1985, for example, Ronald Reagan on his advice did not confront Mikhail Gorbachev, but sat by a roaring fire with him while they exchanged ideas. More summits followed. A border war between Peru and Ecuador was nipped in the bud when Mr. Fisher advised the president of Ecuador (once a pupil of his) to sit on a sofa with the Peruvian president, and look at a map with him. Interviewing President Nasser of Egypt in 1970, Mr. Fisher asked him how Golda Meir, then Israel's prime minister, would be regarded at home if she agreed to all his demands. "Boy, would she have a problem!" Nasser laughed. He then grew thoughtful, having briefly seen their dispute from her point of view.

The Middle East, which caused him personal grief, also brought his most public success. His principles were used all through the Camp David negotiations of 1978, from the brainstorming over Jimmy Carter's draft of an agreement (23 rewrites) to the moment when Mr. Carter presented Menachem Begin, the Israeli leader, with signed pictures dedicated, by name, to each of Begin's grandchildren. Deeply affected, Begin began to talk about his family. The accords were signed that day.

He had his failures. As a Pentagon adviser in the 1960s he suggested several "yesable propositions" to put to the North Vietnamese; Robert McNamara listened, but not the military brass. In 1967 he had fun trying to nurse the tiny, dusty island of Anguilla to independent statehood, but the experiment was overturned. South Africa possibly satisfied him most: the Afrikaner cabinet and ANC officials, trained separately by him in negotiation workshops, agreeing to end apartheid without resorting to violence.

#### LESSONS FROM THE SOUK

Mr. Fisher's motivation was as clear as his writing. He hated war. His own service had been as a weather reconnaissance officer; in the course of it he had lost his roommate and many college friends. He had also flown often over Japan, harmless morning flights which the Japanese, pre-Hiroshima, had fatally learned to ignore. All those deaths weighed on him.

More light-heartedly, he grew up as one of six children, preferring to strike bargains rather than land a punch. Later on, still bargain-minded, he would stroll the souks of Damascus or Jerusalem, looking to expand his collection of ancient weights. Every one of those pieces represented a tough negotiation successfully concluded. For those who found his principles too idealistic, he could point to age-old haggling tricks he also recommended: pretending not to be interested, refusing to react to pressure, being prepared to walk away.

His most pleasing bargain, though, was the one he made to get his lot on the Vineyard. There he built a glass and shingle house right between the pounding ocean and Watcha Pond, where ospreys nested. When he

first found the place, the owner refused to part with the few acres he needed. He would sell him only the whole property, 60 acres or so, which cost too much. But Mr. Fisher called in friends, they all clubbed together, the deal was agreed; and he spent 50 glorious summers there, in just the sort of sweet, wise, negotiated peace he always wished for the world.

#### REQUEST FOR CONSULTATION

Mr. COBURN. Mr. President, I ask consent that the following letter be printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,  
November 13, 2012,

Hon. MITCH MCCONNELL,  
Senate Minority Leader,  
U.S. Senate, Washington, DC.

DEAR SENATOR MCCONNELL: I am requesting that I be consulted before the Senate enters into any unanimous consent agreements or time limitations regarding H.R. 6062, Edward Byrne Memorial Justice Assistance Grant Program Reauthorization Act of 2012.

I support the goals of this legislation and believe state and local law enforcement agencies are a vital part of the criminal justice system in this country. However, I believe the responsibility to support, fund, and hold accountable state and local law enforcement agencies lies with the states and local communities these brave law enforcement officers serve. Furthermore, while I do not believe this issue is the responsibility of the federal government; if Congress does act, we can and must do so in a fiscally responsible manner. My concerns are included in, but not limited to, those outlined in this letter.

While this bill is well-intentioned, it could cost the American people approximately \$800 million per year for 5 years without corresponding offsets, totaling \$4 billion. Furthermore, with the exception of the extra stimulus funding in 2009 through the American Recovery and Reinvestment Act (ARRA), the Byrne Justice Assistance Grant Program (JAG) has never received funding at the level authorized in this legislation. According to the Congressional Research Service (CRS), JAG funding has averaged \$461 million per year since its first appropriation in FY 2005, and appropriations have actually been trending downward since that time. Without including the 2009 ARRA funding, the most Congress has ever appropriated to Byrne JAG in a single year is \$546 million in FY 2009. I recognize this legislation reduces the overall authorization for the Byrne JAG program; however, I do not believe this reduction is sufficient to address the growing federal spending problem in this country.

It is irresponsible for Congress to jeopardize the future standard of living of our children by borrowing from future generations. The U.S. national debt is now over \$16 trillion. That means over \$51,000 in debt for each man, woman and child in the United States. A year ago, the national debt was \$14.7 trillion. Despite pledges to control spending, Washington adds billions to the national debt every single day. In just one year, our national debt has grown by \$19 trillion or 8.8%.

In addition to these fiscal concerns, there are several problems specific to this legislation. First, the Byrne JAG program dupli-

cates other sources of federal funding. State and local governments can use Byrne JAG funds for projects in seven different purpose areas: (1) law enforcement programs; (2) prosecution and court programs; (3) prevention and education programs; (4) corrections and community corrections programs; (5) drug treatment programs; (6) planning, evaluation, and technology improvement programs; and (7) crime victim and witness programs. Several of these broad purpose areas are already covered by other federal grant programs including Community Oriented Policing Services (COPS), Second Chance Act grants, drug and mental health court grants, and the Debbie Smith DNA Backlog Grant program, among others.

Second, Congress, particularly the Senate, has not performed sufficient oversight of the Byrne JAG program to justify its reauthorization at this time. Before reauthorizing this or any program, Congress should perform oversight to determine how a grant program is performing, evaluate how grantees use federal funds, measure the results of the program, and analyze whether there are other federal programs funding the same purposes. In my federal deficit reduction plan, Back in Black, I noted that critics on the right and left, along with the Department of Justice Office of the Inspector General, agree Byrne JAG experiences waste, fraud, and abuse in a variety of ways and should be reformed. Thus, I do not believe Congress should blindly reauthorize this program without oversight through a detailed review of its policies and practices.

Finally, I do not believe the federal government has the authority under the Constitution to provide federal funds to state and local governments for use on state and local criminal justice systems. Article I, Section 8 of the Constitution enumerates the limited powers of Congress, and nowhere are we tasked with funding or becoming involved with state and local criminal issues.

There is no question state and local law enforcement play a vital role in maintaining order and safety in many communities. However, I believe this issue is the responsibility of the states and not the federal government. Despite these constitutional limitations, if Congress does act in this area we should evaluate the program as most American individuals and companies must do with their own resources; we should review current programs, determine any needs that may exist, and prioritize those needs for funding by cutting from the federal budget programs fraught with waste, fraud, abuse, and duplication.

Sincerely,

TOM A. COBURN, M.D.,  
United States Senator.

#### WYOMING TAXPAYERS ASSOCIATION

Mr. BARRASSO. Mr. President, I rise today to submit for the RECORD a document that I think everyone in this body should consider.

There is no question that our Nation is facing a challenging financial future.

Our country needs real leadership to recognize the problems that we are facing and address them directly.

For 75 years, my home State has benefited from the knowledge and expertise of the Wyoming Taxpayers Association. The Wyoming Taxpayers Association has fought for transparency, equity, balance, and stability for Wyoming taxpayers.

There is no question that the U.S. Tax Code is a mess and in need of serious reform.

As we look to address our debt crisis and reform the Tax Code, we should take a responsible, sensible approach to taxation.

The Wyoming Taxpayers Association's "Cornerstones of Taxation" provides an excellent foundation that we should consider as we debate the future of the U.S. Tax Code.

I ask unanimous consent to have printed in the RECORD the Wyoming Taxpayers Association's "Cornerstones of Taxation."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WYOMING TAXPAYERS ASSOCIATION'S  
"CORNERSTONES OF TAXATION"

Justification:

Is there a justified need for the tax and is it fiscally prudent?

Are existing government funds spent efficiently before considering a new tax?

Is the primary goal of the tax to generate revenue or does it modify behavior or influence policy?

Equity:

Does the tax impose equal and uniform liabilities upon similarly situated taxpayers?

Is the tax constitutional?

Does the tax disadvantage one taxpayer over another?

Balance:

Does the tax result in diversification in taxation?

Does the tax influence decisions regarding spending, saving or investing?

Does the tax concentrate a financial burden on a few and will the tax distort economic behavior?

Stability:

Is the tax stable and predictable under changing political, economic, regulatory and environmental conditions?

Transparency:

Is the tax visible, accountable and auditable?

Is the tax easy to understand, administer and cost effective to collect?

150TH ANNIVERSARY OF  
CONGREGATION SHAAREY ZEDEK

Mr. LEVIN. Mr. President, on Oct. 27, many of my fellow Michiganians gathered to recognize an event of enormous historical and cultural significance to our State: the 150th anniversary of Congregation Shaarey Zedek in the City of Southfield, just outside my hometown of Detroit.

For a century and a half, from its humble beginnings in Detroit to its emergence as one of the most important and influential institutions in the American Jewish community, Shaarey

Zedek has played a vital role, not just for Michigan Jews, but for the community at large. Even more important than its high profile events with high-level speakers and guests is Shaarey Zedek's 150 years of day-in, day-out service to faith, community and humanity.

Shaarey Zedek has played a vital role in Jewish cultural and political life. It is no coincidence that, as the threat of Nazi Germany rose, Shaarey Zedek hosted one of the most important meetings of American Jews in the May of 1938, warning Americans about Hitler's threat to European Jews and to international security and strongly advocating for Jewish emigration to Palestine to escape Hitler's clutches. And in later years, Shaarey Zedek was one of America's leading voices in support of oppressed Jews in the Soviet Union.

It was Shaarey Zedek where Detroit Tigers slugger Hank Greenberg attended services on Yom Kippur of 1934, in the midst of the American League pennant race, receiving a standing ovation from the congregation, serving as a powerful symbol of Jewish identity, and, as he later put it in his autobiography, pleasing his relieved parents.

Like any religious institution, Shaarey Zedek has first and foremost been a touchstone of faith. Congregation Shaarey Zedek is one of America's most respected synagogues.

Of particular importance to me is the congregation's longstanding dedication to tolerance, not just in matters of faith, but in all matters of conscience. At times of strife and conflict in Michigan and the Nation, and in the face of discrimination or oppression, Shaarey Zedek has consistently served as a voice of reason, peace, understanding and equality.

So this anniversary is important to the Jewish community, and the larger community. But it also means a lot to me personally. Congregation Shaarey Zedek is where my brother and I were bar mitzvahed. It is the spiritual home of many who are dear to me, and to the community of which I am a proud member. I know my colleagues will want to join me in congratulating all those who have made Congregation Shaarey Zedek such an important institution for 150 years, and who will carry that tradition forward in the decades to come.

ADDITIONAL STATEMENTS

TRIBUTE TO SHERIFF KEITH  
FERGUSON

• Mr. BOOZMAN. Mr. President, today I wish to honor Benton County sheriff Keith Ferguson, who is retiring after more than four decades of dedication to safety and law enforcement.

Serving for 32 years with the Arkansas State Police, with more than half of those years as supervisor of Carroll and Benton Counties, Keith made a career out of helping the people of Arkansas.

In 2003 he became the sheriff of Benton County, a position he still holds today. In the past 10 years he has proven his commitment to keeping Arkansans safe. I have worked with Sheriff Ferguson and other community leaders during the institution of the 287(g) Program with Immigration and Customs Enforcement, commonly known as ICE. This local, State, and Federal cooperation has played a key role in combating illegal immigration in Northwest Arkansas.

Keith also helped create a child internet pornography investigation unit to help keep our children safe and has championed the use of inmate labor to help the county through programs such as Habitat for Humanity and the Northwest Arkansas Food Bank.

As sheriff of Benton County, he has improved outreach to children and the elderly and efficiency in the office with upgraded technology and improved equipment and employee training.

Keith's commitment to safety has been recognized at the State level, earning the Arkansas State Police Commendation Award for his heroics in apprehending a suspect and the Northwest Community Valor Award for his role in capturing three prison escapees.

I congratulate Sheriff Keith Ferguson for his outstanding achievements and success in law enforcement, and I ask my colleagues to join me in honoring him on his retirement. I wish him continued success in his future endeavors. Benton County is a better place to live thanks to his years of service and leadership to Arkansas.●

RECOGNIZING THOMPSON-  
MARKWARD HALL

• Mr. HOEVEN. Mr. President, today I wish to recognize the 125th anniversary of Thompson-Markward Hall, formerly known as the Young Women's Christian Home. Thompson-Markward Hall is located on Capitol Hill, directly across from the Senate Hart Building, and has long served as a temporary home for young women studying or working in our Nation's Capital, including many who have interned or worked in congressional offices.

Thompson-Markward Hall was founded in 1833 by Mary G. Wilkinson. Wilkinson, who was grieving the death of her daughter, recognized the need to create a safe housing option for young women moving to Washington seeking employment, and he began housing two young women in her Capitol Hill home. The need for additional space soon led to the securing of a new location at Fifth Street, NW, where the early years of the home were funded through the generosity and hard work of Wilkinson, her friends, benevolent merchants, and other community members.

In 1887, the Young Woman's Christian Home was chartered by Congress and incorporated to provide temporary housing for young women coming to

the District of Columbia. The assistance Congress provided to this home during its early years stands today as a strong example of ways Congress can show support and lend short-term assistance to help an organization get its legs. By 1906, the trustees believed the home could manage without Federal assistance, and the congressional appropriation was discontinued. Today the home remains a self-sustaining organization funded through endowments and residents.

Today, Thompson-Markward Hall also remains, true to its founding principles, a safe, comfortable, moderately-priced place for young women to live when studying or establishing careers in Washington. Retaining the spirit of Mary G. Wilkinson's founding intentions, Thompson-Markward Hall has earned a reputation as a special place for its residents, helping equip them with a strong foundation for developing lifelong friendships and fostering a deep regard for Washington, DC, and the opportunities the city offers.

As Thompson-Markward Hall celebrates another important milestone in its history, it is important that we recognize and congratulate this organization and especially the many talented individuals who have worked hard and given of their time and talents to help found this residence and now work to maintain and further its rich legacy. It is the efforts of all of these individuals, and especially Mar G. Wilkinson, Bessie J. Kibbey, Flora Markward Thompson, and past and present Board of Trustee members and staff, who have helped make Thompson-Markward Hall a wonderful housing option for thousands of young women.●

#### RECOGNIZING TEXAS CENTER FOR SUPERCONDUCTIVITY

● Mrs. HUTCHISON. Mr. President, today, the Texas Center for Superconductivity at the University of Houston (TCSUH) commemorates 25 years of achievements following the discovery of the High Temperature Superconductor YBCO by Dr. Paul C. W. Chu and colleagues in 1987 and the establishment of the Center by the State of Texas.

With ongoing support from the State, the Center has continued to grow in size and in the breadth of its programs which include basic and applied research, technology development and transfer and advanced education and training. TCSUH maintains an infrastructure that supports the interdisciplinary research and education that is necessary to advance new fields and accelerate scientific discovery.

I am intensely committed to investing in science and research and Texas' place at the top of that ladder. In 2004, I worked to create TAMEST The Academy of Medicine, Engineering and Science of Texas a vehicle for Texas institutions to share knowledge and research, to know what others in the scientific fields were working on. Today,

with better information sharing, Texas has gone from sixth to third as a recipient of Federal research funding.

Science and technology are critical to the future growth and prosperity of our country. America must continue to prioritize scientific research and technological development that fuels our economy, creates jobs, improves health care and helps to promote our national security and global leadership.

This is incredibly important to both Texas and America. Since World War II, more than half of US economic growth can be attributed to technological innovation; part of this is a direct result of Federal investment in science and technology.

Texas' world-class research institutions and university-based innovation centers like TCSUH bring new technology and research together with savvy entrepreneurs, creating new businesses and, most important, creating jobs.

TCSUH contributes to the goals of strengthening the prominence of Texas as a national research leader by attracting top quality researchers to the State, educating the next generation of scientists and engineers, and building links with industry to commercialize new technologies and create quality jobs.

I congratulate Dr. Chu and his colleagues at TCSUH on this important occasion and extend my best wishes to all for many more years of continued success.●

#### 25TH ANNIVERSARY OF DAKOTA RURAL ACTION

Mr. JOHNSON of South Dakota. Mr. President, today I wish to commemorate the 25th anniversary of Dakota Rural Action. I am proud to honor the members and stakeholders involved in Dakota Rural Action and extend my congratulations to them on this memorable occasion.

Dakota Rural Action is a local, grassroots organization that exhibits leadership through community organizing. They strive to give South Dakotans a strong voice by working with local, State, and Federal Government officials on issues and decisions involving family agriculture, conservation, and overall quality of life. The members of DRA were also early vocal advocates of my Country-of-Origin Labeling, COOL, law, which has enabled consumers to access information about where their food is coming from and enabled producers to get a better price for their products.

The Dakota Rural Action organization started in 1985 as a steering committee called the South Dakota Rural Organizing Project. The committee was tasked with finding substantive and effective ways to organize citizens on a grassroots level, largely due to the farm crisis of the late 1980s. When the need for a more sustained, long-term organization became evident, Dakota Rural Action was formally created.

The founding members wanted to create a nonprofit, nonpartisan, community-driven organization that focused on the causes and larger issues affecting rural America, rather than just the effects of the farm crisis. On January 10, 1987, Dakota Rural Action held its first meeting in Brookings, SD, to adopt bylaws and an organizational structure, set membership dues, and to establish an issue platform.

Today, Dakota Rural Action remains a vibrant, statewide network of six chapters. They celebrated their 25th anniversary at their annual meeting in Brookings, SD on November 9 and 10, 2012. It is a great privilege for me to recognize Dakota Rural Action's 25 years of service to South Dakotans, as well as their continuing commitment to the issues and causes that affect South Dakota and rural areas across the Nation.●

#### TRIBUTE TO MIKE MODRICK

● Mr. THUNE. Mr. President, today I recognize Mike Modrick of Rapid City, SD. Mike, a recognized television personality in western South Dakota, is celebrating 25 years on October 26, 2012, as a meteorologist at KOTA Territory News and 30 years in weather forecasting. Mike is a graduate of Iowa State University with a bachelor of science degree in meteorology and a degree in speech. Shortly after graduating, Mike made his way to the beautiful, yet markedly unpredictable climate of western South Dakota where he has provided important safety and weather communications to the people of South Dakota for 25 years.

Mike has received the Seal of Approval for Television Weathercasting from the American Meteorological Society, which is considered the most prestigious award in weather broadcasting. His dedication to timely, reliable forecasting across western South Dakota is indicative of his passion and commitment to the safety of all South Dakotans. As Mike celebrates his silver anniversary with KOTA, it is my pleasure to thank him for his service.●

#### TRIBUTE TO DR. DUANE MEYER

● Mr. BLUNT. Mr. President, today I wish to honor Dr. Duane Meyer, historian, educator, author, former university president and my friend. Fittingly, the Greene County Historical Society honored Dr. Meyer in October with its Life Time Achievement Award for his body of work enriching Missouri's educational, historical and cultural life.

Dr. Meyer, through his dedication, is recognized as one of Missouri's most distinguished historians. Dr. Meyer served as a teacher for 18 years and as an administrator for 22 years (1971-1983 as president of what is today Missouri State University). He arrived in Springfield in 1955 with a Ph.D. from the University of Iowa. Dr. Meyer began his career as an assistant professor of history and later became a



full professor of history. By 1961 he was dean of facilities for what was then Southwest Missouri State College. Ten years later Dr. Meyer was selected as the sixth president of Southwest Missouri State College, which earned university status in 1972.

During his 12 years at the helm of Southwest Missouri State University, enrollment increased to an all-time high (62 percent), making it the second largest 4-year public institution of higher learning in Missouri. Southwest Missouri State University was transformed with the creation of an academic master plan, including a new business school, construction of a student event center and elevation of the athletic program to NCAA Division I competition. Academic achievements included new specialist degrees for graduate programs, new associate degrees for undergraduate students and cooperative education. Students were also given the opportunity to have learning experiences abroad. Faculty research was encouraged and research and service centers took form at Southwest Missouri State University during Dr. Meyer's tenure as president.

As the academic landscape changed, so did the look of the campus. The campus expanded to 125 acres, the first public-private building—Hammons Student Center—was constructed along with three new classroom buildings and four new residence halls. During that period, Southwest Missouri State University added the State Fruit Experiment Station in Mountain Grove and a new campus in West Plains, Missouri. In recognition of his contributions, Southwest Missouri State University honored Dr. Meyer by naming the school's new library after him.

After leaving the president's office, Dr. Meyer continued to teach as a professor emeritus of history. He also served as a member on the Missouri Council of Public Higher Education Board and on the Missouri Humanities Council. Dr. Meyer's research has produced two text books, including *The Heritage of Missouri: A History*, which serves as a valuable reference for students learning about Missouri history.

Dr. Meyer's leadership and dedication to excellence have reshaped one of the region's great universities and benefited countless students who have passed through its halls. Congratulations to Dr. Meyer for enhancing our understanding of Missouri history and making it available for future generations.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the PRESIDING OFFICER laid before the Senate messages from the President of the

United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

#### MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

##### ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Under the authority of the order of the Senate of January 5, 2011, the Secretary of the Senate, on September 25, 2012, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker pro tempore (Mr. LEWIS of California) has signed the following enrolled bills and joint resolution:

S. 300. An act to prevent abuse of Government charge cards.

S. 710. An act to amend the Solid Waste Disposal Act to direct the Administrator of the Environmental Protection Agency to establish a hazardous waste electronic manifest system.

H.R. 1272. An act to provide for the use and distribution of the funds awarded to the Minnesota Chippewa Tribe, et al., by the United States Court of Federal Claims in the Docket Numbers 19 and 188, and for other purposes.

H.R. 1791. An act to designate the United States courthouse under construction at 101 South United States Route 1 in Fort Pierce, Florida, as the "Alto Lee Adams, Sr., United States Courthouse".

H.R. 2139. An act to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Lions Club International.

H.R. 2240. An act to authorize the exchange of land or interest in land between Lowell National Historical Park and the city of Lowell in the Commonwealth of Massachusetts, and for other purposes.

H.R. 2706. An act to prohibit the sale of billfish.

H.R. 3556. An act to designate the new United States courthouse in Buffalo, New York, as the "Robert H. Jackson United States Courthouse".

H.R. 4158. An act to confirm full ownership rights for certain United States astronauts to artifacts from the astronauts' space missions.

H.R. 4223. An act to amend title 18, United States Code, to prohibit theft of medical products, and for other purposes.

H.R. 4347. An act to designate the United States courthouse located at 709 West 9th Street in Juneau, Alaska, as the "Robert Boochever United States Courthouse".

H.R. 5512. An act to amend title 28, United States Code, to realign divisions within two judicial districts.

H.R. 6189. An act to eliminate unnecessary reporting requirements for unfunded programs under the Office of Justice Programs.

H.R. 6215. An act to amend the Trademark Act of 1946 to correct an error in the provisions relating to remedies for dilution.

H.R. 6375. An act to authorize certain Department of Veterans Affairs major medical facility projects, to amend title 38, United States Code, to extend certain authorities of the Secretary of Veterans Affairs, and for other purposes.

H.R. 6431. An act to provide flexibility with respect to United States support for assistance provided by international financial institutions for Burma, and for other purposes.

H.R. 6433. An act to make corrections with respect to Food and Drug Administration user fees.

H.J. Res. 117. Joint resolution making continuing appropriations for fiscal year 2013, and for other purposes.

Under the authority of the order of the Senate of January 5, 2011, the enrolled bills and joint resolution were subsequently signed on September 25, 2012, during the adjournment of the Senate, by the President pro tempore (Mr. INOUE).

Under the authority of the order of the Senate of January 5, 2011, the Secretary of the Senate, on September 28, 2012, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House has passed the following bills, without amendment:

S. 3624. An act to amend section 31311 of title 49, United States Code, to permit States to issue commercial driver's licenses to members of the Armed Forces whose duty station is located in the State.

S. 3625. An act to change the effective date for the internet publication of certain information to prevent harm to the national security or endangering the military officers and civilian employees to whom the publication requirement applies, and for other purposes.

##### ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 5, 2011, the Secretary of the Senate, on September 28, 2012, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker pro tempore (Mr. LEWIS of California) has signed the following enrolled bill:

S. 3625. An act to change the effective date for the internet publication of certain information to prevent harm to the national security or endangering the military officers and civilian employees to whom the publication requirement applies, and for other purposes.

Under the authority of the order of the Senate of January 5, 2011, the enrolled bill was subsequently signed on September 28, 2012, during the adjournment of the Senate, by the Acting President pro tempore (Mr. REID).

##### ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 5, 2011, the Secretary of the Senate, on October 9, 2012, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker pro tempore (Mr. HARRIS of Maryland) has signed the following enrolled bill:

S. 3624. An act to amend section 31311 of title 49, United States Code, to permit States to issue commercial driver's licenses to members of the Armed Forces whose duty station is located in the State.

Under the authority of the order of the Senate of January 5, 2011, the enrolled bill was subsequently signed on October 9, 2012, during the adjournment of the Senate, by the Acting President pro tempore (Mr. WEBB).



## MESSAGE FROM THE HOUSE

At 2:22 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3409. An act to limit the authority of the Secretary of the Interior to issue regulations before December 31, 2013, under the Surface Mining Control and Reclamation Act of 1977.

The message also announced that the House passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 743. An act to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement in nondisclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel, and for other purposes.

## ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on September 25, 2012, she had presented to the President of the United States the following enrolled bills:

S. 300. An act to prevent abuse of Government charge cards.

S. 710. An act to amend the Solid Waste Disposal Act to direct the Administrator of the Environmental Protection Agency to establish a hazardous waste electronic manifest system.

The Secretary of the Senate reported that on September 28, 2012, she had presented to the President of the United States the following enrolled bill:

S. 3625. An act to change the effective date for the internet publication of certain information to prevent harm to the national security or endangering the military officers and civilian employees to whom the publication requirement applies, and for other purposes.

The Secretary of the Senate reported that on October 9, 2012, she had presented to the President of the United States the following enrolled bill:

S. 3624. An act to amend section 31311 of title 49, United States Code, to permit States to issue commercial driver's licenses to members of the Armed Forces whose duty station is located in the State.

## MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3409. An act to limit the authority of the Secretary of the Interior to issue regulations before December 31, 2013, under the Surface Mining Control and Reclamation Act of 1977; to the Committee on Environment and Public Works.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-7739. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the report of a rule entitled "Disclosure to Investor in System-wide and Consolidated Bank Debt Obligations of the Farm Credit System" (RIN3052-AC77) received during adjournment of the Senate in the Office of the President of the Senate on October 9, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7740. A communication from the Director of the Regulatory Review Group, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Suspension of End-Use Certificate Program Requirements" (7 CFR Part 782) received during adjournment of the Senate in the Office of the President of the Senate on October 3, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7741. A communication from the Management and Program Analyst, Forest Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Prohibitions Governing Fire" (RIN0596-AD08) received during adjournment of the Senate in the Office of the President of the Senate on October 4, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7742. A communication from the Acting Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Plum Pox Compensation" (RIN0579-AD58) (Docket No. APHIS-2011-0004) received during adjournment of the Senate in the Office of the President of the Senate on September 28, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7743. A communication from the Acting Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Asian Longhorned Beetle; Quarantined Areas in Massachusetts, Ohio, and New York" (Docket No. APHIS-2012-0003) received during adjournment of the Senate in the Office of the President of the Senate on September 28, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7744. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Citrus Greening and Asian Citrus Psyllid; Quarantine and Interstate Movement Regulations" (RIN0579-AC85) (Docket No. APHIS-2008-0015) received during adjournment of the Senate in the Office of the President of the Senate on October 1, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7745. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Irradiation Treatment; Location of Facilities in the Southern United States; Technical Amendment" (RIN0579-AD35) (Docket No. APHIS-2009-0100) received during adjournment of the Senate in the Office of the President of the Senate on October 4, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7746. A communication from the Acting Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Agricultural Bioterrorism Protection Act of 2002; Biennial Review and Republication of the Select Agent and Toxin List; Amendments to

the Select Agent and Toxin Regulations" (RIN0579-AD09) (Docket No. APHIS-2009-070) received during adjournment of the Senate in the Office of the President of the Senate on October 9, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7747. A communication from the Administrator of the National Organic Program, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "National Organic Program (NOP); Sunset Review (2012) for Nutrient Vitamins and Minerals" (RIN0581-AD17) (AMS-NOP-10-0083; NOP-10-091R) received during adjournment of the Senate in the Office of the President of the Senate on September 28, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7748. A communication from the Administrator of the National Organic Program, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "National Organic Program (NOP); Amendment to the National List of Allowed and Prohibited Substances (Livestock)" (RIN0581-AD018) (AMS-NOP-11-0063; NOP-11-11FR) received during adjournment of the Senate in the Office of the President of the Senate on September 28, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7749. A communication from the Administrator of Dairy Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Grading and Inspection, General Specifications for Approved Plants and Standards for Grades of Dairy Products; General Specifications for Dairy Plants Approved for USDA Inspection and Grading Service" (AMS-DA-10-0055) received during adjournment of the Senate in the Office of the President of the Senate on September 28, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7750. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Chlorantraniliprole; Pesticide Tolerances" (FRL No. 9362-5) received during adjournment of Senate in the Office of the President of the Senate on September 28, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7751. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Alkyl Amines Polyalkoxyates; Exemption from the Requirement of a Tolerance" (FRL No. 9361-7) received during adjournment of Senate in the Office of the President of the Senate on October 4, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7752. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Trinexapac-ethyl; Pesticides Tolerances" (FRL No. 9363-4) received during adjournment of Senate in the Office of the President of the Senate on October 4, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7753. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Glufosinate ammonium; Pesticide Tolerances" (FRL No. 9363-6) received during adjournment of Senate in the Office of the President of the Senate on September 25, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7754. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Sulfentrazone; Pesticide Tolerances" (FRL No. 9363-3) received during adjournment of Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7755. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Sulfoxaflo; Pesticide Tolerances for Emergency Exemptions" (FRL No. 9361-4) received during adjournment of Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7756. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Butylate, Clethodim, Dichlorvos, Dicofol, Isopropyl carbanilate, et al.; Tolerance Actions" (FRL No. 9358-8) received during adjournment of Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7757. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Buprofezin; Pesticide Tolerances" (FRL No. 9364-9) received during adjournment of Senate in the Office of the President of the Senate on October 16, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7758. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, an addendum to the Antideficiency Act violation report on United States Special Operations Command case number 09-02; to the Committee on Appropriations.

EC-7759. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, an addendum to the Army Antideficiency Act violation report on Army case number 10-02; to the Committee on Appropriations.

EC-7760. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the designation of funding for Overseas Contingency Operations/Global War on Terrorism; to the Committee on Appropriations.

EC-7761. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Admiral Kirkland H. Donald, United States Navy, and his advancement to the grade of admiral on the retired list; to the Committee on Armed Services.

EC-7762. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of General Raymond E. Johns, Jr., United States Air Force, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

EC-7763. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of General Douglas M. Fraser, United States Air Force, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

EC-7764. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Mark P. Hertling, United States Army, and his advancement to the grade of lieutenant general

on the retired list; to the Committee on Armed Services.

EC-7765. A communication from the Assistant Secretary of the Army (Acquisition, Logistics and Technology), transmitting, pursuant to law, a report relative to Army Industrial Facilities Cooperative Activities with Non-Army Entities; to the Committee on Armed Services.

EC-7766. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting the report of two (2) officers authorized to wear the insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-7767. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting the report of an officer authorized to wear the insignia of the grade of rear admiral in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-7768. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report entitled "Department of Defense Report on Pilot Program for Foreign Language Proficiency Training for Reserve Members"; to the Committee on Armed Services.

EC-7769. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64) (Docket No. FEMA-2012-0003)) received during adjournment of the Senate in the Office of the President of the Senate on October 4, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-7770. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" ((44 CFR Part 65) (Docket No. FEMA-2012-0003)) received during adjournment of the Senate in the Office of the President of the Senate on October 4, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-7771. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64) (Docket No. FEMA-2012-0003)) received during adjournment of the Senate in the Office of the President of the Senate on October 4, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-7772. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64) (Docket No. FEMA-2012-0003)) received during adjournment of the Senate in the Office of the President of the Senate on October 16, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-7773. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Addition of Certain Persons to the Entity List" (RIN0694-AF77) received during adjournment of the Senate in the Office of the President of the Senate on October 3, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-7774. A communication from the Secretary, Division of Trading and Markets, Securities and Exchange Commission, trans-

mitting, pursuant to law, the report of a rule entitled "Temporary Registration as a Municipal Advisor; Required Amendments; and Withdrawal from Temporary Registration" (RIN3235-AK69) received during adjournment of the Senate in the Office of the President of the Senate on September 24, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-7775. A communication from the Deputy Director, Financial Crimes Enforcement Network, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Repeal of the Final Rule Imposing Special Measures and Withdrawal of the Findings of Primary Money Laundering Concern Against Myanmar Mayflower Bank and Asia Wealth Bank" (RIN1506-AA63) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-7776. A communication from the Regulatory Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Annual Stress Test" (RIN1557-AD58) received during adjournment of the Senate in the Office of the President of the Senate on October 9, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-7777. A communication from the Regulatory Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Short-term Investment Funds" (RIN1557-AD37) received during adjournment of the Senate in the Office of the President of the Senate on October 9, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-7778. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Risk-Based Capital Guidelines: Market Risk" (RIN7100-AD61 and FRB Docket No. R-1401) received during adjournment of the Senate in the Office of the President of the Senate on October 12, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-7779. A communication from the President of the United States, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Iran as declared in Executive Order 12957; to the Committee on Banking, Housing, and Urban Affairs.

EC-7780. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Russia; to the Committee on Banking, Housing, and Urban Affairs.

EC-7781. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to India; to the Committee on Banking, Housing, and Urban Affairs.

EC-7782. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Hong Kong; to the Committee on Banking, Housing, and Urban Affairs.

EC-7783. A communication from the Deputy Secretary of the Treasury, transmitting, pursuant to law, a notice of the continuation of the national emergency with respect to Somalia that was declared in Executive Order 13536 of April 12, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-7784. A communication from the Deputy Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report

on the national emergency with respect to Iran that was declared in Executive Order 12170 on November 14, 1979; to the Committee on Banking, Housing, and Urban Affairs.

EC-7785. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report relative to the continuation of the national emergency relative to the actions and policies of the Government of Sudan as declared in Executive Order 13067 of November 3, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC-7786. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month report on the national emergency that was originally declared in Executive Order 13159 relative to the risk of nuclear proliferation created by the accumulation of weapons-usable fissile material in the territory of the Russian Federation; to the Committee on Banking, Housing, and Urban Affairs.

EC-7787. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report on the continuation of the national emergency declared in Executive Order 13413 with respect to blocking the property of persons contributing to the conflict taking place in the Democratic Republic of the Congo; to the Committee on Banking, Housing, and Urban Affairs.

EC-7788. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the Office of Financial Research's annual report on activities of the office to date; to the Committee on Banking, Housing, and Urban Affairs.

EC-7789. A communication from the President and Chief Executive Officer, Federal Home Loan Bank of Pittsburgh, transmitting, pursuant to law, the Bank's 2011 Statement on System of Internal Controls, audited financial statements, and Report of Independent Auditors on Internal Control over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with Government Auditing Standards; to the Committee on Banking, Housing, and Urban Affairs.

EC-7790. A communication from the Secretary of Energy, transmitting, pursuant to law, the Department of Energy's Office of Civilian Radioactive Waste Management's Annual Financial Reports for the years ending September 30, 2010 and 2011; to the Committee on Energy and Natural Resources.

EC-7791. A communication from the Assistant Secretary of Energy (Energy Efficiency and Renewable Energy), transmitting, pursuant to law, the Department's status report on its rulemaking under section 133 of the Energy Independence and Security Act of 2007; to the Committee on Energy and Natural Resources.

EC-7792. A communication from the Principal Deputy Assistant Secretary for Fish and Wildlife and Parks, National Park Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Special Regulations; Areas of the National Park System, Saguaro National Park, Bicycling" (RIN1024-AE08) received during adjournment of the Senate in the Office of the President of the Senate on October 3, 2012; to the Committee on Energy and Natural Resources.

EC-7793. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Electricity Market Transparency Provisions of Section 220 of the Federal Power Act" (RIN1902-AD96) received during adjournment of the Senate in the Office of the President of the Senate on October 3, 2012; to the Committee on Energy and Natural Resources.

EC-7794. A communication from the General Counsel, Federal Energy Regulatory

Commission, transmitting, pursuant to law, the report of a rule entitled "Revision to Form No. 6" (RIN1902-AE37) received during adjournment of the Senate in the Office of the President of the Senate on October 4, 2012; to the Committee on Energy and Natural Resources.

EC-7795. A communication from the Director of Congressional Affairs, Office of Nuclear Reactor Regulation, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Design, Inspection, and Testing Criteria for Air Filtration and Adsorption Units of Post-accident Engineered-Safety-Feature Atmosphere Cleanup in Light-Water-Cooled Nuclear Power Plants" (Regulatory Guide 1.52) received during adjournment of the Senate in the Office of the President of the Senate on October 5, 2012; to the Committee on Environment and Public Works.

EC-7796. A communication from the Director of Congressional Affairs, Office of Nuclear Reactor Regulation, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Withdrawal of Regulatory Guide 5.67, 'Material Control and Accounting for Uranium Enrichment Facilities Authorized to Produce Special Nuclear Material of Low Strategic Significance'" received during adjournment of the Senate in the Office of the President of the Senate on October 5, 2012; to the Committee on Environment and Public Works.

EC-7797. A communication from the Director of Congressional Affairs, Office of Nuclear Reactor Regulation, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "NRC Staff Position on Dispositioning Boiling-Water Reactor Licensee Noncompliance with Technical Specification Requirements During Operations with a Potential for Draining the Reactor Vessel" (RIS 2012-11) received during adjournment of the Senate in the Office of the President of the Senate on October 5, 2012; to the Committee on Environment and Public Works.

EC-7798. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Implementation Plans; Oregon" (FRL No. 9722-2) received during adjournment of the Senate in the Office of the President of the Senate on September 28, 2012; to the Committee on Environment and Public Works.

EC-7799. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Regulation of Fuels and Fuel Additives: Modifications to Renewable Fuel Standard and Diesel Sulfur Programs" (FRL No. 9733-3) received during adjournment of the Senate in the Office of the President of the Senate on September 28, 2012; to the Committee on Environment and Public Works.

EC-7800. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Kentucky; Approval of Revisions to the Jefferson County Portion of the Kentucky SIP; New Source Review; Prevention of Significant Deterioration" (FRL No. 9734-7) received during adjournment of the Senate in the Office of the President of the Senate on September 28, 2012; to the Committee on Environment and Public Works.

EC-7801. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air

Quality Implementation Plans; Delaware; Requirements for Prevention of Significant Deterioration and Nonattainment New Source Review; Fine Particulate Matter (PM<sub>2.5</sub>)" (FRL No. 9735-7) received during adjournment of the Senate in the Office of the President of the Senate on September 28, 2012; to the Committee on Environment and Public Works.

EC-7802. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Vermont: Prevention of Significant Deterioration; Greenhouse Gas Permitting Authority and Tailoring Rule" (FRL No. 9736-5) received during adjournment of the Senate in the Office of the President of the Senate on September 28, 2012; to the Committee on Environment and Public Works.

EC-7803. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Virginia; The 2002 Base Year Emissions Inventory for the Washington DC-MD-VA Nonattainment Area for the 1997 Fine Particulate Matter National Ambient Air Quality Standard" (FRL No. 9735-5) received during adjournment of the Senate in the Office of the President of the Senate on September 28, 2012; to the Committee on Environment and Public Works.

EC-7804. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Idaho: Incorporation by Reference of Approved State Hazardous Waste Management Program" (FRL No. 9707-1) received during adjournment of the Senate in the Office of the President of the Senate on September 28, 2012; to the Committee on Environment and Public Works.

EC-7805. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Arizona; Prevention of Air Pollution Emergency Episodes" (FRL No. 9713-4) received during adjournment of the Senate in the Office of the President of the Senate on October 4, 2012; to the Committee on Environment and Public Works.

EC-7806. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Partial Approval and Partial Disapproval of Air Quality Implementation Plans for Florida, Mississippi, and South Carolina; Section 110(a) (2) (D) (i) (I) Transport Requirements for the 2006 24-Hour Fine Particulate Matter National Ambient Air Quality Standards" (FRL No. 9738-9) received during adjournment of the Senate in the Office of the President of the Senate on October 4, 2012; to the Committee on Environment and Public Works.

EC-7807. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Mississippi; 110(a) (1) and (2) Infrastructure Requirements for the 1997 and 2006 Fine Particulate Matter National Ambient Air Quality Standards" (FRL No. 9738-7) received during adjournment of the Senate in the Office of the President of the Senate on October 4, 2012; to the Committee on Environment and Public Works.

EC-7808. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maryland; The 2002 Base Year Emissions Inventory for the Washington DC-MD-VA Nonattainment Area for the 1997 Fine Particulate Matter National Ambient Air Quality Standard" (FRL No. 9735-6) received during adjournment of the Senate in the Office of the President of the Senate on October 4, 2012; to the Committee on Environment and Public Works.

EC-7809. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Mississippi; 110(a) (2) (G) Infrastructure Requirement for the 1997 and 2006 Fine Particulate Matter National Ambient Air Quality Standards" (FRL No. 9738-6) received during adjournment of the Senate in the Office of the President of the Senate on October 4, 2012; to the Committee on Environment and Public Works.

EC-7810. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Streamlining Amendments to the Plan Approval Regulations" (FRL No. 9738-1) received during adjournment of the Senate in the Office of the President of the Senate on October 4, 2012; to the Committee on Environment and Public Works.

EC-7811. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Delaware; Attainment Demonstration for the 1997 8-Hour Ozone National Ambient Air Quality Standard for the Philadelphia-Wilmington-Atlantic City Moderate Nonattainment Area" (FRL No. 9737-9) received during adjournment of the Senate in the Office of the President of the Senate on October 4, 2012; to the Committee on Environment and Public Works.

EC-7812. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Air Quality Implementation Plans; Alabama; Attainment Plan for the Alabama Portion of the Chattahoochee 1997 Annual PM<sub>2.5</sub> Nonattainment Area" (FRL No. 9737-8) received during adjournment of the Senate in the Office of the President of the Senate on October 4, 2012; to the Committee on Environment and Public Works.

EC-7813. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revision to the Nevada State Implementation Plan, Washoe County Air Quality District" (FRL No. 9736-8) received during adjournment of the Senate in the Office of the President of the Senate on October 4, 2012; to the Committee on Environment and Public Works.

EC-7814. A communication from the Chief of the Listing Branch, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Cumberland Darter, Rush Darter, Yellowcheek Darter, Chucky Madtom, and Laurel Dace" (RIN1018-AX76) received during adjournment of the Senate in the Office of

the President of the Senate on October 10, 2012; to the Committee on Environment and Public Works.

EC-7815. A communication from the Chief of the Listing Branch, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Determination of Endangered Species Status for the Alabama Pearlscale, Round Ebonyshell, Southern Kidneyshell, and Choctaw Bean, and Threatened Species Status for the Tapered Pigtoe, Narrow Pigtoe, Southern Sandshell, and Fuzzy Pigtoe, and Designation of Critical Habitat" (RIN1018-AW92) received during adjournment of the Senate in the Office of the President of the Senate on October 10, 2012; to the Committee on Environment and Public Works.

EC-7816. A communication from the Chief of the Listing Branch, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Determination of Endangered Species Status for Coqui Llanero Throughout Its Range and Designation of Critical Habitat" (RIN1018-AX68) received during adjournment of the Senate in the Office of the President of the Senate on October 10, 2012; to the Committee on Environment and Public Works.

EC-7817. A communication from the Wildlife Biologist, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting: Late Seasons and Bag and Possession Limits for Certain Migratory Game Birds" (RIN1018-AX97) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Environment and Public Works.

EC-7818. A communication from the Wildlife Biologist, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting: Final Frameworks for Early-Season Migratory Bird Hunting Regulations" (RIN1018-AX97) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Environment and Public Works.

EC-7819. A communication from the Wildlife Biologist, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting: Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2012-13 Early Season" (RIN1018-AX97) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Environment and Public Works.

EC-7820. A communication from the Wildlife Biologist, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting: Early Seasons and Bag and Possession Limits for Certain Migratory Game Birds in the Contiguous United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands" (RIN1018-AX97) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Environment and Public Works.

EC-7821. A communication from the Wildlife Biologist, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting: Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2012-13 Late Season" (RIN1018-AX97) re-

ceived during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Environment and Public Works.

EC-7822. A communication from the Wildlife Biologist, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting: Final Frameworks for Late-Season Migratory Bird Hunting Regulations" (RIN1018-AX97) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Environment and Public Works.

EC-7823. A communication from the Division Chief of Regulatory Affairs, Bureau of Land Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Minerals Management: Adjustments of Cost Recovery Fees" (RIN1004-AE29) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Environment and Public Works.

EC-7824. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Preoperational Testing of Instrument and Control Air Systems" (Regulatory Guide 1.68.3) received during adjournment of the Senate in the Office of the President of the Senate on September 24, 2012; to the Committee on Environment and Public Works.

EC-7825. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Combining Modal Responses and Spatial Components in Seismic Response Analysis" (Regulatory Guide 1.92, Revision 3) received during adjournment of the Senate in the Office of the President of the Senate on September 25, 2012; to the Committee on Environment and Public Works.

EC-7826. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Significant New Use Rules on Certain Chemical Substances" (FRL No. 9764-5) received during adjournment of the Senate in the Office of the President of the Senate on September 28, 2012; to the Committee on Environment and Public Works.

EC-7827. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Delaware; Control Technique Guidelines for Plastic Parts, Metal Furniture, Large Appliances, and Miscellaneous Metal Parts" (FRL No. 9731-8) received during adjournment of the Senate in the Office of the President of the Senate on September 25, 2012; to the Committee on Environment and Public Works.

EC-7828. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; North Carolina: Approval of Rocky Mount Motor Vehicle Emissions Budget Update" (FRL No. 9732-7) received during adjournment of the Senate in the Office of the President of the Senate on September 25, 2012; to the Committee on Environment and Public Works.

EC-7829. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Florida 110(a) (1) and (2) Infrastructure Requirements for the 1997 and

2006 Fine Particulate Matter National Ambient Air Quality Standards” (FRL No. 9734-6) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Environment and Public Works.

EC-7830. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Implementation Plans; Alabama 110(a) (1) and (2) Infrastructure Requirements for the 1997 and 2006 Fine Particulate Matter National Ambient Air Quality Standards” (FRL No. 9734-5) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Environment and Public Works.

EC-7831. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Implementation Plans; Kentucky 110(a) (1) and (2) Infrastructure Requirements for the 1997 and 2006 Fine Particulate Matter National Ambient Air Quality Standards” (FRL No. 9734-4) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Environment and Public Works.

EC-7832. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans; Ohio; PBR and PTIO” (FRL No. 97) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Environment and Public Works.

EC-7833. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Implementation Plans; Georgia; Control Techniques Guidelines and Reasonably Available Control Technology” (FRL No. 9732-2) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Environment and Public Works.

EC-7834. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report listing unconstructed projects, or unconstructed separable elements of projects, that have been authorized but for which no funds have been obligated for planning, design, or construction during the preceding five full fiscal years; to the Committee on Environment and Public Works.

EC-7835. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Revisions to the California State Implementation Plan, Sacramento Metropolitan Air Quality Management District” (FRL No. 9740-7) received during adjournment of the Senate in the Office of the President of the Senate on October 11, 2012; to the Committee on Environment and Public Works.

EC-7836. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Pittsburgh-Beaver Valley Nonattainment Area Determinations of Attainment of the 1997 Annual Fine Particulate Standard” (FRL No. 9738-3) received during adjournment of the Senate in the Office of the President of the Senate on October 11, 2012; to the

Committee on Environment and Public Works.

EC-7837. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Implementation Plans; North Carolina Portion of the Charlotte-Gastonia-Rock Hill, North Carolina-North Carolina 1997 8-Hour Ozone Nonattainment Area; Reasonable Further Progress Plan” (FRL No. 9741-2) received during adjournment of the Senate in the Office of the President of the Senate on October 11, 2012; to the Committee on Environment and Public Works.

EC-7838. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Implementation Plans; Alabama; Disapproval of 110(a)(2)(E)(ii) Infrastructure Requirement for the 1997 and 2006 Fine Particulate Matter National Ambient Air Quality Standards” (FRL No. 9739-3) received during adjournment of the Senate in the Office of the President of the Senate on October 11, 2012; to the Committee on Environment and Public Works.

EC-7839. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Implementation Plans; Portion of York County, South Carolina Within Charlotte-Gastonia-Rock Hill, North Carolina-South Carolina 1997 8-Hour Ozone Nonattainment Area; Reasonable Further Progress Plan” (FRL No. 9740-9) received during adjournment of the Senate in the Office of the President of the Senate on October 11, 2012; to the Committee on Environment and Public Works.

EC-7840. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Implementation Plans; North Carolina 110(a) (1) and (2) Infrastructure Requirements for the 1997 and 2006 Fine Particulate Matter National Ambient Air Quality Standards” (FRL No. 9739-2) received during adjournment of the Senate in the Office of the President of the Senate on October 11, 2012; to the Committee on Environment and Public Works.

EC-7841. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans; Connecticut, Maine, Massachusetts, New Hampshire; Infrastructure SIPs for the 1997 and 2006 Fine Particulate Matter Standards” (FRL No. 9740-1) received during adjournment of the Senate in the Office of the President of the Senate on October 11, 2012; to the Committee on Environment and Public Works.

EC-7842. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Determination of Attainment of the 1-Hour Ozone National Ambient Air Quality Standards in the Sacramento Metro Nonattainment Area in California” (FRL No. 9741-8) received during adjournment of the Senate in the Office of the President of the Senate on October 16, 2012; to the Committee on Environment and Public Works.

EC-7843. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Implementation Plans; Georgia 110(a) (1) and (2)

Infrastructure Requirements for the 1997 and 2006 Fine Particulate Matter National Ambient Air Quality Standards” (FRL No. 9739-1) received during adjournment of the Senate in the Office of the President of the Senate on October 16, 2012; to the Committee on Environment and Public Works.

EC-7844. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Implementation Plans; North Dakota; Prevention of Significant Deterioration; Greenhouse Gas Permitting Authority and Tailoring Rule; PM2.5 NSR Implementation Rule” (FRL No. 9742-3) received during adjournment of the Senate in the Office of the President of the Senate on October 16, 2012; to the Committee on Environment and Public Works.

EC-7845. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Prevention of Significant Deterioration” (FRL No. 9738-2) received during adjournment of the Senate in the Office of the President of the Senate on October 16, 2012; to the Committee on Environment and Public Works.

EC-7846. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Implementation Plans; Alaska; Infrastructure Requirements for the 1997 8-Hour Ozone National Ambient Air Quality Standard” (FRL No. 9701-5) received during adjournment of the Senate in the Office of the President of the Senate on October 16, 2012; to the Committee on Environment and Public Works.

EC-7847. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District” (FRL No. 9732-5) received during adjournment of the Senate in the Office of the President of the Senate on October 16, 2012; to the Committee on Environment and Public Works.

EC-7848. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans; Illinois; Greif Packaging, LLC Adjusted Standard” (FRL No. 9733-6) received during adjournment of the Senate in the Office of the President of the Senate on October 16, 2012; to the Committee on Environment and Public Works.

EC-7849. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Partial Approval and Partial Disapproval of Air Quality State Implementation Plans; Nevada; Infrastructure Requirements for Ozone and Fine Particulate Matter” (FRL No. 9739-8) received during adjournment of the Senate in the Office of the President of the Senate on October 16, 2012; to the Committee on Environment and Public Works.

EC-7850. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Limited Approval and Disapproval of Air Quality Implementation Plans; Nevada; Clark County; Stationary Source Permits” (FRL No. 9740-3) received during adjournment of the Senate in the Office of the President of the Senate on October 16, 2012; to the

Committee on Environment and Public Works.

EC-7851. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Applicable Federal Rates—October 2012” (Rev. Rul. 2012-28) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Finance.

EC-7852. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Extension of Import Restrictions on Archaeological and Ethnological Materials from Guatemala” (RIN1515-AD92) received during adjournment of the Senate in the Office of the President of the Senate on September 27, 2012; to the Committee on Finance.

EC-7853. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Extension of Replacement Period for Livestock Sold on Account of Drought in Specified Counties” (Notice 2012-62) received during adjournment of the Senate in the Office of the President of the Senate on September 27, 2012; to the Committee on Finance.

EC-7854. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “RIC Modernization Act Capital Loss Carryforward Effective Date” (Rev. Rul. 2012-29) received during adjournment of the Senate in the Office of the President of the Senate on October 4, 2012; to the Committee on Finance.

EC-7855. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “New Markets Tax Credit Non-Real Estate Investments” (TD 9600) received during adjournment of the Senate in the Office of the President of the Senate on October 4, 2012; to the Committee on Finance.

EC-7856. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “United States—Peru Trade Promotion Agreement” (RIN1515-AD79) received during adjournment of the Senate in the Office of the President of the Senate on October 15, 2012; to the Committee on Finance.

EC-7857. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to groups designated by the Secretary of State as Foreign Terrorist Organizations (OSS 2012-1481); to the Committee on Foreign Relations.

EC-7858. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 12-113, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel’s Qualitative Military Edge over military threats to Israel; to the Committee on Foreign Relations.

EC-7859. A communication from the Acting Secretary of Commerce, transmitting, pursuant to law, a report relative to the export to the People’s Republic of China of an item not detrimental to the U.S. space launch industry; to the Committee on Foreign Relations.

EC-7860. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled “Operation of the Enterprise for the Americas Initiative and the Tropical Forest Conservation Act 2011 Annual Report to Congress”; to the Committee on Foreign Relations.

EC-7861. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report consistent with the Authorization for Use of Military Force Against Iraq Resolution of 1002 (P.L. 107-243) and the Authorization for the Use of Force Against Iraq Resolution (P.L. 102-1) for the April 26, 2012 through June 24, 2012 reporting period; to the Committee on Foreign Relations.

EC-7862. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the Secretary of State’s convening of an Accountability Review Board regarding Benghazi, Libya; to the Committee on Foreign Relations.

EC-7863. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act (Transmittal No. DDTC 12-098); to the Committee on Foreign Relations.

EC-7864. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act (Transmittal No. DDTC 12-118); to the Committee on Foreign Relations.

EC-7865. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act (Transmittal No. DDTC 12-117); to the Committee on Foreign Relations.

EC-7866. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act (Transmittal No. DDTC 12-123); to the Committee on Foreign Relations.

EC-7867. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act (Transmittal No. DDTC 12-116); to the Committee on Foreign Relations.

EC-7868. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act (Transmittal No. DDTC 12-112); to the Committee on Foreign Relations.

EC-7869. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2012-0123–2012-0142); to the Committee on Foreign Relations.

EC-7870. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2012-0143–2012-0150); to the Committee on Foreign Relations.

EC-7871. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(d) of the Arms Export Con-

trol Act (Transmittal No. DDTC 12-132); to the Committee on Foreign Relations.

EC-7872. A communication from the Secretary of Labor, transmitting, pursuant to law, a report entitled “The Department of Labor’s 2011 Findings on the Worst Forms of Child Labor”; to the Committee on Health, Education, Labor, and Pensions.

EC-7873. A communication from the Secretary of Labor, transmitting, pursuant to law, a report entitled “List of Goods Produced by Child Labor or Forced Labor”; to the Committee on Health, Education, Labor, and Pensions.

EC-7874. A communication from the Chairman of the National Health Care Workforce Commission, transmitting, a report relative to the status of the Commission; to the Committee on Health, Education, Labor, and Pensions.

EC-7875. A communication from the Assistant Secretary for Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled “Final Priorities and Definitions: State Personnel Development Grants” (CFDA No. 84.323A) received during adjournment of the Senate in the Office of the President of the Senate on October 9, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC-7876. A communication from the Assistant Secretary for Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled “Final Priority: Technical Assistance on State Data Collection, Analysis, and Reporting—National IDEA Technical Assistance Center on Early Childhood Longitudinal Data Systems” (CFDA No. 84.373Z) received during adjournment of the Senate in the Office of the President of the Senate on October 9, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC-7877. A communication from the Secretary of Education, transmitting, pursuant to law, the report of a rule entitled “Adjustment of Civil Monetary Penalties for Inflation” (RIN1801-AA12) received during adjournment of the Senate in the Office of the President of the Senate on October 9, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC-7878. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Food and Drug Administration’s report relative to the Third Review of the Backlog of Postmarketing Requirements and Postmarketing Commitments; to the Committee on Health, Education, Labor, and Pensions.

EC-7879. A communication from General Counsel, Corporation for National and Community Service, transmitting, pursuant to law, the report of a rule entitled “Criminal History Check Requirements for AmeriCorps State/National, Senior Companions, Foster Grandparents, the Retired and Senior Volunteer Program, and Other National Service Programs; Final Rule” (RIN3045-AA56) received during adjournment of the Senate in the Office of the President of the Senate on October 12, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC-7880. A communication from the Deputy Director for Policy, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled “Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits” (29 CFR Parts 4022 and 4044) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Health, Education, Labor, and Pensions.



EC-7881. A communication from the Program Manager, Centers for Disease Control and Prevention, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Possession, Use, and Transfer of Select Agents and Toxins; Biennial Review" (RIN0920-AA34) received during adjournment of the Senate in the Office of the President of the Senate on October 4, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC-7882. A communication from the Assistant Secretary for the Employment and Training Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Wage Methodology for the Temporary Non-Agricultural Employment H-2B Program; Delay of Effective Date" (RIN1205-AB61) received during adjournment of the Senate in the Office of the President of the Senate on September 28, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC-7883. A communication from the Director, Directorate of Cooperative and State Programs, Occupational Safety and Health Administration, transmitting, pursuant to law, the report of a rule entitled "Hawaii State Plan for Occupational Safety and Health" (RIN1218-AC78) received during adjournment of the Senate in the Office of the President of the Senate on October 9, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC-7884. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, "District of Columbia Public Schools Local Schools and Central Office Budget Process Review Consulting Report (Report No. 2) Fiscal Years 2007-2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-7885. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, "Review of the District of Columbia's Performance Measurement System"; to the Committee on Homeland Security and Governmental Affairs.

EC-7886. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, "Audit of the Accounts and Operations of ANC 2D for Fiscal Years 2009 through 2011"; to the Committee on Homeland Security and Governmental Affairs.

EC-7887. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, "Audit of the Metropolitan Police Department's Investigations and Preliminary Inquiries Involving First Amendment Activities"; to the Committee on Homeland Security and Governmental Affairs.

EC-7888. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, "Fiscal Year 2011 Annual Report on Advisory Neighborhood Commissions"; to the Committee on Homeland Security and Governmental Affairs.

EC-7889. A communication from the Acting Chief Privacy Officer, Privacy Office, Department of Homeland Security, transmitting, pursuant to law, a report entitled "Department of Homeland Security Privacy Office 2012 Annual Report to Congress"; to the Committee on Homeland Security and Governmental Affairs.

EC-7890. A communication from the Chairman of the Merit Systems Protection Board, transmitting, pursuant to law, a report entitled "Employee Perceptions of Federal Workplace Violence"; to the Committee on Homeland Security and Governmental Affairs.

EC-7891. A communication from the Chairman of the National Capital Planning Com-

mission, transmitting, pursuant to law, the Commission's fiscal year 2011 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Homeland Security and Governmental Affairs.

EC-7892. A communication from the Associate Deputy Director, Central Intelligence Agency, transmitting, pursuant to law, the Agency's fiscal year 2011 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Homeland Security and Governmental Affairs.

EC-7893. A communication from the Administrator, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, a report relative to the cost of response and recovery efforts for FEMA-3347-EM in the State of Louisiana having exceeded the \$5,000,000 limit for a single emergency declaration; to the Committee on Homeland Security and Governmental Affairs.

EC-7894. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "General Services Administration Acquisition Regulation; Rewrite of Part 504, Administrative Matters" (RIN3090-AI72) received during adjournment of the Senate in the Office of the President of the Senate on October 3, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-7895. A communication from the Acting Director of the Office of Regulatory Affairs and Collaborative Action, Bureau of Indian Affairs, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Heating, Cooling, and Lighting Standards for Bureau-funded Dormitory Facilities" (RIN1076-AF10) received during adjournment of the Senate in the Office of the President of the Senate on October 5, 2012; to the Committee on Indian Affairs.

EC-7896. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Fiscal Year 2011 Report to Congress on Funding Needs For Contract Support Cost of Self-Determination Awards"; to the Committee on Indian Affairs.

EC-7897. A communication from the General Counsel of the National Tropical Botanical Garden, transmitting, pursuant to law, a report relative to an audit of the Garden for the period from January 1, 2011, through December 31, 2011; to the Committee on the Judiciary.

EC-7898. A communication from the Acting Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the Department's 2011 Annual Privacy Report; to the Committee on the Judiciary.

EC-7899. A communication from the Clerk of Court, United States Court of Appeals for the Seventh Circuit, transmitting an opinion of the United States Court of Appeals for the Seventh Circuit (*Senne v. Village of Palatine, IL*); to the Committee on the Judiciary.

EC-7900. A communication from the Clerk of Court, United States Court of Appeals for the Seventh Circuit, transmitting an opinion of the United States Court of Appeals for the Seventh Circuit (*George v. Junior Achievement of Central Indiana*); to the Committee on the Judiciary.

EC-7901. A communication from the Clerk of Court, United States Court of Appeals for the Seventh Circuit, transmitting an opinion of the United States Court of Appeals for the Seventh Circuit (*In re: Ganess Maharaj*); to the Committee on the Judiciary.

EC-7902. A communication from the Acting Chief, Asset Forfeiture and Money Lau-

ndering Section, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Consolidation of Seizure and Forfeiture Regulations" (RIN1105-AA74) received during adjournment of the Senate in the Office of the President of the Senate on October 4, 2012; to the Committee on the Judiciary.

EC-7903. A communication from the Federal Liaison Officer, Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Changes to Implement Derivation Proceedings" (RIN0651-AC74) received during adjournment of the Senate in the Office of the President of the Senate on October 1, 2012; to the Committee on the Judiciary.

EC-7904. A communication from the Federal Register Liaison Officer, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Establishment of the Middleburg Virginia Viticultural Area" (RIN1513-AB67) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on the Judiciary.

EC-7905. A communication from the Federal Register Liaison Officer, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revision to Vintage Date Requirements" (RIN1513-AB84) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on the Judiciary.

EC-7906. A communication from the Federal Register Liaison Officer, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Establishment of the Inwood Valley Viticultural Area" (RIN1513-AB83) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on the Judiciary.

EC-7907. A communication from the Chief of Regulation Development, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Fisher House and Other Temporary Lodging" (RIN2900-AN79) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Veterans' Affairs.

EC-7908. A communication from the Director of the Regulation Policy and Management, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Removal of 30-Day Residency Requirement for Per Diem Payments During an In-Patient Hospital Stay" (RIN2900-AO36) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Veterans' Affairs.

EC-7909. A communication from the Director of the Regulation Policy and Management, Veterans Benefit Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Servicemembers' Group Life Insurance and Veterans' Group Life Insurance—Slayer's Rule Exclusion" (RIN2900-AN40) received during adjournment of the Senate in the Office of the President of the Senate on October 2, 2012; to the Committee on Veterans' Affairs.

EC-7910. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Airplanes" ((RIN2120-AA64) (Docket No. FAA-2012-0264)) received during adjournment of the Senate in the Office of the President of the Senate on September 27, 2012; to



the Committee on Commerce, Science, and Transportation.

EC-7911. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; BAE Systems (Operations) Limited Airplanes" ((RIN2120-AA64) (Docket No. FAA-2012-0332)) received during adjournment of the Senate in the Office of the President of the Senate on September 27, 2012; to the Committee on Commerce, Science, and Transportation.

EC-7912. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Airplanes" ((RIN2120-AA64) (Docket No. FAA-2012-0336)) received during adjournment of the Senate in the Office of the President of the Senate on September 27, 2012; to the Committee on Commerce, Science, and Transportation.

EC-7913. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc. Airplanes" ((RIN2120-AA64) (Docket No. FAA-2011-1418)) received during adjournment of the Senate in the Office of the President of the Senate on September 27, 2012; to the Committee on Commerce, Science, and Transportation.

EC-7914. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Various Restricted Category Helicopters" ((RIN2120-AA64) (Docket No. FAA-2012-0739)) received during adjournment of the Senate in the Office of the President of the Senate on September 27, 2012; to the Committee on Commerce, Science, and Transportation.

EC-7915. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0480)) received during adjournment of the Senate in the Office of the President of the Senate on September 27, 2012; to the Committee on Commerce, Science, and Transportation.

EC-7916. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Airplanes" ((RIN2120-AA64) (Docket No. FAA-2012-0414)) received during adjournment of the Senate in the Office of the President of the Senate on September 27, 2012; to the Committee on Commerce, Science, and Transportation.

EC-7917. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Glasflügel Gliders" ((RIN2120-AA64) (Docket No. FAA-2012-0046)) received during adjournment of the Senate in the Office of the President of the Senate on September 27, 2012; to the Committee on Commerce, Science, and Transportation.

EC-7918. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Airplanes" ((RIN2120-AA64) (Docket No. FAA-2011-1322)) received during adjournment of the Senate in the Of-

fice of the President of the Senate on September 27, 2012; to the Committee on Commerce, Science, and Transportation.

EC-7919. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Airplanes" ((RIN2120-AA64) (Docket No. FAA-2009-0607)) received during adjournment of the Senate in the Office of the President of the Senate on September 27, 2012; to the Committee on Commerce, Science, and Transportation.

EC-7920. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; HPH s.r.o. Sailplanes" ((RIN2120-AA64) (Docket No. FAA-2012-0598)) received during adjournment of the Senate in the Office of the President of the Senate on September 27, 2012; to the Committee on Commerce, Science, and Transportation.

## REPORTS OF COMMITTEES DURING ADJOURNMENT

Under the authority of the order of the Senate of September 22, 2012, the following reports of committees were submitted on November 2, 2012:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

S. 1998. A bill to obtain an unqualified audit opinion, and improve financial accountability and management at the Department of Homeland Security (Rept. No. 112-230).

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KERRY, from the Committee on Foreign Relations, with an amendment in the nature of a substitute:

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 (Rept. No. 112-231).

S. 2318. A bill to authorize the Secretary of State to pay a reward to combat transnational organized crime and for information concerning foreign nationals wanted by international criminal tribunals, and for other purposes (Rept. No. 112-232).

By Mr. KERRY, from the Committee on Foreign Relations, with an amendment in the nature of a substitute and an amendment to the title:

S. 3310. A bill to direct the President, in consultation with the Department of State, United States Agency for International Development, Millennium Challenge Corporation, and the Department of Defense, to establish guidelines for United States foreign assistance programs, and for other purposes (Rept. No. 112-233).

By Mr. KERRY, from the Committee on Foreign Relations, without amendment:

S. 3331. A bill to provide for universal intercountry adoption accreditation standards, and for other purposes (Rept. No. 112-234).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

S. 1268. A bill to increase the efficiency and effectiveness of the Government by pro-

viding for greater interagency experience among national security and homeland security personnel through the development of a national security and homeland security human capital strategy and interagency rotational service by employees, and for other purposes (Rept. No. 112-235).

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 1953. A bill to reauthorize the Research and Innovative Technology Administration, to improve transportation research and development, and for other purposes (Rept. No. 112-236).

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 1701. A bill to amend the Harmful Algal Blooms and Hypoxia Research and Control Act of 1998, and for other purposes (Rept. No. 112-237).

S. 1950. A bill to amend title 49, United States Code, to improve commercial motor vehicle safety and reduce commercial motor vehicle-related accidents and fatalities, to authorize the Federal Motor Carrier Safety Administration, and for other purposes (Rept. No. 112-238).

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. MERKLEY:

S. 3626. A bill to provide financing assistance for qualified water infrastructure projects, and for other purposes; to the Committee on Environment and Public Works.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CASEY:

S. Res. 590. A resolution supporting the goals and ideals of "Children's Grief Awareness Day"; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SESSIONS (for himself and Mr. SHELBY):

S. Res. 591. A resolution expressing the sense of the Senate regarding Raymond Weeks and his efforts in the establishment of Veterans Day; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 82

At the request of Mr. JOHANNIS, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 82, a bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the expansion of the adoption credit and adoption assistance programs, to repeal the sunset of the Patient Protection and Affordable Care Act with respect to increased dollar limitations for such credit and programs, and to allow the adoption credit to be claimed in the year expenses are incurred, regardless of when the adoption becomes final.

S. 202

At the request of Mr. PAUL, the names of the Senator from Maine (Ms.

COLLINS), the Senator from Ohio (Mr. PORTMAN) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 202, a bill 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 before the end of 2012, and for other purposes.

S. 260

At the request of Mr. NELSON of Florida, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 260, a bill to amend title 10, United States Code, to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation.

S. 339

At the request of Mr. BAUCUS, the names of the Senator from Michigan (Mr. LEVIN), the Senator from Maine (Ms. COLLINS) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 339, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 755

At the request of Mr. WYDEN, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 755, a bill to amend the Internal Revenue Code of 1986 to allow an offset against income tax refunds to pay for restitution and other State judicial debts that are past-due.

S. 821

At the request of Mr. LEAHY, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 821, a bill to amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships.

S. 847

At the request of Mr. LAUTENBERG, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 847, a bill to amend the Toxic Substances Control Act to ensure that risks from chemicals are adequately understood and managed, and for other purposes.

S. 1042

At the request of Ms. MURKOWSKI, the name of the Senator from Kentucky (Mr. PAUL) was added as a cosponsor of S. 1042, a bill to amend title XVIII of the Social Security Act to establish a Medicare payment option for patients and physicians or practitioners to freely contract, without penalty, for Medicare fee-for-service items and services, while allowing Medicare beneficiaries to use their Medicare benefits.

S. 1171

At the request of Mr. SCHUMER, the name of the Senator from California

(Mrs. FEINSTEIN) was added as a cosponsor of S. 1171, a bill to amend the Internal Revenue Code of 1986 to extend the exclusion from gross income for employer-provided health coverage for employees' spouses and dependent children to coverage provided to other eligible dependent beneficiaries of employees.

S. 1173

At the request of Mr. WYDEN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1173, a bill to amend title XVIII of the Social Security Act to modernize payments for ambulatory surgical centers under the Medicare program.

S. 1244

At the request of Mr. INOUE, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 1244, a bill to provide for preferential duty treatment to certain apparel articles of the Philippines.

S. 1269

At the request of Ms. SNOWE, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1269, a bill to amend the Elementary and Secondary Education Act of 1965 to require the Secretary of Education to collect information from coeducational secondary schools on such schools' athletic programs, and for other purposes.

S. 1391

At the request of Mr. TESTER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1391, a bill to amend title 38, United States Code, to improve the disability compensation evaluation procedure of the Secretary of Veterans Affairs for veterans with post-traumatic stress disorder or mental health conditions related to military sexual trauma, and for other purposes.

S. 1423

At the request of Mr. TOOMEY, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1423, a bill to clarify the orphan drug exception to the annual fee on branded prescription pharmaceutical manufacturers and importers.

S. 1460

At the request of Mr. BAUCUS, the names of the Senator from Texas (Mr. CORNYN) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 1460, a bill to grant the congressional gold medal, collectively, to the First Special Service Force, in recognition of its superior service during World War II.

S. 1718

At the request of Mr. WYDEN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1718, a bill to amend title XVIII of the Social Security Act with respect to the application of Medicare secondary payer rules for certain claims.

S. 1770

At the request of Mrs. GILLIBRAND, the name of the Senator from Oregon

(Mr. WYDEN) was added as a cosponsor of S. 1770, a bill to prohibit discrimination in adoption or foster case placements based on the sexual orientation, gender identity, or marital status of any prospective adoptive or foster parent, or the sexual orientation or gender identity of the child involved.

S. 1782

At the request of Mr. LAUTENBERG, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1782, a bill to provide for the reduction in unintended pregnancy and sexually transmitted infections, including HIV, and the promotion of healthy relationships, and for other purposes.

S. 1872

At the request of Mr. CASEY, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1872, a bill to amend the Internal Revenue Code of 1986 to provide for the tax treatment of ABLE accounts established under State programs for the care of family members with disabilities, and for other purposes.

S. 1880

At the request of Mr. BARRASSO, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from Pennsylvania (Mr. TOOMEY) were added as cosponsors of S. 1880, a bill to repeal the health care law's job-killing health insurance tax.

S. 1916

At the request of Mr. NELSON of Florida, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 1916, a bill to exclude ecosystem component stocks of fish from certain annual catch limits and for other purposes.

S. 2124

At the request of Mr. MENENDEZ, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 2124, a bill to amend title III of the Public Health Service Act to authorize and support the creation of cardiomyopathy education, awareness, and risk assessment materials and resources by the Secretary of Health and Human Services through the Centers for Disease Control and Prevention and the dissemination of such materials and resources by State educational agencies to identify more at-risk families.

S. 2189

At the request of Mr. HARKIN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2189, a bill to amend the Age Discrimination in Employment Act of 1967 and other laws to clarify appropriate standards for Federal antidiscrimination and antiretaliation claims, and for other purposes.

S. 2259

At the request of Mr. TESTER, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 2259, a bill to provide for an increase, effective December 1, 2012, in

the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes.

S. 3243

At the request of Mrs. GILLIBRAND, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 3243, a bill to amend the Internal Revenue Code of 1986 to increase the amount of the low-income housing credit that may be allocated in States damaged in 2011 by Hurricane Irene or Tropical Storm Lee.

S. 3275

At the request of Mr. COONS, the names of the Senator from Michigan (Ms. STABENOW), the Senator from Colorado (Mr. BENNET), the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Massachusetts (Mr. BROWN) were added as cosponsors of S. 3275, a bill to amend the Internal Revenue Code of 1986 to extend the publicly traded partnership ownership structure to energy power generation projects and transportation fuels, and for other purposes.

S. 3338

At the request of Mr. HARKIN, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 3338, a bill to amend the Public Health Service Act and title XVIII of the Social Security Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly.

S. 3394

At the request of Mr. JOHNSON of South Dakota, the names of the Senator from Delaware (Mr. COONS), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Louisiana (Ms. LANDRIEU), the Senator from New Mexico (Mr. BINGAMAN) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. 3394, a bill to address fee disclosure requirements under the Electronic Fund Transfer Act, to amend the Federal Deposit Insurance Act with respect to information provided to the Bureau of Consumer Financial Protection, and for other purposes.

S. 3407

At the request of Mr. WYDEN, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 3407, a bill to amend the Public Health Service Act to increase the number of permanent faculty in palliative care at accredited allopathic and osteopathic medical schools, nursing schools, and other programs, to promote education in palliative care and hospice, and to support the development of faculty careers in academic palliative medicine.

S. 3427

At the request of Mr. KOHL, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 3427, a bill to permanently extend

the employer-provided child care credit under section 45F of the Internal Revenue Code of 1986.

S. 3460

At the request of Mr. ENZI, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 3460, a bill to amend the Internal Revenue Code of 1986 to provide for startup businesses to use a portion of the research and development credit to offset payroll taxes.

S. 3477

At the request of Mrs. BOXER, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 3477, a bill to ensure that the United States promotes women's meaningful inclusion and participation in mediation and negotiation processes undertaken in order to prevent, mitigate, or resolve violent conflict and implements the United States National Action Plan on Women, Peace, and Security.

S. 3494

At the request of Mr. FRANKEN, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 3494, a bill to amend the Internal Revenue Code of 1986 to qualify formerly homeless individuals who are full-time students for purposes of low income housing tax credit.

S. 3498

At the request of Mr. CASEY, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 3498, a bill to provide humanitarian assistance and support a democratic transition in Syria, and for other purposes.

S. 3526

At the request of Mr. WICKER, the names of the Senator from Missouri (Mr. BLUNT) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 3526, a bill to amend title 10, United States Code, to protect the rights of conscience of members of the Armed Forces and chaplains of members of the Armed Forces, and for other purposes.

S. 3550

At the request of Mr. BLUMENTHAL, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 3550, a bill to amend the Higher Education Act of 1965 to protect students from deceptive practices and high-pressure sales by institutions of higher education, to provide a waiting period for students to make enrollment decisions, to guard against misrepresentation, to standardize and elevate institutional disclosures, and for other purposes.

S. 3565

At the request of Mr. CASEY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 3565, a bill to eliminate discrimination and promote women's health and economic security by ensuring reasonable workplace accommodations for workers whose ability to per-

form the functions of a job are limited by pregnancy, childbirth, or a related medical condition.

S. 3573

At the request of Mr. HOEVEN, the names of the Senator from Kentucky (Mr. McCONNELL) and the Senator from Ohio (Mr. PORTMAN) were added as cosponsors of S. 3573, a bill to recognize the primacy of States, provide for the consideration of the economic impact of additional regulations, and provide for standards and requirements relating to certain guidelines and regulations relating to health and the environment.

S. 3574

At the request of Mr. BLUNT, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 3574, a bill to amend section 403 of the Federal Food, Drug, and Cosmetic Act to improve and clarify certain disclosure requirements for restaurants, similar retail food establishments, and vending machines.

S. 3584

At the request of Mr. PRYOR, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 3584, a bill to reauthorize the National Integrated Drought Information System, and for other purposes.

S. 3605

At the request of Mr. CRAPO, the names of the Senator from Wyoming (Mr. BARRASSO) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 3605, a bill to clarify Congressional intent regarding the regulation of the use of pesticides in or near navigable waters, and for other purposes.

S.J. RES. 19

At the request of Mr. HATCH, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S.J. Res. 19, a joint resolution proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States.

S.J. RES. 45

At the request of Mrs. HUTCHISON, the names of the Senator from Kansas (Mr. ROBERTS) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S.J. Res. 45, a joint resolution amending title 36, United States Code, to designate June 19 as "Juneteenth Independence Day".

S.J. RES. 50

At the request of Mr. JOHANNES, his name was added as a cosponsor of S.J. Res. 50, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Office of Family Assistance of the Administration for Children and Families of the Department of Health and Human Services relating to waiver and expenditure authority under section 1115 of the Social Security Act (42 U.S.C. 1315) with respect to the Temporary Assistance for Needy Families program.

S. RES. 543

At the request of Mrs. BOXER, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. Res. 543, a resolution to express the sense of the Senate on international parental child abduction.

S. RES. 574

At the request of Mrs. GILLIBRAND, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. Res. 574, a resolution calling on the United Nations to take concerted actions against leaders in Iran for their statements calling for the destruction of another United Nations Member State, Israel.

## SUBMITTED RESOLUTIONS

## SENATE RESOLUTION 590—SUPPORTING THE GOALS AND IDEALS OF “CHILDREN’S GRIEF AWARENESS DAY”

Mr. CASEY submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 590

Whereas 1 in 5 children in the United States will experience the death of a close friend or relative by the age of 18 years old; Whereas in the United States, 1,900,000 children under the age of 18 years old have lost 1 or both parents;

Whereas the death of a loved one can affect a child for the rest of his or her life;

Whereas the death of a loved one causes confusion and distress because the child does not understand why the loved one died;

Whereas a grieving child often feels lonely, fearful, and misunderstood, hindering the ability to face feelings and manage grief;

Whereas children have often been called “forgotten mourners” because many people erroneously believe that children are resilient enough to “just get over” grief;

Whereas a grieving child needs to have his or her feelings acknowledged, a listening ear, and the support of caring individuals, such as family members, friends, and others who are also grieving a loss;

Whereas Children’s Grief Awareness Day began in 2008, through grassroots efforts to help others understand the impact of death on children, and the need for support, and to provide ways for adults and young people to show support and solidarity for grieving children;

Whereas Children’s Grief Awareness Day is observed every year on the Thursday before Thanksgiving, immediately preceding the winter holidays, which can be a particularly difficult time for grieving children;

Whereas individuals can participate in Children’s Grief Awareness Day by engaging in activities that raise awareness of the needs of grieving children and by wearing blue on that day as a symbol of support for grieving children;

Whereas on November 15, 2012, thousands of children and adults from all walks of life and across the United States will join together to show support for grieving children by participating in Children’s Grief Awareness Day; and

Whereas November 15, 2012, would be an appropriate day to designate as “Children’s Grief Awareness Day” to help the public understand the devastating impact of the death

of a loved one on a child, and of the need for support for grieving children: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the goals and ideals of Children’s Grief Awareness Day to raise awareness of and support for grieving children;

(2) recognizes the hard work that grieving children do every day in creating a new life out of the pieces remaining of their old lives;

(3) applauds the individuals that volunteer to support grieving children;

(4) salutes the Federal, State, and local organizations that work on behalf of grieving children;

(5) recognizes the tireless efforts put forth by the individuals that help grieving children day after day; and

(6) encourages the people of the United States to observe Children’s Grief Awareness Day with appropriate programs and activities.

## SENATE RESOLUTION 591—EXPRESSING THE SENSE OF THE SENATE REGARDING RAYMOND WEEKS AND HIS EFFORTS IN THE ESTABLISHMENT OF VETERANS DAY

Mr. SESSIONS (for himself and Mr. SHELBY) submitted the following resolution; which was considered and agreed to:

S. RES. 591

Whereas November 11, 2012, is the 65th anniversary of National Veterans Day in Birmingham, Alabama;

Whereas the National Veterans Day in Birmingham is the longest running celebration of Veterans Day in the Nation;

Whereas, on November 11, 1946, World War II veteran Raymond Weeks presented General Eisenhower a program design proposing to replace Armistice Day with a National Veterans Day in 1947;

Whereas the very first Veterans Day celebration was held in Birmingham by the National Veterans Day Organization in 1947;

Whereas President Eisenhower signed into law on June 1, 1954, the Act proclaiming November 11 as Veterans Day (Public Law 380; 83rd Congress);

Whereas in 1954, the National Veterans Day Volunteer Organization, started by Raymond Weeks, expanded to organize a multi-day celebration including, but not limited to, a Veterans Day Parade, a World Peace Luncheon, and presentation during the National Veterans Award Dinner of the National Veterans Award;

Whereas these three events have been held every year since 1954;

Whereas the briefing for President Reagan by Elizabeth Dole for the Presidential Citizens Medals cited Raymond Weeks as the “Father of Veterans Day”;

Whereas President Reagan recognized Raymond Weeks as the driving force behind Veterans Day while presenting Raymond Weeks with the Presidential Citizens Medal on November 11, 1982;

Whereas Raymond Weeks should be recognized for his push to honor the great men and women who have served their country with a special day of recognition; and

Whereas Birmingham, Alabama, should be recognized for its contributions to the institution of Veterans Day: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes Birmingham, Alabama, as the home to the first and longest running celebration of Veterans Day;

(2) recognizes Raymond Weeks for his pioneering efforts in the establishment of Veterans Day; and

(3) honors the sacrifices of, and pays tribute to, the men and women of the United States in uniform who risk life and limb for their country at home and overseas.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 2871. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table.

SA 2872. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2873. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2874. Mr. KERRY (for himself, Ms. CANTWELL, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BLUMENTHAL, Mr. MENENDEZ, Mr. DURBIN, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2875. Mr. REID (for Mr. TESTER) proposed an amendment to the bill S. 3525, supra.

SA 2876. Mr. REID proposed an amendment to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, supra.

SA 2877. Mr. REID proposed an amendment to amendment SA 2876 proposed by Mr. REID to the amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, supra.

SA 2878. Mr. REID proposed an amendment to the bill S. 3525, supra.

SA 2879. Mr. REID proposed an amendment to amendment SA 2878 proposed by Mr. REID to the bill S. 3525, supra.

SA 2880. Mr. REID proposed an amendment to the bill S. 3525, supra.

SA 2881. Mr. REID proposed an amendment to amendment SA 2880 proposed by Mr. REID to the bill S. 3525, supra.

SA 2882. Mr. REID proposed an amendment to amendment SA 2881 proposed by Mr. REID to the amendment SA 2880 proposed by Mr. REID to the bill S. 3525, supra.

SA 2883. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2884. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2885. Mr. LEE (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2886. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2887. Mr. KOHL (for himself and Mr. JOHNSON of Wisconsin) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 2888. Mr. KOHL (for himself and Mr. BOOZMAN) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2889. Mr. PRYOR (for himself and Mr. BOOZMAN) submitted an amendment intended

to be proposed by him to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

**SA 2871.** Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

### SEC. \_\_\_\_ . MODIFICATION OF EQUAL ACCESS TO JUSTICE PROVISIONS.

(a) AGENCY PROCEEDINGS.—Section 504 of title 5, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by inserting after the first sentence the following: “Fees and other expenses may be awarded under this subsection only to a prevailing party who has a direct and personal interest in the adversary adjudication because of medical costs, property damage, denial of benefits, unpaid disbursement, fees and other expenses incurred in defense of the adjudication, interest in a policy concerning such medical costs, property damage, denial of benefits, unpaid disbursement, or fees and other expenses, or otherwise.”; and

(ii) by adding at the end the following: “The agency conducting the adversary adjudication shall make any party against whom the adjudication is brought, at the time the adjudication is commenced, aware of the provisions of this section.”; and

(B) in paragraph (3), in the first sentence—

(i) by striking “may reduce” and inserting “shall reduce”; and

(ii) by striking “unduly and unreasonably” and inserting “unduly or unreasonably”;

(2) in subsection (b)(1)—

(A) in subparagraph (A)(ii), by striking “\$125 per hour” and all that follows through the end and inserting “\$200 per hour.”; and

(B) in subparagraph (B)(ii), by striking “; except that” and all that follows through “section 601;” and inserting “except that—

“(I) the net worth of a party (other than an individual or a unit of local government) shall include the net worth of any parent entity or subsidiary of that party; and

“(II) for purposes of subclause (I)—

“(aa) a ‘parent entity’ of a party is an entity that owns or controls the equity or other evidences of ownership in that party; and

“(bb) a ‘subsidiary’ of a party is an entity the equity or other evidences of ownership in which are owned or controlled by that party.”;

(3) in subsection (c)(1), by striking “, United States Code”; and

(4) by striking subsections (e) and (f) and inserting the following:

“(e)(1) The Chairman of the Administrative Conference of the United States, after consultation with the Chief Counsel for Advocacy of the Small Business Administration, shall report annually to the Congress on the amount of fees and other expenses awarded during the preceding fiscal year pursuant to this section. The report shall describe the number, nature, and amount of the awards, the claims involved in the controversy, and any other relevant information that may aid the Congress in evaluating the scope and impact of such awards. Each agency shall provide the Chairman in a timely manner all information necessary for the Chairman to comply with the requirements

of this subsection. The report shall be made available to the public online.

“(2)(A) The report required by paragraph (1) shall account for all payments of fees and other expenses awarded under this section that are made pursuant to a settlement agreement, regardless of whether the settlement agreement is sealed or otherwise subject to nondisclosure provisions, except that any version of the report made available to the public may not reveal any information the disclosure of which is contrary to the national security of the United States.

“(B) The disclosure of fees and other expenses required under subparagraph (A) does not affect any other information that is subject to nondisclosure provisions in the settlement agreement.

“(f) The Chairman of the Administrative Conference shall create and maintain online a searchable database containing the following information with respect to each award of fees and other expenses under this section:

“(1) The name of each party to whom the award was made.

“(2) The name of each counsel of record representing each party to whom the award was made.

“(3) The agency to which the application for the award was made.

“(4) The name of each counsel of record representing the agency to which the application for the award was made.

“(5) The name of each administrative law judge, and the name of any other agency employee serving in an adjudicative role, in the adversary adjudication that is the subject of the application for the award.

“(6) The amount of the award.

“(7) The names and hourly rates of each expert witness for whose services the award was made under the application.

“(8) The basis for the finding that the position of the agency concerned was not substantially justified.

“(g) The online searchable database described in subsection (f) may not reveal any information the disclosure of which is prohibited by law or court order, or the disclosure of which is contrary to the national security of the United States.

“(h) The Director of the Office of Management and Budget shall adjust the maximum hourly fee set forth in subsection (b)(1)(A)(ii) for the fiscal year beginning October 1, 2013, and for each fiscal year thereafter, to reflect changes in the Consumer Price Index, as determined by the Secretary of Labor.”.

(b) COURT CASES.—Section 2412(d) of title 28, United States Code, is amended—

(1) by amending subsection (d)(1)(A) to read as follows:

“(d)(1)(A) Except as otherwise specifically provided by statute, a court, in any civil action (other than cases sounding in tort), including proceedings for judicial review of agency action, brought by or against the United States in any court having jurisdiction of that action, shall award to a prevailing party (other than the United States) fees and other expenses, in addition to any costs awarded pursuant to subsection (a), incurred by that party in the civil action, unless the court finds that the position of the United States was substantially justified or that special circumstances make an award unjust. Fees and other expenses may be awarded under this paragraph only to a prevailing party who has a direct and personal interest in the civil action because of medical costs, property damage, denial of benefits, unpaid disbursement, fees and other expenses incurred in defense of the civil action, interest in a policy concerning such medical costs, property damage, denial of benefits, unpaid disbursement, or fees and other expenses, or otherwise.”;

(2) in paragraph (1)(C)—

(A) by striking “court, in its discretion, may” and inserting “court shall”; and

(B) by striking “unduly and unreasonably” and inserting “unduly or unreasonably”;

(3) in paragraph (2)—

(A) in subparagraph (A)(ii), by striking “\$125” and all that follows through the end and inserting “\$200 per hour.”; and

(B) in subparagraph (B)(ii), by striking “; except that” and all that follows through “section 601 of title 5;” and inserting “except that—

“(I) the net worth of a party (other than an individual or a unit of local government) shall include the net worth of any parent entity or subsidiary of that party; and

“(II) for purposes of subclause (I)—

“(aa) a ‘parent entity’ of a party is an entity that owns or controls the equity or other evidences of ownership in that party; and

“(bb) a ‘subsidiary’ of a party is an entity the equity or other evidences of ownership in which are owned or controlled by that party.”;

(4) by adding at the end the following:

“(5) The Director of the Office of Management and Budget shall adjust the maximum hourly fee set forth in paragraph (2)(A)(ii) for the fiscal year beginning October 1, 2013, and for each fiscal year thereafter, to reflect changes in the Consumer Price Index, as determined by the Secretary of Labor.

“(6)(A) The Chairman of the Administrative Conference of the United States shall report annually to the Congress on the amount of fees and other expenses awarded during the preceding fiscal year pursuant to this subsection. The report shall describe the number, nature, and amount of the awards, the claims involved in each controversy, and any other relevant information which may aid the Congress in evaluating the scope and impact of such awards. Each agency shall provide the Chairman with such information as is necessary for the Chairman to comply with the requirements of this paragraph. The report shall be made available to the public online.

“(B) (i) The report required by subparagraph (A) shall account for all payments of fees and other expenses awarded under this subsection that are made pursuant to a settlement agreement, regardless of whether the settlement agreement is sealed or otherwise subject to nondisclosure provisions, except that any version of the report made available to the public may not reveal any information the disclosure of which is contrary to the national security of the United States.

“(ii) The disclosure of fees and other expenses required under clause (i) does not affect any other information that is subject to nondisclosure provisions in the settlement agreement.

“(C) The Chairman of the Administrative Conference shall include and clearly identify in the annual report under subparagraph (A), for each case in which an award of fees and other expenses is included in the report—

“(i) any amounts paid from section 1304 of title 31 for a judgment in the case;

“(ii) the amount of the award of fees and other expenses; and

“(iii) the statute under which the plaintiff filed suit.

“(7) The Chairman of the Administrative Conference shall create and maintain online a searchable database containing the following information with respect to each award of fees and other expenses under this subsection:

“(A) The name of each party to whom the award was made.

“(B) The name of each counsel of record representing each party to whom the award was made.

“(C) The agency involved in the case.

“(D) The name of each counsel of record representing the agency involved in the case.

“(E) The name of each judge in the case, and the court in which the case was heard.

“(F) The amount of the award.

“(G) The names and hourly rates of each expert witness for whose services the award was made.

“(H) The basis for the finding that the position of the agency concerned was not substantially justified.

“(8) The online searchable database described in paragraph (7) may not reveal any information the disclosure of which is prohibited by law or court order, or the disclosure of which is contrary to the national security of the United States.

“(9) The Attorney General of the United States shall provide to the Chairman of the Administrative Conference of the United States in a timely manner all information necessary for the Chairman to carry out the Chairman's responsibilities under this subsection.”.

(C) CLERICAL AMENDMENT.—Section 2412(e) of title 28, United States Code, is amended by striking “of section 2412 of title 28, United States Code,” and inserting “of this section”.

**SA 2872.** Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. \_\_\_\_ . NATCHEZ TRACE PARKWAY LAND CONVEYANCE.**

(a) **SHORT TITLE.**—This section may be cited as the “Natchez Trace Parkway Land Conveyance Act of 2012”.

(b) **DEFINITIONS.**—In this section:

(1) **MAP.**—The term “map” means the map entitled “Natchez Trace Parkway, Proposed Boundary Change”, numbered 604/105392, and dated November 2010.

(2) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(3) **STATE.**—The term “State” means the State of Mississippi.

(c) **LAND CONVEYANCE.**—

(1) **CONVEYANCE AUTHORITY.**—

(A) **IN GENERAL.**—Subject to subparagraph (B), the Secretary shall convey to the State, by quitclaim deed and without consideration, all right, title, and interest of the United States in and to the parcels of land described in paragraph (2).

(B) **COMPATIBLE USE.**—The deed of conveyance to the parcel of land that is located southeast of U.S. Route 61/84 (commonly known as the “bean field property”) shall reserve an easement to the United States restricting the use of the parcel to only those uses that are compatible with the Natchez Trace Parkway.

(2) **DESCRIPTION OF LAND.**—The parcels of land referred to in paragraph (1) are the 2 parcels totaling approximately 67 acres generally depicted as “Proposed Conveyance” on the map.

(3) **AVAILABILITY OF MAP.**—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(d) **BOUNDARY ADJUSTMENTS.**—

(1) **EXCLUSION OF CONVEYED LAND.**—On completion of the conveyance to the State of the land described in subsection (c)(2), the boundary of the Natchez Trace Parkway shall be adjusted to exclude the conveyed land.

(2) **INCLUSION OF ADDITIONAL LAND.**—

(A) **IN GENERAL.**—Effective on the date of enactment of this Act, the boundary of the Natchez Trace Parkway is adjusted to include the approximately 10 acres of land that is generally depicted as “Proposed Addition” on the map.

(B) **ADMINISTRATION.**—The land added under subparagraph (A) shall be administered by the Secretary as part of the Natchez Trace Parkway.

**SA 2873.** Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. \_\_\_\_ . TRANSFER OF YELLOW CREEK PORT PROPERTIES.**

In accordance with section 4(k) of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831c(k)), Congress approves the conveyance by the Tennessee Valley Authority, on behalf of the United States, to the State of Mississippi of the Yellow Creek Port properties owned by the United States and in the custody of the Tennessee Valley Authority at Iuka, Mississippi, as of the date of enactment of this Act.

**SA 2872.** Mr. KERRY (for himself, Ms. CANTWELL, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BLUMENTHAL, Mr. MENENDEZ, Mr. DURBIN, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 102.

**SA 2875.** Mr. REID (for Mr. TESTER) proposed an amendment to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the “Sportsmen's Act of 2012”.

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

**TITLE I—HUNTING, FISHING, AND RECREATIONAL SHOOTING**

**Subtitle A—Hunting and Recreational Shooting**

Sec. 101. Making public land public.

Sec. 102. Permits for importation of polar bear trophies taken in sport hunts in Canada.

Sec. 103. Transporting bows through National Parks.

**Subtitle B—Target Practice and Marksmanship Training Support**

Sec. 111. Target practice and marksmanship training.

Sec. 112. Findings; purpose.

Sec. 113. Definition of public target range.

Sec. 114. Amendments to Pittman-Robertson Wildlife Restoration Act.

Sec. 115. Sense of Congress regarding cooperation.

**Subtitle C—Fishing**

Sec. 121. Modification of definition of toxic substance to exclude sport fishing equipment.

**TITLE II—NATIONAL FISH HABITAT**

**Subtitle A—National Fish Habitat**

Sec. 201. Definitions.

Sec. 202. National Fish Habitat Board.

Sec. 203. Fish habitat partnerships.

Sec. 204. Fish habitat conservation projects.

Sec. 205. National Fish Habitat Conservation Partnership Office.

Sec. 206. Technical and scientific assistance.

Sec. 207. Conservation of aquatic habitat for fish and other aquatic organisms on Federal land.

Sec. 208. Coordination with States and Indian tribes.

Sec. 209. Accountability and reporting.

Sec. 210. Regulations.

Sec. 211. Effect of subtitle.

Sec. 212. Nonapplicability of Federal Advisory Committee Act.

Sec. 213. Funding.

**Subtitle B—Duck Stamps**

Sec. 221. Findings.

Sec. 222. Cost of stamps.

Sec. 223. Waivers.

Sec. 224. Permanent electronic duck stamps.

**Subtitle C—Joint Ventures to Protect Migratory Bird Populations**

Sec. 231. Purposes.

Sec. 232. Definitions.

Sec. 233. Joint Ventures Program.

Sec. 234. Administration.

Sec. 235. Grants and other assistance.

Sec. 236. Reporting.

Sec. 237. Relationship to other authorities.

Sec. 238. Federal Advisory Committee Act.

**Subtitle D—Reauthorizations**

Sec. 241. North American Wetlands Conservation Act.

Sec. 242. Partners for Fish and Wildlife Act.

Sec. 243. National Fish and Wildlife Foundation reauthorization.

Sec. 244. Multinational Species Conservation Funds Semipostal Stamp.

Sec. 245. Multinational species conservation funds reauthorizations.

Sec. 246. Neotropical Migratory Bird Conservation Act.

Sec. 247. Federal Land Transaction Facilitation Act.

Sec. 248. Nutria eradication and control.

**TITLE I—HUNTING, FISHING, AND RECREATIONAL SHOOTING**

**Subtitle A—Hunting and Recreational Shooting**

**SEC. 101. MAKING PUBLIC LAND PUBLIC.**

(a) **IN GENERAL.**—Section 3 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–6) is amended—

(1) by striking “SEC. 3. APPROPRIATIONS.—Moneys” and inserting the following:

“**SEC. 3. FUNDING.**

“(a) **IN GENERAL.**—Amounts”; and

(2) by adding at the end the following:

“(b) **PRIORITY LIST.**—

“(1) **IN GENERAL.**—Subject to the availability of appropriations and notwithstanding any other provision of this Act, the Secretary of the Interior and the Secretary of Agriculture shall ensure that, of the amounts made available for the fund for each fiscal year, not less than 1.5 percent of the amounts shall be made available for projects identified on the priority list developed under paragraph (2).

“(2) **PRIORITY LIST.**—The Secretary of the Interior and the Secretary of Agriculture, in consultation with the head of each affected Federal agency, shall annually develop a priority list for the sites under the jurisdiction of the applicable Secretary.



“(3) CRITERIA.—Projects identified on the priority list developed under paragraph (2) shall secure recreational public access to Federal public land in existence as of the date of enactment of this subsection that has significantly restricted access for hunting, fishing, and other recreational purposes through rights-of-way or acquisition of land (or any interest in land) from willing sellers.”.

(b) CONFORMING AMENDMENTS.—

(1) LAND AND WATER CONSERVATION FUND ACT.—The Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-4 et seq.) is amended—

(A) in the proviso at the end of section 2(c)(2) (16 U.S.C. 460l-5(c)(2)), by striking “notwithstanding the provisions of section 3 of this Act”;

(B) in the first sentence of section 9 (16 U.S.C. 460l-10a), by striking “by section 3 of this Act”;

(C) in the third sentence of section 10 (16 U.S.C. 460l-10b), by striking “by section 3 of this Act”.

(2) FEDERAL LAND TRANSACTION FACILITATION ACT.—Section 206(f)(2) of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305(f)(2)) is amended by striking “section 3 of the Land and Water Conservation Fund Act (16 U.S.C. 460l-6)” and inserting “the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-4 et seq.)”.

#### SEC. 102. PERMITS FOR IMPORTATION OF POLAR BEAR TROPHIES TAKEN IN SPORT HUNTS IN CANADA.

Section 104(c)(5) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1374(c)(5)) is amended by striking subparagraph (D) and inserting the following:

“(D)(i) The Secretary of the Interior shall, expeditiously after the expiration of the applicable 30-day period under subsection (d)(2), issue a permit for the importation of any polar bear part (other than an internal organ) from a polar bear taken in a sport hunt in Canada to any person—

“(I) who submits, with the permit application, proof that the polar bear was legally harvested by the person before February 18, 1997; or

“(II) who has submitted, in support of a permit application submitted before May 15, 2008, proof that the polar bear was legally harvested by the person before May 15, 2008, from a polar bear population from which a sport-hunted trophy could be imported before that date in accordance with section 18.30(i) of title 50, Code of Federal Regulations.

“(ii) The Secretary shall issue permits under clause (i)(I) without regard to subparagraphs (A) and (C)(ii) of this paragraph, subsection (d)(3), and sections 101 and 102. Sections 101(a)(3)(B) and 102(b)(3) shall not apply to the importation of any polar bear part authorized by a permit issued under clause (i)(II). This clause shall not apply to polar bear parts that were imported before June 12, 1997.

“(iii) The Secretary shall issue permits under clause (i)(II) without regard to subparagraph (C)(ii) of this paragraph or subsection (d)(3). Sections 101(a)(3)(B) and 102(b)(3) shall not apply to the importation of any polar bear part authorized by a permit issued under clause (i)(II). This clause shall not apply to polar bear parts that were imported before the date of enactment of the Sportsmen’s Act of 2012.”.

#### SEC. 103. TRANSPORTING BOWS THROUGH NATIONAL PARKS.

(a) FINDINGS.—Congress finds that—

(1) bowhunters are known worldwide as among the most skilled, ethical, and conservation-minded of all hunters;

(2) bowhunting organizations at the Federal, State, and local level contribute signifi-

cant financial and human resources to wildlife conservation and youth education programs throughout the United States; and

(3) bowhunting contributes \$38,000,000,000 each year to the economy of the United States.

(b) POSSESSION OF BOWS IN UNITS OF NATIONAL PARK SYSTEM OR NATIONAL WILDLIFE REFUGE SYSTEM.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary of the Interior shall permit individuals carrying bows and crossbows to traverse national park land if the traverse is—

(A) for the sole purpose of hunting on adjacent public or private land; and

(B) the most direct means of access to the adjacent land.

(2) USE.—Nothing in this section authorizes the use of the bows or crossbows that are being carried while on national park land.

#### Subtitle B—Target Practice and Marksmanship Training Support

##### SEC. 111. TARGET PRACTICE AND MARKSMANSHIP TRAINING.

This subtitle may be cited as the “Target Practice and Marksmanship Training Support Act”.

##### SEC. 112. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) in recent years preceding the date of enactment of this Act, portions of Federal land have been closed to target practice and marksmanship training for many reasons;

(2) the availability of public target ranges on non-Federal land has been declining for a variety of reasons, including continued population growth and development near former ranges;

(3) providing opportunities for target practice and marksmanship training at public target ranges on Federal and non-Federal land can help—

(A) to promote enjoyment of shooting, recreational, and hunting activities; and

(B) to ensure safe and convenient locations for those activities;

(4) Federal law in effect on the date of enactment of this Act, including the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669 et seq.), provides Federal support for construction and expansion of public target ranges by making available to States amounts that may be used for construction, operation, and maintenance of public target ranges; and

(5) it is in the public interest to provide increased Federal support to facilitate the construction or expansion of public target ranges.

(b) PURPOSE.—The purpose of this subtitle is to facilitate the construction and expansion of public target ranges, including ranges on Federal land managed by the Forest Service and the Bureau of Land Management.

##### SEC. 113. DEFINITION OF PUBLIC TARGET RANGE.

In this subtitle, the term “public target range” means a specific location that—

(1) is identified by a governmental agency for recreational shooting;

(2) is open to the public;

(3) may be supervised; and

(4) may accommodate archery or rifle, pistol, or shotgun shooting.

##### SEC. 114. AMENDMENTS TO PITTMAN-ROBERTSON WILDLIFE RESTORATION ACT.

(a) DEFINITIONS.—Section 2 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669a) is amended—

(1) by redesignating paragraphs (2) through (8) as paragraphs (3) through (9), respectively; and

(2) by inserting after paragraph (1) the following:

“(2) the term ‘public target range’ means a specific location that—

“(A) is identified by a governmental agency for recreational shooting;

“(B) is open to the public;

“(C) may be supervised; and

“(D) may accommodate archery or rifle, pistol, or shotgun shooting.”.

(b) EXPENDITURES FOR MANAGEMENT OF WILDLIFE AREAS AND RESOURCES.—Section 8(b) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669g(b)) is amended—

(1) by striking “(b) Each State” and inserting the following:

“(b) EXPENDITURES FOR MANAGEMENT OF WILDLIFE AREAS AND RESOURCES.—

“(1) IN GENERAL.—Except as provided in paragraph (2), each State”;

(2) in paragraph (1) (as so designated), by striking “construction, operation,” and inserting “operation”;

(3) in the second sentence, by striking “The non-Federal share” and inserting the following:

“(3) NON-FEDERAL SHARE.—The non-Federal share”;

(4) in the third sentence, by striking “The Secretary” and inserting the following:

“(4) REGULATIONS.—The Secretary”;

(5) by inserting after paragraph (1) (as designated by paragraph (1) of this subsection) the following:

“(2) EXCEPTION.—Notwithstanding the limitation described in paragraph (1), a State may use the funds apportioned to the State under section 4(d) to pay up to 90 percent of the cost of acquiring land for, expanding, or constructing a public target range.”.

(c) FIREARM AND BOW HUNTER EDUCATION AND SAFETY PROGRAM GRANTS.—Section 10 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669h-1) is amended—

(1) in subsection (a), by adding at the end the following:

“(3) ALLOCATION OF ADDITIONAL AMOUNTS.—Of the amount apportioned to a State for any fiscal year under section 4(b), the State may elect to allocate not more than 10 percent, to be combined with the amount apportioned to the State under paragraph (1) for that fiscal year, for acquiring land for, expanding, or constructing a public target range.”;

(2) by striking subsection (b) and inserting the following:

“(b) COST SHARING.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the Federal share of the cost of any activity carried out using a grant under this section shall not exceed 75 percent of the total cost of the activity.

“(2) PUBLIC TARGET RANGE CONSTRUCTION OR EXPANSION.—The Federal share of the cost of acquiring land for, expanding, or constructing a public target range in a State on Federal or non-Federal land pursuant to this section or section 8(b) shall not exceed 90 percent of the cost of the activity.”; and

(3) in subsection (c)(1)—

(A) by striking “Amounts made” and inserting the following:

“(A) IN GENERAL.—Except as provided in subparagraph (B), amounts made”;

(B) by adding at the end the following:

“(B) EXCEPTION.—Amounts provided for acquiring land for, constructing, or expanding a public target range shall remain available for expenditure and obligation during the 5-fiscal-year period beginning on October 1 of the first fiscal year for which the amounts are made available.”.

(d) TECHNICAL AND CONFORMING AMENDMENTS TO THE PITTMAN-ROBERTSON WILDLIFE RESTORATION ACT.—

(1) TECHNICAL AMENDMENTS.—Section 4 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669c) is amended—

(A) by redesignating subsection (d) as subsection (e); and



(B) by striking “(c) APPORTIONMENT” and inserting “(d) APPORTIONMENT”.

(2) CONFORMING AMENDMENTS.—

(A) DEFINITIONS.—Section 2(6) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669a(6)) is amended by striking “section 4(d)” and inserting “section 4(e)”.

(B) AUTHORIZATION OF APPROPRIATIONS.—Section 3(c)(2) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669b(c)(2)) is amended by striking “sections 4(d) and (e)” and inserting “section 4(e)”.

#### SEC. 115. SENSE OF CONGRESS REGARDING CO-OPERATION.

It is the sense of Congress that, consistent with applicable laws (including regulations), the Chief of the Forest Service and the Director of the Bureau of Land Management should cooperate with State and local authorities and other entities to implement best practices for waste management and removal and carry out other related activities on any Federal land used as a public target range to encourage continued use of that land for target practice or marksmanship training.

#### Subtitle C—Fishing

#### SEC. 121. MODIFICATION OF DEFINITION OF TOXIC SUBSTANCE TO EXCLUDE SPORT FISHING EQUIPMENT.

(a) IN GENERAL.—Section 3(2)(B) of the Toxic Substances Control Act (15 U.S.C. 2602(2)(B)) is amended—

(1) in clause (v), by striking “, and” and inserting “, or any component of any such article when included in the article including, without limitation, shot, bullets and other projectiles, propellants, and primers,”;

(2) in clause (vi) by striking the period at the end and inserting “, and”;

(3) by inserting after clause (vi) the following:

“(vii) any sport fishing equipment (as such term is defined in section 4162(a) of the Internal Revenue Code of 1986, without regard to paragraphs (6) through (9) thereof) the sale of which is subject to the tax imposed by section 4161(a) of such Code (determined without regard to any exemptions from such tax as provided by section 4162 or 4221 or any other provision of such Code), and sport fishing equipment components.”.

(b) RELATIONSHIP TO OTHER LAW.—Nothing in this section or any amendment made by this section affects or limits the application of or obligation to comply with any other Federal, State or local law.

### TITLE II—NATIONAL FISH HABITAT

#### Subtitle A—National Fish Habitat

#### SEC. 201. DEFINITIONS.

In this subtitle:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate; and

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

(2) AQUATIC HABITAT.—

(A) IN GENERAL.—The term “aquatic habitat” means any area on which an aquatic organism depends, directly or indirectly, to carry out the life processes of the organism, including an area used by the organism for spawning, incubation, nursery, rearing, growth to maturity, food supply, or migration.

(B) INCLUSIONS.—The term “aquatic habitat” includes an area adjacent to an aquatic environment, if the adjacent area—

(i) contributes an element, such as the input of detrital material or the promotion of a planktonic or insect population providing food, that makes fish life possible;

(ii) protects the quality and quantity of water resources;

(iii) provides public access for the use of fishery resources; or

(iv) serves as a buffer protecting the aquatic environment.

(3) ASSISTANT ADMINISTRATOR.—The term “Assistant Administrator” means the Assistant Administrator for Fisheries of the National Oceanic and Atmospheric Administration.

(4) BOARD.—The term “Board” means the National Fish Habitat Board established by section 202(a)(1).

(5) CONSERVATION; CONSERVE; MANAGE; MANAGEMENT.—The terms “conservation”, “conserve”, “manage”, and “management” mean to protect, sustain, and, where appropriate, restore and enhance, using methods and procedures associated with modern scientific resource programs (including protection, research, census, law enforcement, habitat management, propagation, live trapping and transplantation, and regulated taking)—

(A) a healthy population of fish, wildlife, or plant life;

(B) a habitat required to sustain fish, wildlife, or plant life; or

(C) a habitat required to sustain fish, wildlife, or plant life productivity.

(6) DIRECTOR.—The term “Director” means the Director of the United States Fish and Wildlife Service.

(7) FISH.—

(A) IN GENERAL.—The term “fish” means any freshwater, diadromous, estuarine, or marine finfish or shellfish.

(B) INCLUSIONS.—The term “fish” includes the egg, spawn, spat, larval, and other juvenile stages of an organism described in subparagraph (A).

(8) FISH HABITAT CONSERVATION PROJECT.—

(A) IN GENERAL.—The term “fish habitat conservation project” means a project that—

(i) is submitted to the Board by a Partnership and approved by the Secretary under section 204; and

(ii) provides for the conservation or management of an aquatic habitat.

(B) INCLUSIONS.—The term “fish habitat conservation project” includes—

(i) the provision of technical assistance to a State, Indian tribe, or local community by the National Fish Habitat Conservation Partnership Office or any other agency to facilitate the development of strategies and priorities for the conservation of aquatic habitats; or

(ii) the obtaining of a real property interest in land or water, including water rights, in accordance with terms and conditions that ensure that the real property will be administered for the long-term conservation of—

(I) the land or water; and

(II) the fish dependent on the land or water.

(9) INDIAN TRIBE.—The term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(10) NATIONAL FISH HABITAT ACTION PLAN.—The term “National Fish Habitat Action Plan” means the National Fish Habitat Action Plan dated April 24, 2006, and any subsequent revisions or amendments to that plan.

(11) PARTNERSHIP.—The term “Partnership” means an entity designated by the Board as a Fish Habitat Conservation Partnership pursuant to section 203(a).

(12) REAL PROPERTY INTEREST.—The term “real property interest” means an ownership interest in—

(A) land;

(B) water (including water rights); or

(C) a building or object that is permanently affixed to land.

(13) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(14) STATE AGENCY.—The term “State agency” means—

(A) the fish and wildlife agency of a State;

(B) any department or division of a department or agency of a State that manages in the public trust the inland or marine fishery resources or the habitat for those fishery resources of the State pursuant to State law or the constitution of the State; or

(C) the fish and wildlife agency of the Commonwealth of Puerto Rico, Guam, the Virgin Islands, or any other territory or possession of the United States.

#### SEC. 202. NATIONAL FISH HABITAT BOARD.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established a board, to be known as the “National Fish Habitat Board”—

(A) to promote, oversee, and coordinate the implementation of this subtitle and the National Fish Habitat Action Plan;

(B) to establish national goals and priorities for aquatic habitat conservation; and

(C) to designate Partnerships; and

(D) to review and make recommendations regarding fish habitat conservation projects.

(2) MEMBERSHIP.—The Board shall be composed of 27 members, of whom—

(A) 1 shall be the Director;

(B) 1 shall be the Assistant Administrator;

(C) 1 shall be the Chief of the Natural Resources Conservation Service;

(D) 1 shall be the Chief of the Forest Service;

(E) 1 shall be the Assistant Administrator for Water of the Environmental Protection Agency;

(F) 1 shall be the President of the Association of Fish and Wildlife Agencies;

(G) 1 shall be the Secretary of the Board of Directors of the National Fish and Wildlife Foundation appointed pursuant to section 3(g)(2)(B) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3702(g)(2)(B));

(H) 4 shall be representatives of State agencies, 1 of whom shall be nominated by a regional association of fish and wildlife agencies from each of the Northeast, Southeast, Midwest, and Western regions of the United States;

(I) 1 shall be a representative of the American Fisheries Society;

(J) 2 shall be representatives of Indian tribes, of whom—

(i) 1 shall represent Indian tribes from the State of Alaska; and

(ii) 1 shall represent Indian tribes from the other States;

(K) 1 shall be a representative of the Regional Fishery Management Councils established under section 302 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852);

(L) 1 shall be a representative of the Marine Fisheries Commissions, which is composed of—

(i) the Atlantic States Marine Fisheries Commission;

(ii) the Gulf States Marine Fisheries Commission; and

(iii) the Pacific States Marine Fisheries Commission;

(M) 1 shall be a representative of the Sportfishing and Boating Partnership Council; and

(N) 10 shall be representatives selected from each of the following groups:

(i) The recreational sportfishing industry.

(ii) The commercial fishing industry.

(iii) Marine recreational anglers.

(iv) Freshwater recreational anglers.

(v) Terrestrial resource conservation organizations.

(vi) Aquatic resource conservation organizations.

(vii) The livestock and poultry production industry.

(viii) The land development industry.

(ix) The row crop industry.

(x) Natural resource commodity interests, such as petroleum or mineral extraction.

(3) COMPENSATION.—A member of the Board shall serve without compensation.

(4) TRAVEL EXPENSES.—A member of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Board.

(b) APPOINTMENT AND TERMS.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, a member of the Board described in any of subparagraphs (H) through (N) of subsection (a)(2) shall serve for a term of 3 years.

(2) INITIAL BOARD MEMBERSHIP.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the representatives of the board established by the National Fish Habitat Action Plan shall appoint the initial members of the Board described in subparagraphs (H) through (I) and (K) through (N) of subsection (a)(2).

(B) TRIBAL REPRESENTATIVES.—Not later than 180 days after the enactment of this Act, the Secretary shall provide to the board established by the National Fish Habitat Action Plan a recommendation of not less than 4 tribal representatives, from which that board shall appoint 2 representatives pursuant to subparagraph (J) of subsection (a)(2).

(3) TRANSITIONAL TERMS.—Of the members described in subsection (a)(2)(N) initially appointed to the Board—

(A) 4 shall be appointed for a term of 1 year;

(B) 4 shall be appointed for a term of 2 years; and

(C) 3 shall be appointed for a term of 3 years.

(4) VACANCIES.—

(A) IN GENERAL.—A vacancy of a member of the Board described in any of subparagraphs (H) through (I) or (K) through (N) of subsection (a)(2) shall be filled by an appointment made by the remaining members of the Board.

(B) TRIBAL REPRESENTATIVES.—Following a vacancy of a member of the Board described in subparagraph (J) of subsection (a)(2), the Secretary shall recommend to the Board not less than 4 tribal representatives, from which the remaining members of the Board shall appoint a representative to fill the vacancy.

(5) CONTINUATION OF SERVICE.—An individual whose term of service as a member of the Board expires may continue to serve on the Board until a successor is appointed.

(6) REMOVAL.—If a member of the Board described in any of subparagraphs (H) through (N) of subsection (a)(2) misses 3 consecutive regularly scheduled Board meetings, the members of the Board may—

(A) vote to remove that member; and

(B) appoint another individual in accordance with paragraph (4).

(c) CHAIRPERSON.—

(1) IN GENERAL.—The Board shall elect a member of the Board to serve as Chairperson of the Board.

(2) TERM.—The Chairperson of the Board shall serve for a term of 3 years.

(d) MEETINGS.—

(1) IN GENERAL.—The Board shall meet—

(A) at the call of the Chairperson; but

(B) not less frequently than twice each calendar year.

(2) PUBLIC ACCESS.—All meetings of the Board shall be open to the public.

(e) PROCEDURES.—

(1) IN GENERAL.—The Board shall establish procedures to carry out the business of the Board, including—

(A) a requirement that a quorum of the members of the Board be present to transact business;

(B) a requirement that no recommendations may be adopted by the Board, except by the vote of  $\frac{2}{3}$  of all members present and voting;

(C) procedures for establishing national goals and priorities for aquatic habitat conservation for the purposes of this subtitle;

(D) procedures for designating Partnerships under section 203; and

(E) procedures for reviewing, evaluating, and making recommendations regarding fish habitat conservation projects.

(2) QUORUM.—A majority of the members of the Board shall constitute a quorum.

#### SEC. 203. FISH HABITAT PARTNERSHIPS.

(a) AUTHORITY TO DESIGNATE.—The Board may designate Fish Habitat Partnerships in accordance with this section.

(b) PURPOSES.—The purposes of a Partnership shall be—

(1) to coordinate the implementation of the National Fish Habitat Action Plan at a regional level;

(2) to identify strategic priorities for fish habitat conservation;

(3) to recommend to the Board fish habitat conservation projects that address a strategic priority of the Board; and

(4) to develop and carry out fish habitat conservation projects.

(c) APPLICATIONS.—An entity seeking to be designated as a Partnership shall submit to the Board an application at such time, in such manner, and containing such information as the Board may reasonably require.

(d) APPROVAL.—The Board may approve an application for a Partnership submitted under subsection (c) if the Board determines that the applicant—

(1) includes representatives of a diverse group of public and private partners, including Federal, State, or local governments, nonprofit entities, Indian tribes, and private individuals, that are focused on conservation of aquatic habitats to achieve results across jurisdictional boundaries on public and private land;

(2) is organized to promote the health of important aquatic habitats and distinct geographical areas, keystone fish species, or system types, including reservoirs, natural lakes, coastal and marine environments, and estuaries;

(3) identifies strategic fish and aquatic habitat priorities for the Partnership area in the form of geographical focus areas or key stressors or impairments to facilitate strategic planning and decisionmaking;

(4) is able to address issues and priorities on a nationally significant scale;

(5) includes a governance structure that—

(A) reflects the range of all partners; and

(B) promotes joint strategic planning and decisionmaking by the applicant;

(6) demonstrates completion of, or significant progress toward the development of, a strategic plan to address the causes of system decline in fish populations, rather than simply treating symptoms in accordance with the National Fish Habitat Action Plan; and

(7) ensures collaboration in developing a strategic vision and implementation program that is scientifically sound and achievable.

#### SEC. 204. FISH HABITAT CONSERVATION PROJECTS.

(a) SUBMISSION TO BOARD.—Not later than March 31 of each calendar year, each Partnership shall submit to the Board a list of

fish habitat conservation projects recommended by the Partnership for annual funding under this subtitle.

(b) RECOMMENDATIONS BY BOARD.—Not later than July 1 of each calendar year, the Board shall submit to the Secretary a description, including estimated costs, of each fish habitat conservation project that the Board recommends that the Secretary approve and fund under this subtitle, in order of priority, for the following fiscal year.

(c) CONSIDERATIONS.—The Board shall select each fish habitat conservation project to be recommended to the Secretary under subsection (b)—

(1) based on a recommendation of the Partnership that is, or will be, participating actively in carrying out the fish habitat conservation project; and

(2) after taking into consideration—

(A) the extent to which the fish habitat conservation project fulfills a purpose of this subtitle or a goal of the National Fish Habitat Action Plan;

(B) the extent to which the fish habitat conservation project addresses the national priorities established by the Board;

(C) the availability of sufficient non-Federal funds to match Federal contributions for the fish habitat conservation project, as required by subsection (e);

(D) the extent to which the fish habitat conservation project—

(i) increases fishing opportunities for the public;

(ii) will be carried out through a cooperative agreement among Federal, State, and local governments, Indian tribes, and private entities;

(iii) increases public access to land or water;

(iv) advances the conservation of fish and wildlife species that are listed, or are candidates to be listed, as threatened species or endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(v) where appropriate, advances the conservation of fish and fish habitats under the Magnuson-Stevens Act (16 U.S.C. 1801 et seq.) and other relevant Federal law and State wildlife action plans; and

(vi) promotes resilience such that desired biological communities are able to persist and adapt to environmental stressors such as climate change; and

(E) the substantiality of the character and design of the fish habitat conservation project.

(d) LIMITATIONS.—

(1) REQUIREMENTS FOR EVALUATION.—No fish habitat conservation project may be recommended by the Board under subsection (b) or provided financial assistance under this subtitle unless the fish habitat conservation project includes an evaluation plan designed—

(A) to appropriately assess the biological, ecological, or other results of the habitat protection, restoration, or enhancement activities carried out using the assistance;

(B) to reflect appropriate changes to the fish habitat conservation project if the assessment substantiates that the fish habitat conservation project objectives are not being met; and

(C) to require the submission to the Board of a report describing the findings of the assessment.

(2) ACQUISITION OF REAL PROPERTY INTERESTS.—

(A) IN GENERAL.—No fish habitat conservation project that will result in the acquisition by the State, local government, or other non-Federal entity, in whole or in part, of any real property interest may be recommended by the Board under subsection (b) or provided financial assistance under this

subtitle unless the project meets the requirements of subparagraph (B).

**(B) REQUIREMENTS.—**

(i) **IN GENERAL.**—A real property interest may not be acquired pursuant to a fish habitat conservation project by a State, public agency, or other non-Federal entity unless the State, agency, or other non-Federal entity is obligated to undertake the management of the property being acquired in accordance with the purposes of this subtitle.

(ii) **ADDITIONAL CONDITIONS.**—Any real property interest acquired by a State, local government, or other non-Federal entity pursuant to a fish habitat conservation project shall be subject to terms and conditions that ensure that the interest will be administered for the long-term conservation and management of the aquatic ecosystem and the fish and wildlife dependent on that ecosystem.

**(e) NON-FEDERAL CONTRIBUTIONS.—**

(1) **IN GENERAL.**—Except as provided in paragraph (2), no fish habitat conservation project may be recommended by the Board under subsection (b) or provided financial assistance under this subtitle unless at least 50 percent of the cost of the fish habitat conservation project will be funded with non-Federal funds.

(2) **PROJECTS ON FEDERAL LAND OR WATER.**—Notwithstanding paragraph (1), Federal funds may be used for payment of 100 percent of the costs of a fish habitat conservation project located on Federal land or water.

(3) **NON-FEDERAL SHARE.**—The non-Federal share of the cost of a fish habitat conservation project—

(A) may not be derived from a Federal grant program; but

(B) may include in-kind contributions and cash.

(4) **SPECIAL RULE FOR INDIAN TRIBES.**—Notwithstanding paragraph (1) or any other provision of law, any funds made available to an Indian tribe pursuant to this subtitle may be considered to be non-Federal funds for the purpose of paragraph (1).

**(f) APPROVAL.—**

(1) **IN GENERAL.**—Not later than 180 days after the date of receipt of the recommendations of the Board for fish habitat conservation projects under subsection (b), and based, to the maximum extent practicable, on the criteria described in subsection (c)—

(A) the Secretary shall approve, reject, or reorder the priority of any fish habitat conservation project recommended by the Board that is not within a marine or estuarine habitat; and

(B) the Secretary and the Secretary of Commerce shall jointly approve, reject, or reorder the priority of any fish habitat conservation project recommended by the Board that is within a marine or estuarine habitat.

(2) **FUNDING.**—If the Secretary, or the Secretary and the Secretary of Commerce jointly, approves a fish habitat conservation project under paragraph (1), the Secretary, or the Secretary and the Secretary of Commerce jointly, shall use amounts made available to carry out this subtitle to provide funds to carry out the fish habitat conservation project.

(3) **NOTIFICATION.**—If the Secretary, or the Secretary and the Secretary of Commerce jointly, rejects or reorders the priority of any fish habitat conservation project recommended by the Board under subsection (b), the Secretary, or the Secretary and the Secretary of Commerce jointly, shall provide to the Board and the appropriate Partnership a written statement of the reasons that the Secretary, or the Secretary and the Secretary of Commerce jointly, rejected or modified the priority of the fish habitat conservation project.

(4) **LIMITATION.**—If the Secretary, or the Secretary and the Secretary of Commerce jointly, has not approved, rejected, or reordered the priority of the recommendations of the Board for fish habitat conservation projects by the date that is 180 days after the date of receipt of the recommendations, the recommendations shall be considered to be approved.

**SEC. 205. NATIONAL FISH HABITAT CONSERVATION PARTNERSHIP OFFICE.**

(a) **ESTABLISHMENT.**—Not later than 1 year after the date of enactment of this Act, the Director shall establish an office, to be known as the “National Fish Habitat Conservation Partnership Office”, within the United States Fish and Wildlife Service.

(b) **FUNCTIONS.**—The National Fish Habitat Conservation Partnership Office shall—

(1) provide funding to support the detail of State and tribal fish and wildlife staff to the Office;

(2) facilitate the cooperative development and approval of Partnerships;

(3) assist the Secretary and the Board in carrying out this subtitle;

(4) assist the Secretary in carrying out the requirements of sections 206 and 208;

(5) facilitate communication, cohesiveness, and efficient operations for the benefit of Partnerships and the Board;

(6) facilitate, with assistance from the Director, the Assistant Administrator, and the President of the Association of Fish and Wildlife Agencies, the consideration of fish habitat conservation projects by the Board;

(7) provide support to the Director regarding the development and implementation of the interagency operational plan under subsection (c);

(8) coordinate technical and scientific reporting as required by section 209;

(9) facilitate the efficient use of resources and activities of Federal departments and agencies to carry out this subtitle in an efficient manner; and

(10) provide support to the Board for national communication and outreach efforts that promote public awareness of fish habitat conservation.

(c) **INTERAGENCY OPERATIONAL PLAN.**—Not later than 1 year after the date of enactment of this Act, and every 5 years thereafter, the Director, in cooperation with the Assistant Administrator and the heads of other appropriate Federal departments and agencies, shall develop an interagency operational plan for the National Fish Habitat Conservation Partnership Office that describes—

(1) the functional, operational, technical, scientific, and general staff, administrative, and material needs of the Office; and

(2) any interagency agreements between or among Federal departments and agencies to address those needs.

**(d) STAFF AND SUPPORT.—**

(1) **DEPARTMENTS OF INTERIOR AND COMMERCE.**—The Director and the Assistant Administrator shall each provide appropriate staff to support the National Fish Habitat Conservation Partnership Office, subject to the availability of funds under section 213.

(2) **STATES AND INDIAN TRIBES.**—Each State and Indian tribe is encouraged to provide staff to support the National Fish Habitat Conservation Partnership Office.

(3) **DETAILÉES AND CONTRACTORS.**—The National Fish Habitat Conservation Partnership Office may accept staff or other administrative support from other entities—

(A) through interagency details; or

(B) as contractors.

(4) **QUALIFICATIONS.**—The staff of the National Fish Habitat Conservation Partnership Office shall include members with education and experience relating to the principles of fish, wildlife, and aquatic habitat conservation.

(5) **WAIVER OF REQUIREMENT.**—The Secretary may waive all or part of the non-Federal contribution requirement under section 204(e)(1) if the Secretary determines that—

(A) no reasonable means are available through which the affected applicant can meet the requirement; and

(B) the probable benefit of the relevant fish habitat conservation project outweighs the public interest in meeting the requirement.

(e) **REPORTS.**—Not less frequently than once each year, the Director shall provide to the Board a report describing the activities of the National Fish Habitat Conservation Partnership Office.

**SEC. 206. TECHNICAL AND SCIENTIFIC ASSISTANCE.**

(a) **IN GENERAL.**—The Director, the Assistant Administrator, and the Director of the United States Geological Survey, in coordination with the Forest Service and other appropriate Federal departments and agencies, shall provide scientific and technical assistance to the Partnerships, participants in fish habitat conservation projects, and the Board.

(b) **INCLUSIONS.**—Scientific and technical assistance provided pursuant to subsection (a) may include—

(1) providing technical and scientific assistance to States, Indian tribes, regions, local communities, and nongovernmental organizations in the development and implementation of Partnerships;

(2) providing technical and scientific assistance to Partnerships for habitat assessment, strategic planning, and prioritization;

(3) supporting the development and implementation of fish habitat conservation projects that are identified as high priorities by Partnerships and the Board;

(4) supporting and providing recommendations regarding the development of science-based monitoring and assessment approaches for implementation through Partnerships;

(5) supporting and providing recommendations for a national fish habitat assessment; and

(6) ensuring the availability of experts to conduct scientifically based evaluation and reporting of the results of fish habitat conservation projects.

**SEC. 207. CONSERVATION OF AQUATIC HABITAT FOR FISH AND OTHER AQUATIC ORGANISMS ON FEDERAL LAND.**

To the extent consistent with the mission and authority of the applicable department or agency, the head of each Federal department and agency responsible for acquiring, managing, or disposing of Federal land or water shall cooperate with the Assistant Administrator and the Director to conserve the aquatic habitats for fish and other aquatic organisms within the land and water of the department or agency.

**SEC. 208. COORDINATION WITH STATES AND INDIAN TRIBES.**

The Secretary shall provide a notice to, and coordinate with, the appropriate State agency or tribal agency, as applicable, of each State and Indian tribe within the boundaries of which an activity is planned to be carried out pursuant to this subtitle by not later than 30 days before the date on which the activity is implemented.

**SEC. 209. ACCOUNTABILITY AND REPORTING.**

(a) **IMPLEMENTATION REPORTS.—**

(1) **IN GENERAL.**—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter, the Board shall submit to the appropriate congressional committees a report describing the implementation of—

(A) this subtitle; and

(B) the National Fish Habitat Action Plan.

(2) CONTENTS.—Each report submitted under paragraph (1) shall include—

(A) an estimate of the number of acres, stream miles, or acre-feet (or other suitable measure) of aquatic habitat that was protected, restored, or enhanced under the National Fish Habitat Action Plan by Federal, State, or local governments, Indian tribes, or other entities in the United States during the 2-year period ending on the date of submission of the report;

(B) a description of the public access to aquatic habitats protected, restored, or established under the National Fish Habitat Action Plan during that 2-year period;

(C) a description of the opportunities for public fishing established under the National Fish Habitat Action Plan during that period; and

(D) an assessment of the status of fish habitat conservation projects carried out with funds provided under this subtitle during that period, disaggregated by year, including—

(i) a description of the fish habitat conservation projects recommended by the Board under section 204(b);

(ii) a description of each fish habitat conservation project approved by the Secretary under section 204(f), in order of priority for funding;

(iii) a justification for—

(I) the approval of each fish habitat conservation project; and

(II) the order of priority for funding of each fish habitat conservation project;

(iv) a justification for any rejection or reordering of the priority of each fish habitat conservation project recommended by the Board under section 204(b) that was based on a factor other than the criteria described in section 204(c); and

(v) an accounting of expenditures by Federal, State, or local governments, Indian tribes, or other entities to carry out fish habitat conservation projects.

(b) STATUS AND TRENDS REPORT.—Not later than December 31, 2012, and every 5 years thereafter, the Board shall submit to the appropriate congressional committees a report describing the status of aquatic habitats in the United States.

(c) REVISIONS.—Not later than December 31, 2013, and every 5 years thereafter, the Board shall revise the goals and other elements of the National Fish Habitat Action Plan, after consideration of each report required by subsection (b).

#### SEC. 210. REGULATIONS.

The Secretary may promulgate such regulations as the Secretary determines to be necessary to carry out this subtitle.

#### SEC. 211. EFFECT OF SUBTITLE.

(a) WATER RIGHTS.—Nothing in this subtitle—

(1) establishes any express or implied reserved water right in the United States for any purpose;

(2) affects any water right in existence on the date of enactment of this Act;

(3) preempts or affects any State water law or interstate compact governing water; or

(4) affects any Federal or State law in existence on the date of enactment of the Act regarding water quality or water quantity.

(b) STATE AUTHORITY.—Nothing in this subtitle—

(1) affects the authority, jurisdiction, or responsibility of a State to manage, control, or regulate fish and wildlife under the laws and regulations of the State; or

(2) authorizes the Secretary to control or regulate within a State the fishing or hunting of fish and wildlife.

(c) EFFECT ON INDIAN TRIBES.—Nothing in this subtitle abrogates, abridges, affects, modifies, supersedes, or alters any right of

an Indian tribe recognized by treaty or any other means, including—

(1) an agreement between the Indian tribe and the United States;

(2) Federal law (including regulations);

(3) an Executive order; or

(4) a judicial decree.

(d) ADJUDICATION OF WATER RIGHTS.—Nothing in this subtitle diminishes or affects the ability of the Secretary to join an adjudication of rights to the use of water pursuant to subsection (a), (b), or (c) of section 208 of the Department of Justice Appropriation Act, 1953 (43 U.S.C. 666).

(e) EFFECT ON OTHER AUTHORITIES.—

(1) ACQUISITION OF LAND AND WATER.—Nothing in this subtitle alters or otherwise affects the authorities, responsibilities, obligations, or powers of the Secretary to acquire land, water, or an interest in land or water under any other provision of law.

(2) PRIVATE PROPERTY PROTECTION.—Nothing in this subtitle permits the use of funds made available to carry out this subtitle to acquire real property or a real property interest without the written consent of each owner of the real property or real property interest.

(3) MITIGATION.—Nothing in this subtitle permits the use of funds made available to carry out this subtitle for fish and wildlife mitigation purposes under—

(A) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(B) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);

(C) the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4082); or

(D) any other Federal law or court settlement.

#### SEC. 212. NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to—

(1) the Board; or

(2) any Partnership.

#### SEC. 213. FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) FISH HABITAT CONSERVATION PROJECTS.—There is authorized to be appropriated to the Secretary \$7,200,000 for each of fiscal years 2012 through 2016 to provide funds for—

(A) fish habitat conservation projects approved under section 204(f), of which 5 percent shall be made available for each fiscal year for projects carried out by Indian tribes; and

(B) the operational needs of the Partnerships, including funding for activities such as planning, project development and implementation, coordination, monitoring, evaluation, communication, and outreach.

(2) NATIONAL FISH HABITAT CONSERVATION PARTNERSHIP OFFICE.—

(A) IN GENERAL.—There is authorized to be appropriated to the Secretary for each of fiscal years 2012 through 2016 for the National Fish Habitat Conservation Partnership Office, and to carry out section 209, an amount equal to 5 percent of the amount appropriated for the applicable fiscal year pursuant to paragraph (1).

(B) REQUIRED TRANSFERS.—The Secretary shall annually transfer to other Federal departments and agencies such percentage of the amounts made available pursuant to subparagraph (A) as is required to support participation by those departments and agencies in the National Fish Habitat Conservation Partnership Office pursuant to the interagency operational plan under section 205(c).

(3) TECHNICAL AND SCIENTIFIC ASSISTANCE.—There are authorized to be appropriated for each of fiscal years 2012 through 2016 to carry out, and provide technical and scientific assistance under, section 206—

(A) \$500,000 to the Secretary for use by the United States Fish and Wildlife Service;

(B) \$500,000 to the Assistant Administrator for use by the National Oceanic and Atmospheric Administration; and

(C) \$500,000 to the Secretary for use by the United States Geological Survey.

(4) PLANNING AND ADMINISTRATIVE EXPENSES.—There is authorized to be appropriated to the Secretary for each of fiscal years 2012 through 2016 for use by the Board, the Director, and the Assistant Administrator for planning and administrative expenses an amount equal to 4 percent of the amount appropriated for the applicable fiscal year pursuant to paragraph (1).

(b) AGREEMENTS AND GRANTS.—The Secretary may—

(1) on the recommendation of the Board, and notwithstanding sections 6304 and 6305 of title 31, United States Code, and the Federal Financial Assistance Management Improvement Act of 1999 (31 U.S.C. 6101 note; Public Law 106-107), enter into a grant agreement, cooperative agreement, or contract with a Partnership or other entity for a fish habitat conservation project or restoration or enhancement project;

(2) apply for, accept, and use a grant from any individual or entity to carry out the purposes of this subtitle; and

(3) make funds available to any Federal department or agency for use by that department or agency to provide grants for any fish habitat protection project, restoration project, or enhancement project that the Secretary determines to be consistent with this subtitle.

(c) DONATIONS.—

(1) IN GENERAL.—The Secretary may—

(A) enter into an agreement with any organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of that Code to solicit private donations to carry out the purposes of this subtitle; and

(B) accept donations of funds, property, and services to carry out the purposes of this subtitle.

(2) TREATMENT.—A donation accepted under this section—

(A) shall be considered to be a gift or bequest to, or otherwise for the use of, the United States; and

(B) may be—

(i) used directly by the Secretary; or

(ii) provided to another Federal department or agency through an interagency agreement.

#### Subtitle B—Duck Stamps

#### SEC. 221. FINDINGS.

Congress finds that—

(1) Federal Migratory Bird Hunting and Conservation Stamps (commonly known as “duck stamps”) were created in 1934 as Federal licenses required for hunting migratory waterfowl;

(2)(A) duck stamps are a vital tool for wetland conservation;

(B) 98 percent of the receipts from duck stamp sales are used to acquire important migratory bird breeding, migration, and wintering habitat, which are added to the National Wildlife Refuge System; and

(C) those benefits extend to all wildlife, not just ducks;

(3) since inception, the Federal duck stamp program—

(A) has generated more than \$750,000,000;

(B) has preserved more than 5,000,000 acres of wetland and wildlife habitat; and

(C) is considered among the most successful conservation programs ever initiated;

(4)(A) since 1934, when duck stamps cost \$1, the price has been increased 7 times to the price in effect on the date of enactment of this Act of \$15, which took effect in 1991; and

(B) the price of the duck stamp has not increased since 1991, the longest single period without an increase in program history; and

(5) with the price unchanged during the 20-year period ending on the date of enactment of this Act, duck stamps have lost 40 percent of the value of the duck stamps based on the consumer price index, while the United States Fish and Wildlife Service reports the price of land in targeted wetland areas has tripled from an average of \$306 to \$1,091 per acre.

#### SEC. 222. COST OF STAMPS.

Section 2 of the Migratory Bird Hunting and Conservation Stamp Act (16 U.S.C. 718b) is amended by striking subsection (b) and inserting the following:

“(b) COST OF STAMPS.—

“(1) IN GENERAL.—For the 3-calendar-year period beginning with calendar year 2013, and for each 3-calendar-year period thereafter, the Secretary, in consultation with the Migratory Bird Conservation Commission, shall establish the amount to be collected under paragraph (2) for each stamp sold under this section.

“(2) COLLECTION OF AMOUNTS.—The United States Postal Service, the Department of the Interior, or any other agent approved by the Department of the Interior shall collect the amount established under paragraph (1) for each stamp sold under this section for a hunting year if the Secretary determines, at any time before February 1 of the calendar year during which the hunting year begins, that all amounts described in paragraph (3) have been obligated for expenditure.

“(3) AMOUNTS.—The amounts described in this paragraph are amounts in the Migratory Bird Conservation Fund that are available for obligation and attributable to—

“(A) amounts appropriated pursuant to this Act for the fiscal year ending in the immediately preceding calendar year; and

“(B) the sale of stamps under this section during that fiscal year.”.

#### SEC. 223. WAIVERS.

Section 1(a) of the Migratory Bird Hunting and Conservation Stamp Act (16 U.S.C. 718a(a)) is amended—

(1) in paragraph (1), by inserting “and subsection (d)” after “paragraph (2)”; and

(2) by adding at the end the following:

“(d) WAIVERS.—

“(1) IN GENERAL.—The Secretary, in consultation with the Migratory Bird Conservation Commission, may waive requirements under this section for such individuals as the Secretary, in consultation with the Migratory Bird Conservation Commission, determines to be appropriate.

“(2) LIMITATION.—In making the determination described in paragraph (1), the Secretary shall grant only those waivers the Secretary determines will have a minimal adverse effect on funds to be deposited in the Migratory Bird Conservation Fund established under section 4(a)(3).”.

#### SEC. 224. PERMANENT ELECTRONIC DUCK STAMPS.

(a) DEFINITIONS.—In this section:

(1) ACTUAL STAMP.—The term “actual stamp” means a Federal migratory-bird hunting and conservation stamp required under the Act of March 16, 1934 (16 U.S.C. 718a et seq.) (popularly known as the “Duck Stamp Act”), that is printed on paper and sold through the means established by the authority of the Secretary immediately before the date of enactment of this Act.

(2) AUTOMATED LICENSING SYSTEM.—

(A) IN GENERAL.—The term “automated licensing system” means an electronic, computerized licensing system used by a State fish and wildlife agency to issue hunting, fishing, and other associated licenses and products.

(B) INCLUSION.—The term “automated licensing system” includes a point-of-sale, Internet, telephonic system, or other electronic applications used for a purpose described in subparagraph (A).

(3) ELECTRONIC STAMP.—The term “electronic stamp” means an electronic version of an actual stamp that—

(A) is a unique identifier for the individual to whom it is issued;

(B) can be printed on paper or produced through an electronic application with the same indicators as the State endorsement provides;

(C) is issued through a State automated licensing system that is authorized, under State law and by the Secretary under this section, to issue electronic stamps;

(D) is compatible with the hunting licensing system of the State that issues the electronic stamp; and

(E) is described in the State application approved by the Secretary under subsection (c).

(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(b) AUTHORITY TO ISSUE ELECTRONIC DUCK STAMPS.—

(1) IN GENERAL.—The Secretary may authorize any State to issue electronic stamps in accordance with this section.

(2) CONSULTATION.—The Secretary shall implement this subsection in consultation with State management agencies.

(c) STATE APPLICATION.—

(1) APPROVAL OF APPLICATION REQUIRED.—The Secretary may not authorize a State to issue electronic stamps under this section unless the Secretary has received and approved an application submitted by the State in accordance with this subsection.

(2) NUMBER OF NEW STATES.—The Secretary may determine the number of new States per year to participate in the electronic stamp program.

(3) CONTENTS OF APPLICATION.—The Secretary may not approve a State application unless the application contains—

(A) a description of the format of the electronic stamp that the State will issue under this section, including identifying features of the licensee that will be specified on the stamp;

(B) a description of any fee the State will charge for issuance of an electronic stamp;

(C) a description of the process the State will use to account for and transfer to the Secretary the amounts collected by the State that are required to be transferred to the Secretary under the program;

(D) the manner by which the State will transmit electronic stamp customer data to the Secretary;

(E) the manner by which actual stamps will be delivered;

(F) the policies and procedures under which the State will issue duplicate electronic stamps; and

(G) such other policies, procedures, and information as may be reasonably required by the Secretary.

(d) PUBLICATION OF DEADLINES, ELIGIBILITY REQUIREMENTS, AND SELECTION CRITERIA.—Not later than 30 days before the date on which the Secretary begins accepting applications under this section, the Secretary shall publish—

(1) deadlines for submission of applications;

(2) eligibility requirements for submitting applications; and

(3) criteria for approving applications.

(e) STATE OBLIGATIONS AND AUTHORITIES.—

(1) DELIVERY OF ACTUAL STAMP.—The Secretary shall require that each individual to whom a State sells an electronic stamp under this section shall receive an actual stamp—

(A) by not later than the date on which the electronic stamp expires under subsection (f)(3); and

(B) in a manner agreed on by the State and Secretary.

(2) COLLECTION AND TRANSFER OF ELECTRONIC STAMP REVENUE AND CUSTOMER INFORMATION.—

(A) REQUIREMENT TO TRANSMIT.—The Secretary shall require each State authorized to issue electronic stamps to collect and submit to the Secretary in accordance with this subsection—

(i) the first name, last name, and complete mailing address of each individual that purchases an electronic stamp from the State;

(ii) the face value amount of each electronic stamp sold by the State; and

(iii) the amount of the Federal portion of any fee required by the agreement for each stamp sold.

(B) TIME OF TRANSMITTAL.—The Secretary shall require the submission under subparagraph (A) to be made with respect to sales of electronic stamps by a State according to the written agreement between the Secretary and the State agency.

(C) ADDITIONAL FEES NOT AFFECTED.—This subsection shall not apply to the State portion of any fee collected by a State under paragraph (3).

(3) ELECTRONIC STAMP ISSUANCE FEE.—A State authorized to issue electronic stamps may charge a reasonable fee to cover costs incurred by the State and the Department of the Interior in issuing electronic stamps under this section, including costs of delivery of actual stamps.

(4) DUPLICATE ELECTRONIC STAMPS.—A State authorized to issue electronic stamps may issue a duplicate electronic stamp to replace an electronic stamp issued by the State that is lost or damaged.

(5) LIMITATION ON AUTHORITY TO REQUIRE PURCHASE OF STATE LICENSE.—A State may not require that an individual purchase a State hunting license as a condition of issuing an electronic stamp under this section.

(f) ELECTRONIC STAMP REQUIREMENTS; RECOGNITION OF ELECTRONIC STAMP.—

(1) STAMP REQUIREMENTS.—The Secretary shall require an electronic stamp issued by a State under this section—

(A) to have the same format as any other license, validation, or privilege the State issues under the automated licensing system of the State; and

(B) to specify identifying features of the licensee that are adequate to enable Federal, State, and other law enforcement officers to identify the holder.

(2) RECOGNITION OF ELECTRONIC STAMP.—Any electronic stamp issued by a State under this section shall, during the effective period of the electronic stamp—

(A) bestow on the licensee the same privileges as are bestowed by an actual stamp;

(B) be recognized nationally as a valid Federal migratory bird hunting and conservation stamp; and

(C) authorize the licensee to hunt migratory waterfowl in any other State, in accordance with the laws of the other State governing that hunting.

(3) DURATION.—An electronic stamp issued by a State shall be valid for a period agreed to by the State and the Secretary, which shall not exceed 45 days.

(g) TERMINATION OF STATE PARTICIPATION.—The authority of a State to issue electronic stamps under this section may be terminated—

(1) by the Secretary, if the Secretary—

(A) finds that the State has violated any of the terms of the application of the State approved by the Secretary under subsection (c); and

(B) provides to the State written notice of the termination by not later than the date that is 30 days before the date of termination; or

(2) by the State, by providing written notice to the Secretary by not later than the date that is 30 days before the termination date.

### Subtitle C—Joint Ventures to Protect Migratory Bird Populations

#### SEC. 231. PURPOSES.

The purpose of this subtitle is to authorize the Secretary of the Interior, acting through the Director, to carry out a partnership program called the “Joint Ventures Program”, in coordination with other Federal agencies with management authority over fish and wildlife resources and the States, to develop, implement, and support innovative, voluntary, cooperative, and effective conservation strategies and conservation actions—

(1) to promote, primarily, sustainable populations of migratory birds, and, secondarily, the fish and wildlife species associated with their habitats;

(2) to encourage stakeholder and government partnerships consistent with the goals of protecting, improving, and restoring habitat;

(3) to establish, implement, and improve science-based migratory bird conservation plans and promote and facilitate broader landscape-level conservation of fish and wildlife habitat; and

(4) to support the goals and objectives of the North American Waterfowl Management Plan and other relevant national and regional, multipartner conservation initiatives, treaties, conventions, agreements, or strategies entered into by the United States, and implemented by the Secretary, that promote the conservation of migratory birds and the habitats of migratory birds.

#### SEC. 232. DEFINITIONS.

In this subtitle:

(1) **CONSERVATION ACTION.**—The term “conservation action” means activities that—

(A) support the protection, restoration, adaptive management, conservation, or enhancement of migratory bird populations, their terrestrial, wetland, marine, or other habitats, and other wildlife species supported by those habitats, including—

(i) biological and geospatial planning;

(ii) landscape and conservation design;

(iii) habitat protection, enhancement, and restoration;

(iv) monitoring and tracking;

(v) applied research; and

(vi) public outreach and education; and

(B) incorporate adaptive management and science-based monitoring, where applicable, to improve outcomes and ensure efficient and effective use of Federal funds.

(2) **DIRECTOR.**—The term “Director” means the Director of the United States Fish and Wildlife Service.

(3) **IMPLEMENTATION PLAN.**—The term “Implementation Plan” means an Implementation Plan approved by the Director under section 232.

(4) **INDIAN TRIBE.**—The term “Indian tribe” has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(5) **JOINT VENTURE.**—The term “Joint Venture” means a self-directed, voluntary partnership, established and conducted for the purposes described in section 231 and in accordance with section 233.

(6) **MANAGEMENT BOARD.**—The term “Management Board” means a Joint Venture Management Board established in accordance with section 233.

(7) **MIGRATORY BIRDS.**—The term “migratory birds” means those species included in the list of migratory birds that appears in section 10.13 of title 50, Code of Federal Regulations, under the authority of the Migratory Bird Treaty Act.

(8) **PROGRAM.**—The term “Program” means the Joint Ventures Program conducted in accordance with this subtitle.

(9) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(10) **SERVICE.**—The term “Service” means the United States Fish and Wildlife Service.

(11) **STATE.**—The term “State” means—

(A) any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands; and

(B) one or more agencies of a State government responsible under State law for managing fish or wildlife resources.

#### SEC. 233. JOINT VENTURES PROGRAM.

(a) **IN GENERAL.**—The Secretary, acting through the Director, shall carry out a Joint Ventures Program that—

(1) provides financial and technical assistance to support regional migratory bird conservation partnerships;

(2) develops and implements plans to protect and enhance migratory bird populations throughout their range, that are focused on regional landscapes and habitats that support those populations; and

(3) complements and supports activities by the Secretary and the Director to fulfill obligations under—

(A) the Migratory Bird Treaty Act (16 U.S.C. 701 et seq.);

(B) the Migratory Bird Conservation Act (16 U.S.C. 715 et seq.);

(C) the Neotropical Migratory Bird Conservation Act (16 U.S.C. 6101 et seq.);

(D) the North American Wetlands Conservation Act (16 U.S.C. 4401 et seq.);

(E) the Fish and Wildlife Conservation Act of 1980 (16 U.S.C. 2901 et seq.); and

(F) the Partners for Fish and Wildlife Act (16 U.S.C. 3771 et seq.).

(b) **COORDINATION WITH STATES.**—In the administration of the program authorized under this section, the Director shall coordinate and cooperate with the States to fulfill the purposes of this subtitle.

#### SEC. 234. ADMINISTRATION.

(a) **PARTNERSHIP AGREEMENTS.**—

(1) **IN GENERAL.**—The Director may enter into an agreement with eligible partners to achieve the purposes described in section 231.

(2) **ELIGIBLE PARTNERS.**—The eligible partners referred to in paragraph (1) are the following:

(A) Federal and State agencies and Indian tribes.

(B) Affected regional and local governments, private landowners, land managers, and other private stakeholders.

(C) Nongovernmental organizations with expertise in bird conservation or fish and wildlife conservation or natural resource and landscape management generally.

(D) Other relevant stakeholders, as determined by the Director.

(b) **MANAGEMENT BOARD.**—

(1) **IN GENERAL.**—A partnership agreement for a Joint Venture under this section shall establish a Management Board in accordance with this subsection.

(2) **MEMBERSHIP.**—The Management Board shall include a diversity of members representing stakeholder interests from the appropriate geographic region, including, as appropriate, representatives from the Service and other Federal agencies that have management authority over fish and wildlife resources on public lands or in the marine environment, or that implement programs

that affect migratory bird habitats, and representatives from the States, Indian tribes, and other relevant stakeholders, and may include—

(A) regional governments and Indian tribes;

(B) academia or the scientific community;

(C) nongovernmental landowners or land managers;

(D) nonprofit conservation or other relevant organizations with expertise in migratory bird conservation, or in fish and wildlife conservation generally; and

(E) private organizations with a dedicated interest in conserving migratory birds and their habitats.

(3) **FUNCTIONS AND RESPONSIBILITIES.**—Subject to applicable Federal and State law, the Management Board shall—

(A) appoint a coordinator for the Joint Venture in consultation with the Director;

(B) identify other full- or part-time administrative and technical non-Federal employees necessary to perform the functions of the Joint Venture and meet objectives specified in the Implementation Plan; and

(C) establish committees or other organizational entities necessary to implement the Implementation Plan in accordance with subsection (c).

(4) **USE OF SERVICE AND FEDERAL AGENCY EMPLOYEES.**—Subject to the availability of appropriations and upon the request from a Management Board, and after consultation with and approval of the Director, the head of any Federal agency may detail to the Management Board, on a reimbursable or nonreimbursable basis, any agency personnel to assist the Joint Venture in performing its functions under this subtitle.

(c) **IMPLEMENTATION PLAN.**—

(1) **IN GENERAL.**—Each Joint Venture Management Board shall develop and maintain an Implementation Plan that shall contain, at a minimum, the following elements:

(A) A strategic framework for migratory bird conservation.

(B) Provisions for effective communication among member participants within the Joint Venture.

(C) A long-term strategy to conduct public outreach and education regarding the purposes and activities of the Joint Venture and activities to regularly communicate to the general public information generated by the Joint Venture.

(D) Coordination with laws and conservation plans that are relevant to migratory birds, and other relevant regional, national, or international initiatives identified by the Director to conserve migratory birds, their habitats, ecological functions, and associated populations of fish and wildlife.

(E) An organizational plan that—

(i) identifies the representative membership of the Management Board and includes procedures for updating the membership of the Management Board as appropriate;

(ii) describes the organizational structure of the Joint Venture, including proposed committees and subcommittees, and procedures for revising and updating the structure, as necessary; and

(iii) provides a strategy to increase stakeholder participation or membership in the Joint Venture.

(F) Procedures to coordinate the development, implementation, oversight, monitoring, tracking, and reporting of conservation actions approved by the Management Board and an evaluation process to determine overall effectiveness of activities undertaken by the Joint Venture.

(2) **REVIEW.**—A Joint Venture Implementation Plan shall be submitted to the Director for approval.



(3) **APPROVAL.**—The Director shall approve an Implementation Plan submitted by the Management Board for a Joint Venture if the Director finds that—

(A) implementation of the plan would promote the purposes of this subtitle described in section 231;

(B) the members of the Joint Venture have demonstrated the capacity to implement conservation actions identified in the Implementation Plan; and

(C) the plan includes coordination with other relevant and active conservation plans or programs within the geographic scope of the Joint Venture.

#### **SEC. 235. GRANTS AND OTHER ASSISTANCE.**

(a) **IN GENERAL.**—Except as provided in subsection (b), and subject to the availability of appropriations, the Director may award financial assistance to implement a Joint Venture through—

(1) support of the activities of the Management Board of the Joint Venture and to pay for necessary administrative costs and services, personnel, and meetings, travel, and other business activities; and

(2) support for specific conservation actions and other activities necessary to carry out the Implementation Plan.

(b) **LIMITATION.**—A Joint Venture is not eligible for assistance or support authorized in this section unless the Joint Venture is operating under an Implementation Plan approved by the Director under section 234.

(c) **TECHNICAL ASSISTANCE.**—The Secretary, through the Director, may provide technical and administrative assistance for implementation of Joint Ventures and the expenditure of financial assistance under this subsection.

(d) **ACCEPTANCE AND USE OF DONATIONS.**—The Secretary, through the Director, may accept and use donations of funds, gifts, and in-kind contributions to provide assistance under this section.

#### **SEC. 236. REPORTING.**

(a) **ANNUAL REPORTS BY MANAGEMENT BOARDS.**—The Secretary, acting through the Director, shall—

(1) require each Management Board to submit annual reports for all approved Joint Ventures of the Management Board; and

(2) establish guidance for Joint Venture annual reports, including contents and any necessary processes or procedures.

(b) **JOINT VENTURE PROGRAM 5-YEAR REVIEWS.**—

(1) **IN GENERAL.**—The Secretary, acting through the Director, shall at 5 years after the date of enactment of this Act and at 5-year intervals thereafter, complete an objective and comprehensive review and evaluation of the Program.

(2) **REVIEW CONTENTS.**—Each review under this subsection shall include—

(A) an evaluation of the effectiveness of the Program in meeting the purpose of this subtitle specified in section 231;

(B) an evaluation of all approved Implementation Plans, especially the effectiveness of existing conservation strategies, priorities, and methods to meet the objectives of such plans and fulfill the purpose of this subtitle; and

(C) recommendations to revise the Program or to amend or otherwise revise Implementation Plans to ensure that activities undertaken pursuant to this subtitle address the effects of climate change on migratory bird populations and their habitats, and fish and wildlife habitats, in general.

(3) **CONSULTATION.**—The Secretary, acting through the Director, in the implementation of this subsection—

(A) shall consult with other appropriate Federal agencies with responsibility for the conservation or management of fish and wildlife habitat and appropriate State agencies; and

(B) may consult with appropriate, Indian tribes, Flyway Councils, or regional conservation organizations, public and private landowners, members of academia and the scientific community, and other nonprofit conservation or private stakeholders.

(4) **PUBLIC COMMENT.**—The Secretary, through the Director, shall provide for adequate opportunities for general public review and comment of the Program as part of the 5-year evaluations conducted pursuant to this subsection.

#### **SEC. 237. RELATIONSHIP TO OTHER AUTHORITIES.**

(a) **AUTHORITIES, ETC. OF SECRETARY.**—Nothing in this subtitle affects authorities, responsibilities, obligations, or powers of the Secretary under any other Act.

(b) **STATE AUTHORITY.**—Nothing in this subtitle preempts any provision or enforcement of a State statute or regulation relating to the management of fish and wildlife resources within such State.

#### **SEC. 238. FEDERAL ADVISORY COMMITTEE ACT.**

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to any boards, committees, or other groups established under this subtitle.

#### **Subtitle D—Reauthorizations**

#### **SEC. 241. NORTH AMERICAN WETLANDS CONSERVATION ACT.**

Section 7(c)(5) of the North American Wetlands Conservation Act (16 U.S.C. 4406(c)(5)) is amended by striking “2012” and inserting “2017”.

#### **SEC. 242. PARTNERS FOR FISH AND WILDLIFE ACT.**

Section 5 of the Partners for Fish and Wildlife Act (16 U.S.C. 3774) is amended by striking “2011” and inserting “2017”.

#### **SEC. 243. NATIONAL FISH AND WILDLIFE FOUNDATION REAUTHORIZATION.**

(a) **BOARD OF DIRECTORS OF THE FOUNDATION.**—

(1) **IN GENERAL.**—Section 3 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3702) is amended—

(A) in subsection (b)—

(i) by striking paragraph (2) and inserting the following:

“(2) **IN GENERAL.**—After consulting with the Secretary of Commerce and considering the recommendations submitted by the Board, the Secretary of the Interior shall appoint 28 Directors who, to the maximum extent practicable, shall—

“(A) be knowledgeable and experienced in matters relating to conservation of fish, wildlife, or other natural resources; and

“(B) represent a balance of expertise in ocean, coastal, freshwater, and terrestrial resource conservation.”; and

(ii) by striking paragraph (3) and inserting the following:

“(3) **TERMS.**—Each Director (other than a Director described in paragraph (1)) shall be appointed for a term of 6 years.”; and

(B) in subsection (g)(2)—

(i) in subparagraph (A), by striking “(A) Officers and employees may not be appointed until the Foundation has sufficient funds to pay them for their service. Officers” and inserting the following:

“(A) **IN GENERAL.**—Officers”; and

(ii) by striking subparagraph (B) and inserting the following:

“(B) **EXECUTIVE DIRECTOR.**—The Foundation shall have an Executive Director who shall be—

“(i) appointed by, and serve at the direction of, the Board as the chief executive officer of the Foundation; and

“(ii) knowledgeable and experienced in matters relating to fish and wildlife conservation.”.

(2) **CONFORMING AMENDMENT.**—Section 4(a)(1)(B) of the North American Wetlands

Conservation Act (16 U.S.C. 4403(a)(1)(B)) is amended by striking “Secretary of the Board” and inserting “Executive Director of the Board”.

(b) **RIGHTS AND OBLIGATIONS OF THE FOUNDATION.**—Section 4 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703) is amended—

(1) in subsection (c)—

(A) by striking “(c) **POWERS.**—To carry out its purposes under” and inserting the following:

“(c) **POWERS.**—

“(1) **IN GENERAL.**—To carry out the purposes described in”;

(B) by redesignating paragraphs (1) through (11) as subparagraphs (A) through (K), respectively, and indenting appropriately;

(C) in subparagraph (D) (as redesignated by subparagraph (B)), by striking “that are insured by an agency or instrumentality of the United States” and inserting “at 1 or more financial institutions that are members of the Federal Deposit Insurance Corporation or the Securities Investment Protection Corporation”;

(D) in subparagraph (E) (as redesignated by subparagraph (B)), by striking “paragraph (3) or (4)” and inserting “subparagraph (C) or (D)”;

(E) in subparagraph (J) (as redesignated by subparagraph (B)), by striking “; and” and inserting a semicolon;

(F) by striking subparagraph (K) (as redesignated by subparagraph (B)) and inserting the following:

“(K) to receive and administer restitution and community service payments, amounts for mitigation of impacts to natural resources, and other amounts arising from legal, regulatory, or administrative proceedings, subject to the condition that the amounts are received or administered for purposes that further the conservation and management of fish, wildlife, plants, and other natural resources; and

“(L) to do any and all acts necessary and proper to carry out the purposes of the Foundation.”; and

(G) by striking the undesignated matter at the end and inserting the following:

“(2) **TREATMENT OF REAL PROPERTY.**—

“(A) **IN GENERAL.**—For purposes of this Act, an interest in real property shall be treated as including easements or other rights for preservation, conservation, protection, or enhancement by and for the public of natural, scenic, historic, scientific, educational, inspirational, or recreational resources.

“(B) **ENCUMBERED REAL PROPERTY.**—A gift, devise, or bequest may be accepted by the Foundation even though the gift, devise, or bequest is encumbered, restricted, or subject to beneficial interests of private persons if any current or future interest in the gift, devise, or bequest is for the benefit of the Foundation.

“(3) **SAVINGS CLAUSE.**—The acceptance and administration of amounts by the Foundation under paragraph (1)(K) does not alter, supersede, or limit any regulatory or statutory requirement associated with those amounts.”;

(2) by striking subsections (f) and (g); and

(3) by redesignating subsections (h) and (i) as subsections (f) and (g), respectively.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—Section 10 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3709) is amended—

(1) in subsection (a), by striking paragraph (1) and inserting the following:

“(1) IN GENERAL.—There are authorized to be appropriated to carry out this Act for each of fiscal years 2012 through 2017—

“(A) \$20,000,000 to the Secretary of the Interior;

“(B) \$5,000,000 to the Secretary of Agriculture; and

“(C) \$5,000,000 to the Secretary of Commerce.”;

(2) in subsection (b)—

(A) by striking paragraph (1) and inserting the following:

“(1) AMOUNTS FROM FEDERAL AGENCIES.—

“(A) IN GENERAL.—In addition to the amounts authorized to be appropriated under subsection (a), Federal departments, agencies, or instrumentalities may provide funds to the Foundation, subject to the condition that the amounts are used for purposes that further the conservation and management of fish, wildlife, plants, and other natural resources in accordance with this Act.

“(B) ADVANCES.—Federal departments, agencies, or instrumentalities may advance amounts described in subparagraph (A) to the Foundation in a lump sum without regard to when the expenses for which the amounts are used are incurred.

“(C) MANAGEMENT FEES.—The Foundation may assess and collect fees for the management of amounts received under this paragraph.”;

(B) in paragraph (2)—

(i) in the paragraph heading, by striking “FUNDS” and inserting “AMOUNTS”;

(ii) by striking “shall be used” and inserting “may be used”; and

(iii) by striking “and State and local government agencies” and inserting “, State and local government agencies, and other entities”; and

(C) by adding at the end the following:

“(3) ADMINISTRATION OF AMOUNTS.—

“(A) IN GENERAL.—In entering into contracts, agreements, or other partnerships pursuant to this Act, a Federal department, agency, or instrumentality shall have discretion to waive any competitive process of that department, agency, or instrumentality for entering into contracts, agreements, or partnerships with the Foundation if the purpose of the waiver is—

“(i) to address an environmental emergency resulting from a natural or other disaster; or

“(ii) as determined by the head of the applicable Federal department, agency, or instrumentality, to reduce administrative expenses and expedite the conservation and management of fish, wildlife, plants, and other natural resources.

“(B) REPORTS.—The Foundation shall include in the annual report submitted under section 7(b) a description of any use of the authority under subparagraph (A) by a Federal department, agency, or instrumentality in that fiscal year.”; and

(3) by adding at the end the following:

“(d) USE OF GIFTS, DEVISES, OR BEQUESTS OF MONEY OR OTHER PROPERTY.—Any gifts, devises, or bequests of amounts or other property, or any other amounts or other property, transferred to, deposited with, or otherwise in the possession of the Foundation pursuant to this Act, may be made available by the Foundation to Federal departments, agencies, or instrumentalities and may be accepted and expended (or the disposition of the amounts or property directed), without further appropriation, by those Federal departments, agencies, or instrumentalities, subject to the condition that the amounts or property be used for purposes that further the conservation and management of fish, wildlife, plants, and other natural resources.”.

(d) LIMITATION ON AUTHORITY.—Section 11 of the National Fish and Wildlife Foundation

Establishment Act (16 U.S.C. 3710) is amended by inserting “exclusive” before “authority”.

#### SEC. 244. MULTINATIONAL SPECIES CONSERVATION FUNDS SEMIPOSTAL STAMP.

Section 2(c) of the Multinational Species Conservation Funds Semipostal Stamp Act of 2010 (Public Law 111-241; 39 U.S.C. 416 note) is amended—

(1) in paragraph (2), by striking “2 years” and inserting “6 years”; and

(2) by adding at the end the following:

“(5) STAMP DEPICTIONS.—Members of the public shall be offered a choice of 5 stamps under this Act, depicting an African elephant or an Asian elephant, a rhinoceros, a tiger, a marine turtle, and a great ape, respectively.”.

#### SEC. 245. MULTINATIONAL SPECIES CONSERVATION FUNDS REAUTHORIZATIONS.

(a) AFRICAN ELEPHANTS.—Section 2306(a) of the African Elephant Conservation Act (16 U.S.C. 4245(a)) is amended by striking “2007 through 2012” and inserting “2012 through 2017”.

(b) ASIAN ELEPHANTS.—Section 8(a) of the Asian Elephant Conservation Act of 1997 (16 U.S.C. 4266(a)) is amended by striking “2007 through 2012” and inserting “2012 through 2017”.

(c) RHINOCEROS AND TIGERS.—Section 10(a) of the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5306(a)) is amended by striking “2007 through 2012” and inserting “2012 through 2017”.

(d) GREAT APES.—Section 6 of the Great Ape Conservation Act of 2000 (16 U.S.C. 6305) is amended by striking “2006 through 2010” and inserting “2012 through 2017”.

(e) MARINE TURTLES.—Section 7 of the Marine Turtle Conservation Act of 2004 (16 U.S.C. 6606) is amended by striking “2005 through 2009” and inserting “2012 through 2017”.

#### SEC. 246. NEOTROPICAL MIGRATORY BIRD CONSERVATION ACT.

Section 10 of the Neotropical Migratory Bird Conservation Act (16 U.S.C. 6109) is amended to read as follows:

##### “SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

“(a) IN GENERAL.—There is authorized to be appropriated to carry out this Act \$6,500,000 for each of fiscal years 2012 through 2017.

“(b) USE OF FUNDS.—Of the amounts made available under subsection (a) for each fiscal year, not less than 75 percent shall be expended for projects carried out at a location outside of the United States.”.

#### SEC. 247. FEDERAL LAND TRANSACTION FACILITATION ACT.

The Federal Land Transaction Facilitation Act is amended—

(1) in section 203(2) (43 U.S.C. 2302(2)), by striking “on the date of enactment of this Act was” and inserting “is”;

(2) in section 205 (43 U.S.C. 2304)—

(A) in subsection (a), by striking “this Act” and inserting “the Sportsmen’s Act of 2012”; and

(B) in subsection (d), by striking “11” and inserting “22”;

(3) in section 206 (43 U.S.C. 2305), by striking subsection (f); and

(4) in section 207(b) (43 U.S.C. 2306(b))—

(A) in paragraph (1)—

(i) by striking “96-568” and inserting “96-566”; and

(ii) by striking “; or” and inserting a semicolon;

(B) in paragraph (2)—

(i) by inserting “Public Law 105-263;” before “112 Stat.”; and

(ii) by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

“(3) the White Pine County Conservation, Recreation, and Development Act of 2006 (Public Law 109-432; 120 Stat. 3028);

“(4) the Lincoln County Conservation, Recreation, and Development Act of 2004 (Public Law 108-424; 118 Stat. 2403);

“(5) subtitle F of title I of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 1132 note; Public Law 111-11);

“(6) subtitle O of title I of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 460www note, 1132 note; Public Law 111-11);

“(7) section 2601 of the Omnibus Public Land Management Act of 2009 (Public Law 111-11; 123 Stat. 1108); or

“(8) section 2606 of the Omnibus Public Land Management Act of 2009 (Public Law 111-11; 123 Stat. 1121).”.

#### SEC. 248. NUTRIA ERADICATION AND CONTROL.

(a) FINDINGS; PURPOSE.—Section 2 of the Nutria Eradication and Control Act of 2003 (Public Law 108-16; 117 Stat. 621) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “and in Louisiana” and inserting “, the State of Louisiana, and other coastal States”;

(B) in paragraph (2), by striking “in Maryland and Louisiana on Federal, State, and private land” and inserting “on Federal, State, and private land in the States of Maryland and Louisiana and in other coastal States”; and

(C) by striking paragraphs (3) and (4) and inserting the following:

“(3) This Act authorizes the Maryland Nutria Project, which has successfully eradicated nutria from more than 130,000 acres of Chesapeake Bay wetlands in the State of Maryland and facilitated the creation of voluntary, public-private partnerships and more than 406 cooperative landowner agreements.

“(4) This Act and the Coastal Wetlands Planning, Protection, and Restoration Act (16 U.S.C. 3951 et seq.) authorize the Coastwide Nutria Control Program, which has reduced nutria-impacted wetland acres in the State of Louisiana from 80,000 acres to 23,141 acres.

“(5) The proven techniques developed under this Act that are eradicating nutria in the State of Maryland and reducing the acres of nutria-impacted wetlands in the State of Louisiana should be applied to nutria eradication or control programs in other nutria-infested coastal States”; and

(2) by striking subsection (b) and inserting the following:

“(b) PURPOSE.—The purpose of this Act is to authorize the Secretary of the Interior to provide financial assistance to the States of Delaware, Louisiana, Maryland, North Carolina, Oregon, Virginia, and Washington to carry out activities—

“(1) to eradicate or control nutria; and

“(2) to restore nutria damaged wetlands.”.

(b) DEFINITIONS.—The Nutria Eradication and Control Act of 2003 (Public Law 108-16; 117 Stat. 621) is amended—

(1) by redesignating sections 3 and 4 as sections 4 and 5, respectively; and

(2) by inserting after section 2 the following:

##### “SEC. 3. DEFINITIONS.

“In this Act:

“(1) COASTAL STATE.—The term ‘coastal State’ means each of the States of Delaware, Oregon, North Carolina, Virginia, and Washington.

“(2) PROGRAM.—The term ‘program’ means the nutria eradication program established by section 4(a).

“(3) PUBLIC-PRIVATE PARTNERSHIP.—The term ‘public-private partnership’ means a voluntary, cooperative project undertaken by governmental entities or public officials and affected communities, local citizens, nongovernmental organizations, or other entities or persons in the private sector.

“(4) SECRETARY.—The term ‘Secretary’ means the Secretary of the Interior.”.

(c) NUTRIA ERADICATION PROGRAM.—Section 4 of the Nutria Eradication and Control Act of 2003 (Public Law 108-16; 117 Stat. 621) (as redesignated by subsection (b)) is amended—

(1) by striking subsection (a) and inserting the following:

“(a) IN GENERAL.—The Secretary may, subject to the availability of appropriations, provide financial assistance to the States of Maryland and Louisiana and the coastal States to implement measures—

“(1) to eradicate or control nutria; and

“(2) to restore wetlands damaged by nutria.”;

(2) in subsection (b)—

(A) in paragraph (1), by inserting “the State of” before “Maryland”;

(B) in paragraph (2), by striking “other States” and inserting “the coastal States”; and

(C) in paragraph (3), by striking “marshland” and inserting “wetlands”;

(3) in subsection (c)—

(A) by striking “(c) ACTIVITIES” and inserting “(c) ACTIVITIES IN THE STATE OF MARYLAND”; and

(B) by inserting “, and updated in March 2009” before the period at the end;

(4) in subsection (e), by striking “financial assistance provided by the Secretary under this section” and inserting “the amounts made available under subsection (f) to carry out the program”; and

(5) by striking subsection (f) and inserting the following:

“(f) AUTHORIZATION OF APPROPRIATIONS.—Subject to subsection (e), there is authorized to be appropriated to the Secretary to carry out the program \$6,000,000 for each of fiscal years 2012 through 2016, of which—

“(1) \$2,000,000 shall be used to provide financial assistance to the State of Maryland;

“(2) \$2,000,000 shall be used to provide financial assistance to the State of Louisiana; and

“(3) \$2,000,000 shall be used to provide financial assistance, on a competitive basis, to other coastal States.”.

(d) REPORT.—Section 5 of the Nutria Eradication and Control Act of 2003 (Public Law 108-16; 117 Stat. 621) (as redesignated by subsection (b)) is amended—

(1) in paragraph (1), by striking “2002 document entitled ‘Eradication Strategies for Nutria in the Chesapeake and Delaware Bay Watersheds’; and” and inserting “March 2009 update of the document entitled ‘Eradication Strategies for Nutria in the Chesapeake and Delaware Bay Watersheds’ and originally dated March 2002.”;

(2) in paragraph (2)—

(A) by striking “develop” and inserting “continue”; and

(B) by striking the period at the end and inserting “; and”; and

(3) by adding after paragraph (2) the following:

“(3) develop, in cooperation with the State of Delaware Department of Natural Resources and Environmental Control, the State of Virginia Department of Game and Inland Fisheries, the State of Oregon Department of Fish and Wildlife, the State of North Carolina Department of Environment and Natural Resources, and the State of Washington Department of Fish and Wildlife, long-term nutria control or eradication programs, as appropriate, with the objective of—

“(A) significantly reducing and restoring the damage nutria cause to coastal wetlands in the coastal States; and

“(B) promoting voluntary, public-private partnerships to eradicate or control nutria

and restoring nutria-damaged wetlands in the coastal States.”.

**SA 2876.** Mr. REID proposed an amendment to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; as follows:

At the end, add the following new section:  
Section \_\_\_\_\_.

This Act shall become effective 7 days after enactment.

**SA 2877.** Mr. REID proposed an amendment to amendment SA 2876 proposed by Mr. REID to the amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; as follows:

In the amendment, strike “7 days” and insert “6 days”.

**SA 2878.** Mr. REID proposed an amendment to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; as follows:

At the end, add the following new section:  
Section \_\_\_\_\_.

This title shall become effective 5 days after enactment.

**SA 2879.** Mr. REID proposed an amendment to amendment SA 2878 proposed by Mr. REID to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; as follows:

In the amendment, strike “5 days” and insert “4 days”.

**SA 2880.** Mr. REID proposed an amendment to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; as follows:

At the end, add the following new section:  
Section \_\_\_\_\_.

This Act shall become effective 3 days after enactment.

**SA 2881.** Mr. REID proposed an amendment to amendment SA 2880 proposed by Mr. REID to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; as follows:

In the amendment, strike “3 days” and insert “2 days”.

**SA 2882.** Mr. REID proposed an amendment to amendment SA 2881 proposed by Mr. REID to the amendment SA 2880 proposed by Mr. REID to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; as follows:

In the amendment, strike “2 days” and insert “1 day”.

**SA 2883.** Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 3525, to protect and

enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

On page 91, strike line 14 and all that follows through page 92, line 10.

**SA 2884.** Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

On page 92, strike lines 11 through 23.

**SA 2885.** Mr. LEE (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

#### **TITLE III—FEDERAL LAND DESIGNATIONS** **SEC. 301. STATE APPROVAL REQUIRED FOR FEDERAL LAND DESIGNATIONS.**

(a) DEFINITION OF COVERED UNIT.—In this section, the term “covered unit” means—

(1) a unit of the National Forest System, National Park System, National Wildlife Refuge System, National Wild and Scenic Rivers System, National Trails System, National Wilderness Preservation System, or any other system established by Federal law;

(2) a national monument; or

(3) any national conservation or national recreation area.

(b) PROHIBITION.—A covered unit shall not be established unless the legislature of the State in which the proposed covered unit is located has approved the establishment of the covered unit.

**SA 2886.** Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

#### **TITLE III—FEDERAL LAND DESIGNATIONS** **SEC. 301. SALE OF CERTAIN FEDERAL LAND PREVIOUSLY IDENTIFIED AS SUITABLE FOR DISPOSAL.**

(a) DEFINITIONS.—In this section:

(1) IDENTIFIED FEDERAL LANDS.—The term “identified Federal lands” means the parcels of Federal land under the administrative jurisdiction of the Secretary that were identified as suitable for disposal in the report submitted to Congress by the Secretary on May 27, 1997, pursuant to section 390(g) of the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104-127; 110 Stat. 1024), except the following:

(A) Lands not identified for disposal in the applicable land use plan.

(B) Lands subject to a Recreation and Public Purpose conveyance application.

(C) Lands identified for State selection.

(D) Lands identified for Indian tribe allotments.

(E) Lands identified for local government use.

(F) Lands that the Secretary chooses to dispose under the Federal Land Transaction Facilitation Act (43 U.S.C. 2301 et seq.).

(G) Lands that are segregated for exchange or under agreements for exchange.

(H) Lands subject to exchange as authorized or directed by Congress.

(I) Lands that the Secretary determines contain significant impediments for disposal including—

- (i) high disposal costs;
- (ii) the presence of significant natural or cultural resources;
- (iii) land survey problems or title conflicts;
- (iv) habitat for threatened or endangered species; and
- (v) mineral leases and mining claims.

(2) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(b) COMPETITIVE SALE OF LANDS.—The Secretary shall offer the identified Federal lands for disposal by competitive sale for not less than fair market value as determined by an independent appraiser.

(c) EXISTING RIGHTS.—The sale of identified Federal lands under this section shall be subject to valid existing rights.

(d) PROCEEDS OF SALE OF LANDS.—All net proceeds from the sale of identified Federal lands under this section shall be deposited directly into the Treasury for reduction of the public debt.

(e) REPORT.—Not later than 4 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate—

- (1) a list of any identified Federal lands that have not been sold under subsection (b) and the reasons such lands were not sold; and
- (2) an update of the report submitted to Congress by the Secretary on May 27, 1997, pursuant to section 390(g) of the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104-127; 110 Stat. 1024), including a current inventory of the Federal lands under the administrative jurisdiction of the Secretary that are suitable for disposal.

**SA 2887.** Mr. KOHL (for himself and Mr. JOHNSON of Wisconsin) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title V, insert the following:

**SEC. 585. AUTHORIZATION FOR AWARD OF THE MEDAL OF HONOR TO FIRST LIEUTENANT ALONZO H. CUSHING FOR ACTS OF VALOR DURING THE CIVIL WAR.**

(a) AUTHORIZATION.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President is authorized to award the Medal of Honor under section 3741 of such title to then First Lieutenant Alonzo H. Cushing for conspicuous acts of gallantry and intrepidity at the risk of life and beyond the call of duty in the Civil War, as described in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of then First Lieutenant Alonzo H. Cushing while in command of Battery A, 4th United States Artillery, Army of the Potomac, at Gettysburg, Pennsylvania, on July 3, 1863, during the American Civil War.

**SA 2888.** Mr. KOHL (for himself and Mr. BOOZMAN) submitted an amendment intended to be proposed by him

to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VI, insert the following:

**SEC. 602. PAYMENT OF BENEFIT FOR NON-PARTICIPATION OF ELIGIBLE MEMBERS IN POST-DEPLOYMENT/MOBILIZATION RESPITE ABSENCE PROGRAM DUE TO GOVERNMENT ERROR.**

(a) PAYMENT OF BENEFIT.—

(1) IN GENERAL.—Subject to subsection (e), the Secretary concerned shall, upon application therefor, make a payment to each individual described in paragraph (2) of \$200 for each day of nonparticipation of such individual in the Post-Deployment/Mobilization Respite Absence program as described in that paragraph.

(2) COVERED INDIVIDUALS.—An individual described in this paragraph is an individual who—

(A) was eligible for participation as a member of the Armed Forces in the Post-Deployment/Mobilization Respite Absence program; but

(B) as determined by the Secretary concerned pursuant to an application for the correction of the military records of such individual pursuant to section 1552 of title 10, United States Code, did not participate in one or more days in the program for which the individual was so eligible due to Government error.

(b) DECEASED INDIVIDUALS.—

(1) APPLICATIONS.—If an individual otherwise covered by subsection (a) is deceased, the application required by that subsection shall be made by the individual's legal representative.

(2) PAYMENT.—If an individual to whom payment would be made under subsection (a) is deceased at time of payment, payment shall be made in the manner specified in section 1552(c)(2) of title 10, United States Code.

(c) PAYMENT IN LIEU OF ADMINISTRATIVE ABSENCE.—Payment under subsection (a) with respect to a day described in that subsection shall be in lieu of any entitlement of the individual concerned to a day of administrative absence for such day.

(d) CONSTRUCTION.—

(1) CONSTRUCTION WITH OTHER PAY.—Any payment with respect to an individual under subsection (a) is in addition to any other pay provided by law.

(2) CONSTRUCTION OF AUTHORITY.—It is the sense of Congress that—

(A) the sole purpose of the authority in this section is to remedy administrative errors; and

(B) the authority in this section is not intended to establish any entitlement in connection with the Post-Deployment/Mobilization Respite Absence program.

(e) OFFSET.—The Secretary of Defense shall transfer \$2,000,000 from the unobligated balances of the Pentagon Reservation Maintenance Revolving Fund established under section 2674(e) of title 10, United States Code, to the Miscellaneous Receipts Fund of the United States Treasury.

(f) DEFINITIONS.—In this section, the terms “Post-Deployment/Mobilization Respite Absence program” and “Secretary concerned” have the meaning given such terms in section 604(f) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2350).

**SA 2889.** Mr. PRYOR (for himself and Mr. BOOZMAN) submitted an amendment intended to be proposed by him to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. \_\_\_\_ . CERTAIN EXEMPTIONS RELATING TO THE TAKING OF MIGRATORY GAME BIRDS.**

(a) SHORT TITLE.—This section may be cited as the “Farmer's Protection Act of 2012”.

(b) EXEMPTIONS ON CERTAIN LAND.—Section 3 of the Migratory Bird Treaty Act (16 U.S.C. 704) is amended by adding at the end the following:

“(c) EXEMPTIONS ON CERTAIN LAND.—

“(1) IN GENERAL.—Nothing in this section prohibits the taking of any migratory game bird, including waterfowl, coots, and cranes, on or over land that—

“(A) is not a baited area; and

“(B) contains—

“(i) a standing crop or flooded standing crop, including an aquatic crop;

“(ii) standing, flooded, or manipulated natural vegetation;

“(iii) flooded harvested cropland; or

“(iv) according to a report submitted under paragraph (2) by the applicable State office of the Cooperative Extension System of the Department of Agriculture, an area on which seed or grain has been scattered solely as the result of a normal agricultural planting, harvesting, post-harvest manipulation, or normal soil stabilization practice.

“(2) REPORTS.—

“(A) IN GENERAL.—For purposes of making a determination under paragraph (1)(B)(iv), each State office of the Cooperative Extension System of the Department of Agriculture shall submit to the Secretary of the Interior a report on the activities in that State that the State office considers to be a normal agricultural practice in the State, such as mowing, shredding, discing, rolling, chopping, trampling, flattening, burning, or carrying out herbicide treatment.

“(B) REVISIONS.—A State office may revise a report described in subparagraph (A) as the State office determines to be necessary to reflect changing agricultural practices.”.

**NOTICE OF HEARING**

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, November 15, 2012, at 9:45 a.m. in room SD-106 of the Dirksen Senate Office Building to conduct a hearing entitled “Pharmacy Compounding: Implications of the 2012 Meningitis Outbreak.”

For further information regarding this meeting, please contact Elizabeth Jungman of the committee staff on (202) 224-6859.

**AUTHORITY FOR COMMITTEES TO MEET**

COMMITTEE ON FOREIGN RELATIONS

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 November 13, 2012, at 3 p.m., to hold a hearing entitled, "National Security Brief on Attacks in Benghazi".

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

#### PRIVILEGES OF THE FLOOR

Mr. REID. Mr. President, on behalf of Senator LEAHY, I ask unanimous consent that Michelle Lacko, a fellow on the Senate Judiciary Committee, be granted privileges of the floor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### WHISTLEBLOWER PROTECTION ENHANCEMENT ACT OF 2012

Mr. UDALL of Colorado. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 743.

The Presiding Officer laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate, S. 743, entitled "An Act to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices; to require a statement in nondisclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure protections; to provide certain authority for the Special Counsel; and for other purposes," do pass with an amendment.

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the Senate concur in the House amendment, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the matter be printed in the RECORD.

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

#### REGARDING THE EFFORTS OF RAYMOND WEEKS IN THE ES- TABLISHMENT OF VETERANS DAY

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 591, which was submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 591) expressing the sense of the Senate regarding Raymond Weeks and his efforts in the establishment of Veterans Day.

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

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 591) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 591

(Expressing the sense of the Senate regarding Raymond Weeks and his efforts in the establishment of Veterans Day)

Whereas November 11, 2012, is the 65th anniversary of National Veterans Day in Birmingham, Alabama;

Whereas the National Veterans Day in Birmingham is the longest running celebration of Veterans Day in the Nation;

Whereas, on November 11, 1946, World War II veteran Raymond Weeks presented General Eisenhower a program design proposing to replace Armistice Day with a National Veterans Day in 1947;

Whereas the very first Veterans Day celebration was held in Birmingham by the National Veterans Day Organization in 1947;

Whereas President Eisenhower signed into law on June 1, 1954, the Act proclaiming November 11 as Veterans Day (Public Law 380; 83rd Congress);

Whereas in 1954, the National Veterans Day Volunteer Organization, started by Raymond Weeks, expanded to organize a multi-day celebration including, but not limited to, a Veterans Day Parade, a World Peace Luncheon, and presentation during the National Veterans Award Dinner of the National Veterans Award;

Whereas these three events have been held every year since 1954;

Whereas the briefing for President Reagan by Elizabeth Dole for the Presidential Citizens Medals cited Raymond Weeks as the "Father of Veterans Day";

Whereas President Reagan recognized Raymond Weeks as the driving force behind Veterans Day while presenting Raymond Weeks with the Presidential Citizens Medal on November 11, 1982;

Whereas Raymond Weeks should be recognized for his push to honor the great men and women who have served their country with a special day of recognition; and

Whereas Birmingham, Alabama, should be recognized for its contributions to the institution of Veterans Day: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes Birmingham, Alabama, as the home to the first and longest running celebration of Veterans Day;

(2) recognizes Raymond Weeks for his pioneering efforts in the establishment of Veterans Day; and

(3) honors the sacrifices of, and pays tribute to, the men and women of the United States in uniform who risk life and limb for their country at home and overseas.

#### ORDERS FOR WEDNESDAY, NOVEMBER 14, 2012

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2:30 p.m. on Wednesday, November 14, 2012; that following the prayer and the 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 the first hour be equally divided and controlled between the two leaders or their designees, with the

majority controlling the first half and the Republicans controlling the final half; and the filing deadline for first-degree amendments to S. 3525 be 4 p.m. Wednesday.

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

#### PROGRAM

Mr. UDALL of Colorado. Mr. President, earlier today, cloture was filed on S. 3525, the Sportsmen's Act. Under the rule, the cloture vote will occur on Thursday morning.

#### ADJOURNMENT UNTIL 2:30 P.M. TOMORROW

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

There being no objection, the Senate, at 6:55 p.m., adjourned until Wednesday, November 14, 2012, at 2:30 p.m.

#### NOMINATIONS

Executive nominations received by the Senate:

##### FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION INTO AND WITHIN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER:

PHILIP S. GOLDBERG, OF THE DISTRICT OF COLUMBIA  
WANDA L. NESBITT, OF PENNSYLVANIA  
VICTORIA NULAND, OF CONNECTICUT  
MICHELE JEANNE SISON, OF MARYLAND  
DANIEL BENNETT SMITH, OF VIRGINIA

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR:

KARL PHILIP ALBRECHT, OF VIRGINIA  
THEODORE ALLEGRA, OF COLORADO  
BRUCE ARMSTRONG, OF FLORIDA  
CLARE A. BARKLEY, OF MARYLAND  
ROBERT L. BLAU, OF VIRGINIA  
ROBERTO GONZALES BRADY, OF CALIFORNIA  
JOHN BRIEN BRENNAN, OF VIRGINIA  
PIPER ANNE WIND CAMPBELL, OF THE DISTRICT OF COLUMBIA

JONATHAN RAPHAEL COHEN, OF CALIFORNIA  
MARK J. COHEN, OF TEXAS  
MAUREEN E. CORMACK, OF ILLINOIS  
JOHN S. CREAMER, OF VIRGINIA  
JEFFREY DELAURENTIS, OF NEW YORK  
LAURA FARNSWORTH DOGU, OF TEXAS  
WALTER DOUGLAS, OF NEVADA  
CATHERINE I. EBERT-GRAY, OF COLORADO  
SUSAN MARSH ELLIOTT, OF FLORIDA  
THOMAS SCOTT ENGLE, OF THE DISTRICT OF COLUMBIA  
MARILYN CLAIRE FERDINAND, OF VIRGINIA  
VALERIE C. FOWLER, OF WASHINGTON  
DANIEL EDWARD GODSPEED, OF VIRGINIA  
WILLIAM S. GREEN, OF OHIO  
JERI S. GUTHRIE-CORN, OF CALIFORNIA  
MICHAEL A. HAMMER, OF MARYLAND  
D. BRENT HARDT, OF FLORIDA  
ROBERT A. HARTUNG, OF VIRGINIA  
WILLIAM A. HEIDT, OF CALIFORNIA  
JAMES WILLIAM HERMAN, OF WASHINGTON  
THOMAS MARK HODGES, OF TENNESSEE  
MARTIN P. HOHE, OF FLORIDA  
CHARLES F. HUNTER, OF THE DISTRICT OF COLUMBIA  
MARK J. HUNTER, OF FLORIDA  
DONALD EMIL JACOBSON, OF VIRGINIA  
KELLY ANN KEDERLING FRANZ, OF CALIFORNIA  
SUNG Y. KIM, OF CALIFORNIA  
JOHN CHARLES LAW, OF VIRGINIA  
RUSSELL G. LE CLAIR, JR., OF ILLINOIS  
MARY BETH LEONARD, OF MASSACHUSETTS  
DONALD LU, OF CALIFORNIA  
LEWIS ALAN LUKENS, OF VIRGINIA  
DEBORAH RUTH MALAC, OF VIRGINIA  
WILLIAM JOHN MARTIN, OF CALIFORNIA  
ROBIN HILL MATTHEWMAN, OF WASHINGTON  
ELIZABETH KAY WEBB MAYFIELD, OF TEXAS  
JAMES F. MCANULTY, OF VIRGINIA  
THOMAS S. MILLER, OF MINNESOTA  
BARRY M. MOORE, OF TEXAS  
MICHAEL CHASE MULLINS, OF NEW HAMPSHIRE  
JOHN OLSON, OF CALIFORNIA  
THEODORE G. OSIUS, OF THE DISTRICT OF COLUMBIA  
ROBERT GLENN RAPSON, OF NEW HAMPSHIRE

ROBERT A. RILEY, OF FLORIDA  
 GARY D. ROBBINS, OF WASHINGTON  
 TODD DAVID ROBINSON, OF NEW JERSEY  
 MATTHEW M. ROONEY, OF TEXAS  
 DANA SHELL SMITH, OF CALIFORNIA  
 DEAN L. SMITH, OF TEXAS  
 PAMELA L. SPRATLEN, OF CALIFORNIA  
 STEPHANIE SANDERS SULLIVAN, OF MARYLAND  
 SUSAN M. SUTTON, OF VIRGINIA  
 MICHAEL EMBACH THURSTON, OF WASHINGTON  
 PAUL ALLEN WEDDERIEN, OF CALIFORNIA  
 ALICE G. WELLS, OF VIRGINIA  
 THOMAS E. WILLIAMS, JR., OF VIRGINIA  
 ROBERT A. WOOD, OF NEW YORK  
 UZRA S. ZEYA, OF FLORIDA  
 BENJAMIN G. ZIFF, OF CALIFORNIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE, AS INDICATED: CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

DAVID W. ABELL, OF ARKANSAS  
 ARUNA S. G. AMRITHANAYAGAM, OF NEW YORK  
 TANYA CECILIA ANDERSON, OF PENNSYLVANIA  
 MICHAEL ADAM BARKIN, OF FLORIDA  
 PETER HENRY BARLERIN, OF MARYLAND  
 SUSAN TEBEAU BELL, OF SOUTH CAROLINA  
 VIRGINIA LYNN BENNETT, OF GEORGIA  
 RANDY W. BERRY, OF COLORADO  
 BRUCE BERTON, OF WASHINGTON  
 DONALD ARMIN BLOME, OF ILLINOIS  
 ANDREW NORBU BOWEN, OF TEXAS  
 SUE LENORE BREMNER, OF CALIFORNIA  
 MARIA E. BREWER, OF INDIANA  
 NATALIE EUGENIA BROWN, OF VIRGINIA  
 GREGORY S. BURTON, OF VIRGINIA  
 BRENT DONALD BYERS, OF VIRGINIA  
 PAUL MICHAEL CANTRELL, OF CALIFORNIA  
 LISA MARIE CARLE, OF CALIFORNIA  
 JOHN LESLIE CARWILE, OF MARYLAND  
 LAURENT D. CARBONNET, OF LOUISIANA  
 CRAIG LEWIS CLOUD, OF FLORIDA  
 NANCY LYNN CORBETT, OF CALIFORNIA  
 GREGORY D. CROUCH, OF THE DISTRICT OF COLUMBIA  
 DON D. CURTIS, OF MARYLAND  
 JOHN J. DAIGLE, OF LOUISIANA  
 JOEL DANIES, OF THE DISTRICT OF COLUMBIA  
 JOHN WINTHROP DAYTON III, OF TEXAS  
 NICHOLAS JULIAN DEAN, OF VIRGINIA  
 ROBIN D. DIALLO, OF CALIFORNIA  
 JOHN WALTER DINKELMAN, OF WYOMING  
 BRIAN P. DOHERTY, OF FLORIDA  
 CHRISTINE ANN ELDER, OF VIRGINIA  
 NINA MARIA FITTE, OF PENNSYLVANIA  
 ERIC ALAN FLOHE, OF MARYLAND  
 DANIEL L. FOOTE, OF VIRGINIA  
 KENNETH LEE FOSTER, OF VIRGINIA  
 ROBERT ARTHUR FLEZIER, OF TEXAS  
 THOMAS G. GALLO, OF NEW JERSEY  
 REBECCA ELZA GONZALES, OF TEXAS  
 MARTHA J. HAAS, OF ARIZONA  
 SARAH COOPER HALL, OF NEW YORK  
 SCOTT IAN HAMILTON, OF ILLINOIS  
 TODD PHILIP HASKELL, OF FLORIDA  
 ANDREW B. HAVILAND, OF IOWA  
 PETER MARK HAYMAN, OF VIRGINIA  
 DENNIS WALTER HEARNE, OF NORTH CAROLINA  
 BRIAN GEORGE HEATH, OF NEW JERSEY  
 JONATHAN HENICK, OF CALIFORNIA  
 G. KATHLEEN HILL, OF TEXAS  
 NICHOLAS MANNING HILL, OF RHODE ISLAND  
 JEFFREY M. HOVENIER, OF MARYLAND  
 GEORGE W. INDYKE, JR., OF NEW JERSEY  
 ERIC A. JOHNSON, OF THE DISTRICT OF COLUMBIA  
 GARY P. KEITH, OF OHIO  
 ERIC KHANT, OF FLORIDA  
 YURI KIM, OF GUAM  
 KARIN MARGARET KING, OF OHIO  
 DANIEL JOSEPH KRITENBRINK, OF VIRGINIA  
 Yael LEMPERT, OF NEW YORK  
 JAMES MARK LEVY, OF WASHINGTON  
 JOHN M. LIPINSKI, OF PENNSYLVANIA  
 PATRICIA ALICE MAHONEY, OF TEXAS  
 JEANNE M. MALONEY, OF TENNESSEE  
 COLETTE MARCELLIN, OF VIRGINIA  
 CARYN R. MCCLELLAND, OF CALIFORNIA  
 BRIAN DAVID MCCLEETERS, OF NEW MEXICO  
 JACQUELINE K. MCKENYAN, OF WYOMING  
 MARTHA L. MELZOW, OF CALIFORNIA  
 PHILLIP ANDREW MIN, OF NEW JERSEY  
 WILLIAM JAMES MOZZIERZ, OF NEW YORK  
 KATHERINE ANNE MUNCHMEYER, OF TEXAS  
 MICHAEL J. MURPHY, OF VIRGINIA  
 ROBERT BARRY MURPHY, OF NEW HAMPSHIRE  
 ROBERT WILLIAM OGBURN, OF MARYLAND  
 SHEILA R. PASKMAN, OF PENNSYLVANIA  
 LISA J. PETERSON, OF NEW YORK  
 ROBERT A. PITRE, OF WASHINGTON  
 BETH L. POISSON, OF MARYLAND  
 ELIZABETH MABEL WHALEN PRATT, OF THE DISTRICT OF COLUMBIA  
 DAVID HUGH RANK, OF ILLINOIS  
 JOEL RICHARD REIFMAN, OF TEXAS  
 DAVID M. REINERT, OF NEW MEXICO  
 JOAN MARIE RICHARDS, OF CALIFORNIA  
 RAYMOND D. RICHART, JR., OF CALIFORNIA  
 WILLIAM VERNON ROEBUCK, JR., OF NORTH CAROLINA  
 MICHAEL D. SCANLAN, OF PENNSYLVANIA  
 STEPHEN M. SCHWARTZ, OF NEW YORK  
 JUSTIN H. SIBERELL, OF CALIFORNIA  
 GEORGE NEIL SIBLEY, OF CONNECTICUT  
 ADAM H. STERLING, OF NEW YORK  
 JOHN C. SULLIVAN, OF CALIFORNIA  
 MELINDA TABLET-STONE, OF VIRGINIA  
 JOHN STEPHEN TAVENNER, OF TEXAS  
 DEAN RICHARD THOMPSON, OF MARYLAND

SUSAN ASHTON THORNTON, OF THE DISTRICT OF COLUMBIA  
 LAIRD D. TREIBER, OF THE DISTRICT OF COLUMBIA  
 JEFFREY A. VANDREAL, OF TEXAS  
 LISA ANNETTE VICKERS, OF CALIFORNIA  
 SAMUEL ROBERT WATSON III, OF VIRGINIA  
 DONNA ANN WELTON, OF THE DISTRICT OF COLUMBIA  
 TERRY JOHN WHITE, OF OREGON  
 STEPHANIE TURCO WILLIAMS, OF TEXAS  
 EUGENE STEWART YOUNG, OF THE DISTRICT OF COLUMBIA

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, AND CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

ROBERT L. ADAMS, OF VIRGINIA  
 THOMAS A. BARNARD, OF VIRGINIA  
 FRANCIS JOHN BRAY, JR., OF CALIFORNIA  
 CARMEN MARGARITA CASTRO, OF VIRGINIA  
 RONNIE S. CATIPON, OF VIRGINIA  
 DAVID F. COOPER, OF FLORIDA  
 EDWIN W. DALY, OF VIRGINIA  
 CRAIG DICKER, OF MARYLAND  
 MARK S. GRAVES, OF VIRGINIA  
 EDWIN GUARD, OF VIRGINIA  
 CHARLES J. HORKEY, OF FLORIDA  
 RICHARD J. INGRAM, OF VIRGINIA  
 MICHAEL P. KANE, OF VIRGINIA  
 KEVIN J. KILPATRICK, OF INDIANA  
 GREGORY JAMES LEVIN, OF CALIFORNIA  
 JEFFREY D. LISCHKE, OF VIRGINIA  
 KATHLEEN G. LIVELY, OF VIRGINIA  
 THOMAS G. MCDONOUGH, OF MARYLAND  
 BRIAN J. MCKENNA, OF MARYLAND  
 PATRICK J. MOORE, OF FLORIDA  
 WAYNE F. QUILLIN, OF NEW YORK  
 JOHN H. RENNICK, OF TEXAS  
 SUSAN B. SUMMERS, OF VIRGINIA  
 ROBERT W. WEITZEL, OF VIRGINIA

#### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

#### *To be general*

GEN. DAVID M. RODRIGUEZ

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

#### *To be general*

LT. GEN. JOHN F. CAMPBELL

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

#### *To be brigadier general*

COL. PETER A. BOSSE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

#### *To be brigadier general*

COL. JOSEPH E. WHITLOCK

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

#### *To be major general*

BRIG. GEN. KAREN E. LEDOUX

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

#### *To be major general*

BRIG. GEN. DAVID G. CLARKSON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

#### *To be lieutenant general*

MAJ. GEN. MARK A. MILLEY

#### IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS ASSISTANT COMMANDANT OF THE MARINE CORPS, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 5044 AND 601:

#### *To be general*

LT. GEN. JOHN M. PAXTON, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

#### *To be general*

GEN. JOSEPH F. DUNFORD, JR.

#### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

#### *To be vice admiral*

REAR ADM. KENNETH E. FLOYD

#### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

#### *To be lieutenant colonel*

DEMEA A. ALDERMAN  
 ELBERT E. ALFORD IV  
 GREGORY T. BALDWIN  
 ANGELA M. BLACKWELL  
 PAMALA L. BROWN-GRAYSON  
 FELICIA L. BURKS  
 PEDRO BURTON-TAYLOR  
 LYNNE M. BUSSIE  
 LAUREN HUDSON BYRD  
 MARK S. CHOJNACKI  
 TIMOTHY J. CHRISTISON  
 MARK E. CLEVELAND  
 MARK E. CRUISE  
 NATHANIEL R. DECKER  
 TROY M. T. DILLON  
 MICHAEL D. DINKINS  
 THOMAS S. FARMER  
 DEAN K. FARREY  
 DOLPHIS Z. HALL  
 JOAN L. HOYTE  
 KIRK T. JENKINS  
 DONALD E. KOTULAN  
 CHARLES E. MAREK, JR.  
 MARYANN I. MARQUEZ  
 CHESTER L. MARTIN  
 TERESA M. MIRWALD  
 LEE M. NENORTAS  
 LAURIE V. PETERS  
 MARK D. REYNOLDS  
 STEPHANIE K. RYDER  
 KEVIN M. SCHULTZ  
 VIRGIL L. SCOTT  
 ALTAN A. SHAFFER  
 TIMOTHY W. SMITH  
 DANIEL T. STERNEMANN  
 TRACIE L. SWINGLE  
 JENNIFER M. THERIAULT  
 PAMELA D. TOWNSEND-ATKINS

#### *To be major*

BRIAN R. ALLEN  
 BRIAN M. BOGUMIL  
 KIMBERLY A. BOGUMIL  
 SARAH E. BYRON-SMITH  
 MICHAEL J. CALLOWAY  
 ERIC D. DEAN  
 JENNIFER M. DEVENERE  
 JEFFREY W. DRAKE  
 AMY E. DWYER  
 AMY M. FISHER  
 LISA FLORES  
 JULIE C. GARRETT  
 RYAN M. GASSMAN  
 AARON H. GRUCHOW  
 MARCY S. HAYWOOD  
 JOHN ERICH HEIN  
 THEODOSIA FLORIA HILL  
 SHAWN L. HORGES  
 JOSEPH ALAN HUDSON  
 KERRY ELIZABETH HUTCHINGS  
 JENNIFER LEE IDELL  
 VANESSA A. JOHNSON  
 MICHAEL TODD KEELEY  
 CRISTY A. LONG  
 DOREEN M. LONG  
 TARA E. LOVELL  
 NICOLE A. LUCAS  
 TIFFANY D. MADISON  
 EZEKIEL S. MALONE  
 BRETT J. MAZEY  
 CYNTHIA K. MCGEE  
 RAYMOND A. MILLER, JR.  
 ANDRES MUNERA  
 CHARLOTTE E. MURPHY  
 PAWEL NOWACKI  
 MARLO P. OBCEMEA  
 CHRISTOPHER D. OHLEMACHER  
 RORY A. PETERSON  
 NOAH H. PLAISANCE  
 PHILLIP K. POPE  
 JOSEPH DANYLE POPHAM, JR.  
 MARC A. RITTBERG  
 MARK A. SABROSKI  
 BRANDI L. SELLERS  
 RANDALL C. SHIPLETT  
 SAMUEL A. SPRALLS IV  
 DONALD A. STEEL  
 STEPHANIE A. STEMEN  
 ILISA S. STILLMAN  
 GARY N. SUTTLES  
 DANIEL T. TOWNSEND  
 JACK VILARDI  
 MATTHEW J. WEBER  
 SPENCER D. WIGHT  
 FELISA L. WILSON

#### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

#### *To be colonel*

ALAN F. POMAVILLE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:



*To be colonel*

JAMES BENTLEY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

*To be colonel*

VINCENT D. THOMPSON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

LUIS F. DIAZ

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 531:

*To be major*

DAVID C. BUCKHANNON

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 531:

*To be major*

ANTHONY CASCARANO

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

*To be major*

RENA L. P. HOPE

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

*To be major*

DEREK D. HYUN

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY VETERINARY CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

*To be major*

MICHAEL T. SIMPSON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant colonel*

MICHAEL D. PIERCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AS A CHAPLAIN UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

*To be lieutenant colonel*

TAMMIE E. CREWS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C. SECTION 624:

*To be major*KENNETH M. JORDAN  
SUZANNE MCNELLIS

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

*To be lieutenant colonel*MADLENE M. ESKAROSE  
JON D. WAGNER*To be major*

ALEXANDER K. JHANG

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

*To be lieutenant colonel*MILTON J. FOUST  
SANDEEP R. RAHANGDALE  
BALDEV S. SEKHON*To be major*

CHARLES E. LERNER

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

*To be colonel*

WILLIAM T. MONACCI

*To be lieutenant colonel*

ROBERT W. DESVERREAUX

*To be major*FRITZJOSE E. CHANDLER  
IAN M. HEGER  
LAWRENCE W. REINISH  
HUA C. YANG

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY VETERINARY CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

*To be colonel*STEPHEN J. DALAL  
DAVID J. FLETCHER  
TIMOTHY L. SETTLE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

*To be colonel*JESSE J. ABBOTT  
KEVIN J. CRAMM  
WILLIAM C. PREWITT  
RONALD A. SPITTLER  
RHETT M. STARNES

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SPECIALIST CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

*To be colonel*JOHN E. BALSER  
SONYA J. CABLE  
LESLIE K. FUNDERBURK  
MATTHEW B. GARBER  
SCOTT W. SHAFER

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

*To be colonel*FRANCISCO DIAZGONZALEZ  
JOHN P. DROBNICA, JR.  
GREGORY A. DURKAC  
LARRY A. GRAHAM  
ROBERT D. JONES  
WILLIAM L. KORSEN  
ROBERT S. LANGOLF  
JOHN W. NOLAN  
CLIFTON L. PIPPEN  
JOSEPH J. SCHWEICKERT  
DAVID B. WEBB

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

*To be colonel*GREGORY M. BARROW  
LAURA L. CLELLAN  
CHARLES G. CODY  
STANLEY E. GOLABOFF  
JOHN D. HAAS  
MICHAEL K. HOUSTON  
JOSEPH M. LYLES, JR.  
JOHN K. MULLER  
BRIAN C. PIERCE  
ADAM L. ROBINSON  
VERNON H. SIMPSON, JR.  
TROY J. SOUKUP  
STEVE G. STEVENS  
JAMES E. VALLEE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

*To be colonel*GREGORY L. BOWMAN  
KAREN H. CARLISLE  
GARY P. M. CORN  
WENDY P. DAKNIS  
JEFFREY C. HAGLER  
RICK S. LEAR  
JAMES R. MCKEE, JR.  
CRAIG E. MERUTKA  
JOHN N. OHLWEILER  
ROBERT T. PENLAND, JR.  
PAUL J. PERRONE, JR.  
JUAN A. PYFROM  
PAULA I. SCHASBERGER  
FRANCISCO A. VILA  
D011022

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

*To be colonel*TRACY L. BAKER  
JEAN M. BARIDO  
ANTHONY J. BOHLIN  
ANNE C. BROWN  
LAURA L. FEIDER  
LOZAY FOOTS III  
PABLITO R. GAYOL  
HEATHER B. GUESS  
JUDITH M. HAWKINS  
TIMOTHY L. HUDSON  
NICOLE L. KERKENBUSH  
JANET R. KROFF  
MARC A. LEWIS  
SANDRA L. MCNAUGHTONNELSON  
JENIFER A. MENO  
JAMES L. PERRINE  
JENNIFER D. PETERSBUTLER  
RICHARD M. PRIORDAVID C. RINALDI  
KATHERINE E. TAYLOR  
LINDA A. VALDIRI  
CATHY M. WALTER  
KENDRA P. WHYATT  
GAYLA W. WILSONDUNN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

*To be colonel*BRIAN ALMQUIST  
BEVERLY A. BEAVERS  
CHADWICK A. BOWERS  
TODD J. BRIERE  
CARLTON C. BRINKLEY  
DAVID J. BROYHILL  
JENNIFER B. CACI  
REAGON P. CARR  
PEDRO A. CASAS  
DEREK C. COOPER  
ROBERT S. CORNES  
JOHN P. CUELLAR  
ELLEN S. DALY  
PAUL J. DEAN  
MARK J. DOLE  
MARSHA M. DOROUGH  
PETER N. EBERHARDT  
AUSTIN W. ELLIOTT  
LAURA M. ELLIOTT  
DERRICK W. FLOWERS  
LISA A. FORSYTH  
DAVID R. GIBSON  
MARJORIE A. GRANTHAMMOLNAR  
CHRISTOPHER A. GRUBER  
WILLIAM G. HOWARD  
MARK A. IRELAND  
BRADLEY J. KAMROWSKIPOPPEN  
GREGORY L. KIMM  
STEVE J. LEWIS  
ANTHONY L. MCQUEEN  
ERIK G. RUDE  
CLINTON W. SCHRECKHISE  
ERIC B. SONES  
KEVIN R. STEVENSON  
BRUCE C. SYVINSKI  
LAURA R. TRINKLE  
ALAN K. UEOKA  
RICHARD M. WEBB  
D011046*IN THE NAVY*

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant commander*

TERRY N. TRAWEEK

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant commander*

STEFANIE M. WHEELBARGER

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

*To be captain*

CARL A. RIDDICK

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

*To be lieutenant commander*KEVIN S. HART  
MICHAEL J. JACQUES*IN THE COAST GUARD*

PURSUANT TO TITLE 14, U. S. CODE, SECTIONS 189 AND 276, THE FOLLOWING NAMED OFFICERS OF THE COAST GUARD PERMANENT COMMISSIONED TEACHING STAFF FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES COAST GUARD:

*To be captain*

BRIGID M. PAVILONIS

*To be lieutenant commander*

VICTORIA C. FUTCH

PURSUANT TO TITLE 10, U.S. CODE, SECTION 12203, THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD RESERVE:

*To be captain*BARBARA A. ANDERSON  
ELIZABETH S. BECKER  
JAMES M. BRADSHAW  
STEPHEN K. BROWNING  
ANDREW T. GRENIER  
CRAIG R. HENZEL  
PAUL J. KOSIRA  
RICHARD P. MCLOUGHLIN  
MARY A. MERLIN  
DARREN M. MOORE  
MARK M. MURAKAMI  
RAYMOND A. MURRAY  
RICHARD K. NELSON  
JOHN P. NOLAN  
SEAN K. O'BRIEN

JEFFREY K. PASHAI  
RONALD C. RICHARD  
CHARLES T. SCHEEL  
PAUL J. SMITH  
KENNETH G. STEFANISIN

PURSUANT TO TITLE 14, U.S. CODE, SECTION 271, THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD:

*To be captain*

CHARLES G. ALCOCK  
MICHAEL S. ANTONELLIS  
MICHAEL A. BAROODY  
KEVIN F. BRUEN  
MARK J. BRUYERE  
JOSEPH R. BUZZELLA  
PETER J. CLEMENS  
AMY B. COCANOUR  
BENJAMIN A. COOPER  
DEAN J. DARDIS  
BENJAMIN L. DAVIS  
ANDRES V. DELGADO  
TIMOTHY D. DENBY  
DENNIS C. EVANS  
KENT W. EVERINGHAM  
CHARLES E. FOSSE  
CLAUDIA C. GELZER  
THOMAS W. GESELE  
SHANNON N. GILREATH  
JASON R. HAMILTON  
LONNIE P. HARRISON  
ROBERT T. HENDRICKSON  
GLENN C. HERNANDEZ  
PEDRO L. JIMENEZ  
ERIC G. JOHNSON  
KEVIN A. JONES  
SAMUEL R. JORDAN  
TERI L. JORDAN  
LAWRENCE A. KILEY  
NATHAN E. KNAPP  
WILLIAM J. LANE  
CAROLA J.G. LIST  
THOMAS S. MACDONALD  
SEAN C. MACKENZIE  
EDWARD J. MAROHN  
DAVID G. MCCLELLAN  
PATRICK S. MCELLIGATT  
KEITH P. MCTIGUE  
MATTHEW T. MEILSTRUP  
MARK J. MORIN  
MITCHELL A. MORRISON  
ANDREW D. MYERS  
LEE B. MYNATT  
JASON D. NEUBAUER  
JAMES A. PASSARELLI  
STEPHEN E. RANEY  
JOHN D. REEVES  
SEAN P. REGAN  
BRIAN W. ROCHE  
PATRICK A. ROPP  
AARON E. ROTH  
JOSE A. SALICETTI  
EDWARD W. SANDLIN  
TIMOTHY J. SCHANG  
RONALD K. SCHUSTER  
ROBERT L. SMITH  
JOSEPH H. SNOWDEN  
JONATHAN S. SPANER  
JAMES P. SPOTTS  
MIKEAL S. STAIER  
TODD R. STYRWOLD  
ERICH M. TELFER  
JEFFERY W. THOMAS  
RICHARD V. TIMME  
WILLIAM R. TIMMONS  
GARY L. TOMASULO  
JONATHAN W. TOTTE  
JOHN C. VANN

ROBERT W. WARREN  
TIMOTHY J. WENDT  
EDWARD A. WESTFALL  
JEFFREY C. WESTLING  
GREGORY D. WISENER  
STEVEN P. WITTROCK

PURSUANT TO TITLE 14, U.S. CODE, SECTION 271(E), THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD:

*To be commander*

MATTHEW P. BARKER  
MICHAEL W. BATCHELDER  
JOSHUA D. BAUMAN  
ADAM G. BENTLEY  
DAMON L. BENTLEY  
KENNETH E. BLAIR  
KENNETH J. BODA  
CAMILLA B. BOSANQUET  
ROY R. BRUBAKER  
JOANN F. BURDIAN  
ANDREW T. CAMPEN  
SCOTT S. CASAD  
CHRISTOPHER R. CEDERHOLM  
JOHN R. COLE  
ROBERT C. COMPTON  
CHAD W. COOPER  
NATHAN E. COULTER  
JOANDREW D. COUSINS  
CHARLES C. CULOTTA  
CORNELIUS E. CUMMINGS  
SHAWN E. DECKER  
MICHAEL E. DELURY  
STEPHEN A. DEVEREUX  
JOHN T. DEWEY  
JOSE E. DIAZ  
JOHN R. DUTTMAR  
KEITH M. DONOHUE  
ERIC D. DREY  
JEROME E. DUBAY  
MIA P. DUTCHER  
TIMOTHY W. EASON  
DAMON C. EDWARDS  
JEFFREY T. ELDRIDGE  
JANET D. ESPINOYOUNG  
MATTHEW R. FARNEN  
SARAH K. FELGER  
KEVIN B. FERRIE  
TODD A. FISHER  
TED R. FOWLES  
MICHAEL E. FRAWLEY  
TANYA L. GILES  
MICHAEL J. GOLDSCHMIDT  
MICHAEL D. GOOD  
HANS C. GOVERTSEN  
CHARLES M. GUERRERO  
TIM A. GUNTER  
THOMAS T. HARRISON  
ROBERT E. HART  
HEATH A. HARTLEY  
CASEY J. HEHR  
JONATHAN N. HELLBERG  
SCOTT C. HERMAN  
ANNA W. HICKEY  
NAKEISHA B. HILLS  
CHRISTOPHER M. HUBERTY  
CHRISTOPHER J. HULSER  
AUSTIN R. IVES  
THOMAS A. JACOBSON  
JEFFREY H. JAGER  
DAVID M. JOHNSTON  
DANIEL C. JONES  
WARREN D. JUDGE  
SEAN R. KATZ  
RICHARD J. KAVANAUGH  
BRIAN R. KHEY  
MICHAEL L. KILMER  
JARED E. KING

BRADLEY J. KLIMEK  
PERRY J. KREMER  
CHARLES F. KUEBLER  
JOSEPH T. LALLY  
DANIEL F. LEARY  
ERIN M. LEDFORD  
JACQUELINE M. LEVERICH  
ANDREW H. LIGHT  
LEXIA M. LITTLEJOHN  
CHAD A. LONG  
KEVIN P. LYNN  
SUSAN M. MAITRE  
ERIC D. MASSON  
HARRY D. MAUTTE  
JOHN F. MCCARTHY  
RANDY F. MEADOR  
MICHAEL L. MEDICA  
TIMOTHY G. MEYERS  
ALAN H. MOORE  
ELLIS H. MOOSE  
ANNE M. MORRISSEY  
ULYSSES S. MULLINS  
KENNETH T. NAGIE  
RAYMOND NEGRON  
DAVID J. OBERMEIER  
SEAN J. OBRIEN  
THOMAS A. OLENCHOCK  
REBECCA E. ORE  
LUIS C. PARRALES  
SCOTT W. PEABODY  
LUKE A. PERCIAK  
PATRICK F. PESCHKA  
JUSTIN D. PETERS  
HARPER L. PHILLIPS  
TRACY O. PHILLIPS  
SCOTT S. PHY  
FRANK A. PIERCE  
KEITH J. PIERRE  
SHANNON M. PITTS  
ALISA L. PRASKOVICH  
STEVEN E. RAMASSINI  
JACOB J. RAMOS  
RODRIGO G. ROJAS  
MATTHEW A. RUDICK  
ROSARIO M. RUSSO  
BELINDA C. SAVAGE  
CLINT B. SCHLEGEL  
ANITA M. SCOTT  
ARTHUR R. SHUMAN  
DAVID M. SHERRY  
MICHAEL J. SIMBULAN  
JENNIFER L. SINCLAIR  
LORING A. SMALL  
DEREK L. SMITH  
ERIC A. SMITH  
SHAD S. SOLDANO  
JAMES W. SPITTLER  
DOUGLAS K. STARK  
JOHN M. STONE  
VASILIOS TASIKAS  
ROMUALDUS M. TENBERGE  
MICHAEL D. THOMAS  
MATTHEW A. THOMPSON  
SOLOMON C. THOMPSON  
RUSSELL R. TORGERSON  
GREGORY M. TOZZI  
CHRISTOPHER A. TRIBOLET  
CLINTON A. TROCCHIO  
BRYAN J. ULLMER  
JAMES A. VALENTINE  
EVA J. VANCAMP  
PAUL G. VOGEL  
DAVID M. WEBB  
TYSON S. WEINERT  
MOLLY A. WIKE  
TERENCE J. WILLIAMS  
KEVIN M. WILSON  
NICHOLAS L. WONG  
ANDREW J. WRIGHT